

protected by firefighters and paramedics who are members of the IAFF;

Whereas the sustained and ongoing commitment of the members of the IAFF to the people of the United States and Canada serves the public interest; and

Whereas countless firefighters from across the United States are honored at the National Fallen Firefighters Memorial created by Congress and located on the campus of the National Fire Academy in Emmitsburg, Maryland; Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the International Association of Fire Fighters on the 100th anniversary of its founding;

(2) recognizes the expertise and devotion to service demonstrated by the International Association of Fire Fighters as the International Association of Fire Fighters continues to be the voice for and represent the professional interests of firefighters and emergency medical responders across the United States and Canada; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the General President of the International Association of Fire Fighters.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4179. Mr. MCCONNELL (for Mr. TOOMEY (for himself and Mr. NELSON)) proposed an amendment to the bill H.R. 4203, to amend title 18, United States Code, with regard to stalking.

SA 4180. Mr. MCCONNELL (for Mr. PETERS) proposed an amendment to the bill S. 573, to establish the National Criminal Justice Commission.

SA 4181. Mr. MCCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 4969, to improve the design and construction of diplomatic posts, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 4179.** Mr. MCCONNELL (for Mr. TOOMEY (for himself and Mr. NELSON)) proposed an amendment to the bill H.R. 4203, to amend title 18, United States Code, with regard to stalking; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Combat Online Predators Act”.

##### SEC. 2. ENHANCED PENALTY FOR STALKERS OF CHILDREN.

(a) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended by inserting after section 2261A the following:

##### “§ 2261B. Enhanced penalty for stalkers of children

“(a) IN GENERAL.—Except as provided in subsection (b), if the victim of an offense under section 2261A is under the age of 18 years, the maximum imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.

“(b) LIMITATION.—Subsection (a) shall not apply to a person who violates section 2261A if—

“(1) the person is subject to a sentence under section 2261(b)(5); and

“(2)(A) the person is under the age of 18 at the time the offense occurred; or

“(B) the victim of the offense is not less than 15 nor more than 17 years of age and not more than 3 years younger than the person

who committed the offense at the time the offense occurred.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261A the following new item:

“2261B. Enhanced penalty for stalkers of children.”.

(c) CONFORMING AMENDMENT.—Section 2261A of title 18, United States Code, is amended by striking “section 2261(b) of this title” and inserting “section 2261(b) or section 2262B, as the case may be”.

##### SEC. 3. REPORT ON BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS.

Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit a report to Congress, which shall—

(1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

**SA 4180.** Mr. MCCONNELL (for Mr. PETERS) proposed an amendment to the bill S. 573, to establish the National Criminal Justice Commission; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Criminal Justice Commission Act of 2018”.

##### SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President’s Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled “The Challenge of Crime in a Free Society,” which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, Tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 50 years require once again that Federal, State, Tribal, and local governments, law enforcement agencies, including rank and file officers, civil rights organizations, community-based organization leaders, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

##### SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the “National Criminal Justice Commission” (referred to in this Act as the “Commission”).

##### SEC. 4. PURPOSE OF THE COMMISSION.

The Commission shall—

(1) undertake a comprehensive review of the criminal justice system;

(2) make recommendations for Federal criminal justice reform to the President and Congress; and

(3) disseminate findings and supplemental guidance to the Federal Government, as well as to State, local, and Tribal governments.

##### SEC. 5. REVIEW, RECOMMENDATIONS, AND REPORT.

(a) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of

all areas of the criminal justice system, including Federal, State, local, and Tribal governments’ criminal justice costs, practices, and policies.

##### (b) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit to the President and Congress recommendations for changes in Federal oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(2) UNANIMOUS CONSENT REQUIRED.—A recommendation of the Commission may be adopted and submitted under paragraph (1) if the recommendation is approved by a unanimous vote of the Commissioners at a meeting where a quorum is present pursuant to section 6(d).

(3) REQUIREMENT.—The recommendations submitted under this subsection shall be made available to the public.

##### (c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall also disseminate to the Federal Government, as well as to State, local, and Tribal governments, a report that details the findings and supplemental guidance of the Commission regarding the criminal justice system at all levels of government.

(2) MAJORITY VOTE REQUIRED.—Commission findings and supplemental guidance may be adopted and included in the report required under paragraph (1) if the findings or guidance is approved by a majority vote of the Commissioners at a meeting where a quorum is present pursuant to section 6(d), except that any Commissioners dissenting from particular finding or supplemental guidance shall have the right to state the reason for their dissent in writing and such dissent shall be included in the report of the Commission.

(3) REQUIREMENT.—The report submitted under this subsection shall be made available to the public.

(d) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(e) STATE AND LOCAL GOVERNMENT.—In issuing its recommendations and report under this section, the Commission shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(f) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(g) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

##### (1) IN GENERAL.—The Commission shall—

(A) closely consult with Federal, State, local, and Tribal government and nongovernmental leaders, including State, local, and Tribal law enforcement officials, including rank and file officers, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims’ rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, community-based organization leaders, formerly incarcerated individuals, professional organizations, and corrections officials; and

(B) include in the final report required under subsection (c) summaries of the input and recommendations of these leaders.

(2) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this section relate to sentencing policies and practices for

the Federal criminal justice system, the Commission shall conduct such review in consultation with the United States Sentencing Commission.

(h) SENSE OF CONGRESS, GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and supplemental guidance, and that unanimously supported findings and supplemental guidance should take precedence over those findings and supplemental guidance that are not unanimously supported.

#### SEC. 6. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(1) The President shall appoint the Attorney General to serve as chairman and a member of the Commission.

(2) Six members shall be appointed by the Attorney General in consultation with—

(A) the leadership of the Senate and House of Representatives of the same political party as the President; and

(B) the leadership of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate of the same political party as the President.

(3) Seven members shall be appointed by the senior members of the leadership of the Senate and the House of Representatives of the opposite party of the President in consultation with the leadership of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate of the opposite political party of the President.

(b) MEMBERSHIP.—

(1) IN GENERAL.—Members will be selected based upon knowledge or experience in such relevant areas as—

(A) law enforcement;

(B) criminal justice;

(C) national security;

(D) prison and jail administration;

(E) prisoner reentry;

(F) public health, including physical and sexual victimization, drug addiction and mental health;

(G) victims' rights;

(H) civil rights;

(I) civil liberties;

(J) court administration;

(K) social services; and

(L) State, local, and Tribal government.

(2) LAW ENFORCEMENT REPRESENTATION.—

(A) MEMBERS APPOINTED BY ATTORNEY GENERAL.—Of the 6 members appointed by the Attorney General under subsection (a)(2)—

(i) not fewer than 2 shall be representatives from Federal, State, or local law enforcement agencies; and

(ii) not fewer than 1 shall be a representative from Tribal law enforcement agencies.

(B) OTHER MEMBERS.—Of the 7 members appointed under subsection (a)(3)—

(i) not fewer than 2 shall be representatives of Federal, State, or local law enforcement agencies; and

(ii) not fewer than 1 shall be a representative from Tribal law enforcement agencies.

(3) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(4) TERMS.—Members shall be appointed for the life of the Commission.

(c) APPOINTMENT; FIRST MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60

days after the date of enactment of this Act, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(3) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) MEETINGS.—The Commission shall meet at the call of the chairman or his or her designee.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as not less than 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission—

(A) shall, subject to the requirements of section 5, act by resolution agreed to by a majority of the members of the Commission voting and present; and

(B) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title—

(i) which shall be subject to the review and control of the Commission; and

(ii) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(2) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the chairman of the Commission, take any action which the Commission is authorized to take pursuant to this Act.

#### SEC. 7. ADMINISTRATION.

(a) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT AND COMPENSATION.—The chairman of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who

are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(4) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(5) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The chairman of the Commission shall make requests for such access in writing when necessary.

(e) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims, and chapter 11 of title 18, United States Code, relating to conflicts of interest.

(f) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this Act. Upon the request of the chairman of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(g) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) **ADMINISTRATIVE REPORTING.**—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(i) **CONTRACTS.**—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(j) **GIFTS.**—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(k) **ADMINISTRATIVE ASSISTANCE.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(l) **NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.**—

(1) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) **MEETINGS AND MINUTES.**—

(A) **MEETINGS.**—

(i) **ADMINISTRATION.**—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(ii) **NOTICE.**—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) **MINUTES AND PUBLIC AVAILABILITY.**—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(m) **ARCHIVING.**—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

#### SEC. 8. AUTHORIZATION FOR USE OF FUNDS.

For each of fiscal years 2019 and 2020, the Attorney General may use, from any unobligated balances made available under the heading “General Administration” to the Department of Justice in an appropriations Act, such amounts as are necessary, not to exceed \$7,000,000 per fiscal year and not to exceed \$14,000,000 total for both fiscal years, to carry out this Act, except that none of the funds authorized to be used to carry out this Act may be used for international travel.

#### SEC. 9. SUNSET.

The Commission shall terminate 60 days after the Commission submits the report required under section 5(c) to Congress.

**SA 4181.** Mr. McCONNELL (for Mr. CORKER) proposed an amendment to the

bill H.R. 4969, to improve the design and construction of diplomatic posts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Embassy Design and Security Act of 2018”.

#### SEC. 2. STANDARDIZATION IN CAPITAL CONSTRUCTION.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of State’s Bureau of Overseas Building Operations (OBO) or successor office should prioritize the standardization of embassy design and keep customization to a minimum.

(b) **CONSULTATION.**—The Secretary of State shall carry out any new embassy compound project or new consulate compound project that utilizes a non-standard design, including those projects that are in the design phase or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees. The Secretary shall provide such committees, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project at issue to the estimated full lifecycle costs of such project if such project were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if such project were to use a standard design.

(3) A comparison of the security of such completed project to the security of such completed project if such completed project were to use a standard design.

(4) A justification for the Secretary’s selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) **SUNSET.**—The consultation requirement under subsection (b) shall expire on September 30, 2022.

#### SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department of State or its successor office shall continue to balance functionality and security with accessibility as defined by guidelines established by the United States Access Board in constructing embassies and consulates and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.

#### SEC. 4. CAPITAL CONSTRUCTION TRANSPARENCY.

(a) **IN GENERAL.**—Section 118 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

(1) in the section heading, by striking “ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS” and inserting “QUARTERLY REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS”; and

(2) by amending subsections (a) and (b) to read as follows:

“(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this subsection, and every 90 days thereafter until September 30, 2022, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

“(b) **CONTENTS.**—Each report required under subsection (a) shall include the following with respect to each ongoing overseas

capital construction project and major embassy security upgrade project:

“(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

“(2) The current cost estimate.

“(3) The value of each request for equitable adjustment received by the Department of State to date.

“(4) The value of each certified claim received by the Department of State to date.

“(5) The value of any usage of the project’s contingency fund to date and the value of the remainder of the project’s contingency fund.

“(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

“(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

“(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

“(9) The current date of estimated completion.”.

(b) **INITIAL REPORT.**—The first report required under subsection (a) of section 118 of the Department of State Authorities Act, Fiscal Year 2017 (as amended by this section) shall include an annex regarding all overseas capital construction projects and major embassy security upgrade projects completed during the 10-year period ending on December 31, 2018, including, for each such project, the elements specified in subsection (b) of such section 118 (as amended by this section).

#### SEC. 5. CONTRACTOR PERFORMANCE INFORMATION.

(a) **DEADLINE FOR COMPLETION.**—The Secretary of State shall complete by October 1, 2020, all contractor performance evaluations required by subpart 42.15 of the Federal Acquisition Regulation.

(b) **PRIORITIZATION SYSTEM.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) **ELEMENTS.**—The system required under paragraph (1) should prioritize such evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.

(c) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the Department of State’s plan for completing all evaluations by October 1, 2020, and the prioritization system developed pursuant to this section.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) contractors deciding whether to bid on Department of State contracts would benefit from greater understanding of the Department as a client; and

(2) the Department should develop a forum through which contractors can rate the Department's project management performance.

**SEC. 6. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES.**

(a) IN GENERAL.—For each new embassy compound project (NEC) and new consulate compound project (NCC) in or not yet in the design phase as of the date of the enactment of this Act, the Office of Management Policy, Rightsizing, and Innovation of the Department of State shall project growth over the estimated life of the facility at issue using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) OTHER AGENCIES.—Each Federal agency represented at an embassy or consulate shall provide to the Department of State, upon request, growth projections for the personnel of such agency over the estimated life of such embassy or consulate, as the case may be.

(c) BASIS FOR ESTIMATES.—The Department of State shall base growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) CONGRESSIONAL NOTIFICATION.—Any congressional notification of site selection for a NEC or NCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).

**SEC. 7. LONG-RANGE PLANNING PROCESS.**

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary of State shall develop—

(A) a comprehensive six-year Long-Range Overseas Buildings Plan (LROBP) documenting the Department of State's overseas building program for the replacement of overseas diplomatic facilities taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive six-year plan detailing the Department's long-term planning for the maintenance and sustenance of completed facilities, known as a Long-Range Overseas Maintenance Plan (LROMP), which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety.

(2) INITIAL REPORT.—The first plan developed pursuant to paragraph (1)(A) shall also

include a one-time status report on existing small diplomatic posts and a strategy for establishing a physical diplomatic presence in countries in which there is no current physical diplomatic presence. The report, which may include a classified annex, shall include the following:

(A) A description of the extent to which each small diplomatic post furthers the national interest of the United States.

(B) A description of how each small diplomatic post provides American Citizen Services, including data on specific services provided and the number of Americans receiving services over the previous year.

(C) A description of whether each small diplomatic post meets current security requirements.

(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) Input from the relevant chiefs of mission on any unique operational or policy value the small diplomatic post provides.

(3) UPDATED INFORMATION.—The annual updates of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year's plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than 60 days after the completion of the LROBP and the LROMP, the Secretary of State shall submit such plans to the appropriate congressional committees.

(2) REFERENCE IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to the appropriate congressional committees in support of the Department of State's budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the plans specified in the LROBP and LROMP shall be referenced to justify funding requested for building and maintenance projects overseas.

(3) FORM OF REPORT.—The plans required to be submitted under paragraph (1) shall be submitted in unclassified form but may include classified annexes

(c) SMALL DIPLOMATIC POST DEFINED.—In this section, the term "small diplomatic post" means any consulate that has employed five or fewer United States Government employees on average over the 36 months before the date of the enactment of this Act.

**SEC. 8. VALUE ENGINEERING AND RISK ASSESSMENT.**

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

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A-131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMITTEES.—The proposed allocation of capital construction and maintenance funds that is required by the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs shall also be submitted to the appropriate congressional committees.

(2) REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.—The notifications required under paragraph (1) shall include confirmation that the Department of State has completed the

requisite VE and risk management studies described in subsection (a).

(c) REPORTING AND BRIEFING REQUIREMENTS.—The Secretary of State shall provide to the appropriate congressional committees upon request—

(1) a description of each recommendation from each study described in subsection (a) and a table detailing which recommendations were accepted and which were rejected; and

(2) a report or briefing detailing the rationale for not implementing recommendations made by VE studies that may yield significant cost savings to the Department of State, if implemented.

**SEC. 9. BUSINESS VOLUME.**

Subparagraph (E) of section 402(c)(2) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)) is amended by striking "in 3 years" and inserting "cumulatively over 3 years".

**SEC. 10. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**

The Secretary of State shall provide to the appropriate congressional committees, upon request, information on security deficiencies at United States diplomatic posts, including—

(1) requests made over the previous year by United States diplomatic posts for security upgrades; and

(2) significant security deficiencies at United States diplomatic posts that are not operating out of a new embassy compound or new consulate compound.

**SEC. 11. OVERSEAS SECURITY BRIEFINGS.**

Not later than one year after the date of the enactment of this Act, the Secretary of State shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States Government employees under Chief of Mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to employees prior to their arrival at a post or as soon as possible thereafter.

**SEC. 12. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.**

(a) DELIVERY.—Unless the Secretary of State notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) NOTIFICATION.—Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary of State shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new diplomatic facility that is required to be submitted to the appropriate congressional committees

(c) PERFORMANCE EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees regarding performance evaluation measures in line with GAO's "Standards for Internal Control in the Federal Government" that will be applicable to design and construction, lifecycle cost, and building maintenance programs of the Bureau of Overseas Building Operations of the Department of State.

**SEC. 13. COMPETITION IN EMBASSY CONSTRUCTION.**

Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committee a report detailing

steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

#### SEC. 14. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) **DESIGN-BUILD.**—The term “design-build” means a method of project delivery in which one entity works under a single contract with the Department of State to provide design and construction services.

(3) **NON-STANDARD DESIGN.**—The term “non-standard design” means— A design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or consulate compound, as the case may be.

#### 75TH ANNIVERSARY OF WORLD WAR II COMMEMORATION ACT

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 3661.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3661) entitled “An Act to provide for a program of the Department of Defense to commemorate the 75th anniversary of World War II,” do pass with an amendment.

Mr. McCONNELL. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motions to reconsider be considered made and laid upon the table.

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

#### AMENDING THE FEDERAL ASSETS SALE AND TRANSFER ACT OF 2016 TO PROVIDE FLEXIBILITY WITH RESPECT TO THE LEASEBACK OF CERTAIN FEDERAL REAL PROPERTY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7319, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 7319) to amend the Federal Assets Sale and Transfer Act of 2016 to provide flexibility with respect to the leaseback of certain Federal real property, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 7319) was ordered to a third reading, was read the third time, and passed.

#### AMENDING THE FEDERAL ASSETS SALE AND TRANSFER ACT OF 2016 TO ENSURE THAT THE PUBLIC BUILDINGS REFORM BOARD HAS ADEQUATE TIME TO CARRY OUT THE RESPONSIBILITIES OF THE BOARD

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7318, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 7318) to amend the Federal Assets Sale and Transfer Act of 2016 to ensure that the Public Buildings Reform Board has adequate time to carry out the responsibilities of the Board.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 7318) was ordered to a third reading, was read the third time, and passed.

#### AUTHORIZING EARLY REPAYMENT OF OBLIGATIONS TO THE BUREAU OF RECLAMATION WITHIN THE NORTHPORT IRRIGATION DISTRICT IN THE STATE OF NEBRASKA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 4689 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4689) to authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. McCONNELL. I further ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 4689) was ordered to a third reading, was read the third time, and passed.

#### BUREAU OF RECLAMATION PUMPED STORAGE HYDROPOWER DEVELOPMENT ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 663, H.R. 1967.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1967) to amend the Reclamation Project Act of 1939 to authorize pumped storage hydropower development utilizing multiple Bureau of Reclamation reservoirs.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Bureau of Reclamation Pumped Storage Hydropower Development Act”.*

#### SEC. 2. AUTHORITY FOR PUMPED STORAGE HYDROPOWER DEVELOPMENT USING MULTIPLE BUREAU OF RECLAMATION RESERVOIRS.

*Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) is amended—*

*(1) in paragraph (1), in the fourth sentence, by striking “, including small conduit hydropower development” and inserting “and reserve to the Secretary the exclusive authority to develop small conduit hydropower using Bureau of Reclamation facilities and pumped storage hydropower exclusively using Bureau of Reclamation reservoirs”; and*

*(2) in paragraph (8), by striking “has been filed with the Federal Energy Regulatory Commission as of August 9, 2013” and inserting “was filed with the Federal Energy Regulatory Commission before August 9, 2013, and is still pending”.*

#### SEC. 3. LIMITATIONS ON ISSUANCE OF CERTAIN LEASES OF POWER PRIVILEGE.

*(a) DEFINITIONS.—In this section:*

*(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.*

*(2) DIRECTOR.—The term “Director” means the Director of the Office of Hearings and Appeals.*

*(3) OFFICE OF HEARINGS AND APPEALS.—The term “Office of Hearings and Appeals” means the Office of Hearings and Appeals of the Department of the Interior.*

*(4) PARTY.—The term “party”, with respect to a study plan agreement, means each of the following parties to the study plan agreement:*

*(A) The proposed lessee.*

*(B) The Tribes.*

*(5) PROJECT.—The term “project” means a proposed pumped storage facility that—*

*(A) would use multiple Bureau of Reclamation reservoirs; and*

*(B) as of June 1, 2017, was subject to a preliminary permit issued by the Commission pursuant to section 4(f) of the Federal Power Act (16 U.S.C. 797(f)).*

*(6) PROPOSED LESSEE.—The term “proposed lessee” means the proposed lessee of a project.*

*(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.*

*(8) STUDY PLAN.—The term “study plan” means the plan described in subsection (d)(1).*

*(9) STUDY PLAN AGREEMENT.—The term “study plan agreement” means an agreement entered into under subsection (b)(1) and described in subsection (c).*

*(10) TRIBES.—The term “Tribes” means—*

*(A) the Confederated Tribes of the Colville Reservation; and*