

(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.

The bill (S. 573), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EMBASSY SECURITY AUTHORIZATION ACT, FISCAL YEAR 2019

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 4969 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. 4969) to improve the design and construction of diplomatic posts, and for other purposes.

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

Mr. McCONNELL. I ask unanimous consent that the Corker substitute amendment be agreed to; that the bill, as amended, 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. Without objection, it is so ordered.

The amendment (No. 4181) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

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) PRIORITY 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 sustainment 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.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 4969), as amended, was passed.

COMBATING EUROPEAN ANTI-SEMITISM ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 672 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. 672) to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

The PRESIDING OFFICER. There being no objection, the committee was discharged, and 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 the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 672) was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to executive session and the Commerce Committee be discharged from further consideration and the Senate proceed to the en bloc consideration of PN Nos. 2705 and 2706; that the nominations be confirmed and the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the Record; and that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

There being no objection, the committee was discharged, and the Senate proceeded to consider the nominations en bloc.

The nominations were considered and confirmed en bloc as follows:

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(E):

To be commander

AUSTIN L. ADCOCK
ANTONE S. ALONGI
MATTHEW S. AUSTIN
SAMUEL H. BABBITT
MICHAEL W. BAIRD
JON T. BARTEL
PATRICIA M. BENNETT
ROBERT A. BIXLER II
KELLY C. BLACKBURN
JULIE E. BLANCHFIELD
RONALD D. BLEDSOE, JR.
BRIAN T. BOLAND
JEFFREY M. BOLLING
MARY D. BROOKS
KATHERINE L. BROWN
STACI K. BROWN
BRADLEY A. BRUNAUGH
KENNETH J. BURGESS
ERIC S. BURLEY
JASON A. BUSTAMENTE
WILLIAM R. CAHILL
JAMES M. CARABIN
JOEL B. CARSE
AARON J. CASAVANT
XOCHITL L. CASTANEDA
ACE V. CASTLE
ERIC W. CHANG
DAVID K. CHAPMAN
DARYL C. CLARY
GREGORY A. CLAYTON
DAVID M. COBURN
MUHAMMADALI N. COCHRAN
ROBERT A. COLE
BRADLEY D. CONWAY
JAMES R. COOLEY
GEORGE H. COTTRELL
JEREMY A. COURTADE
MICHAEL T. COURTNEY
TREVOR C. COWAN
ALLISON B. COX
JONATHAN W. COX
BYRON A. CREECH
CARLOS M. CRESPO
DAVID B. CRUZ
JEFFREY R. DAIGLE
ALLISON M. DAMERON
MICHAEL R. DARRAH
JESSICA S. DAVILA
KELVIN J. DAVIS
ARTHUR M. DEHNZ
PHILLIP A. DELISLE
JOHN F. DEWEY IV
JARROD M. DEWITZ
JENNIFER R. DOHERTY
PATRICK A. DRAYER
LAUREN F. DUFRENE
CHRISTOPHER P. DUFRESNE
STANLEY P. FIELDS
BRANDON C. FISHER
MATTHEW P. FRAZEE
MICHAEL FRIEND
MATTHEW A. GANS
KEVIN E. GARCIA
CHRISTJAN C. GAUDIO
SARAH J. GEOFFRION
JAMES A. GIBSON, JR.
MICHAEL R. GILLHAM
GERROD C. GLAUNER
MATTHEW E. GRAY
MYLES J. GREENWAY
NAVIN L. GRIFFIN
MICHAEL C. GRIS II
JASON D. HAGEN
IAN A. HALL
ANDERS J. HAMMERSBORG
JAMES J. HANNAM
TODD E. HARTFIEL
JUAN M. HERNANDEZ
MARCUS T. HIRSCHBERG
JASON A. HOPKINS
NATHAN R. HUDSON
DANIEL J. HUELSMAN
MICHAEL J. HUNT
IAN T. HURST
RAYMOND D. JACKSON, JR.
WILL D. JOHNSON
MARK C. JORGENSEN
KEVIN L. KAMMETER
HANNAH K. KAWAMOTO
MARGARET D. KENNEDY
JAMES R. KENSHALO
COREY M. KERNS
GREGORY J. KNOLL
RICHARD E. KUZAK
KARA M. LAVIN
AMANDA M. LEE
BRANDON M. LINK
RICHARD A. MACH
AMY D. MCELROY
REYNA E. MCGRAIL
CLAY D. MCKINNEY
BRADLEY W. MIDDLETON
DAVID A. MIDDLETON
BROOKE A. MILLARD
JESSE M. MILLARD
JONATHAN D. MILLER
KENNETH R. MILLSON
TODD C. MOE
GREGORY N. MOURITSEN
GARY C. MURPHY
SAMUEL R. NASSAR
BRANDON J. NATTEAL
JOSHUA B. NELSON
KELLEE M. NOLAN
CHARLES S. NOVAK
DAVID M. OTANI
NICHOLAS W. PARKER
THOMAS T. PEQUIGNOT
ERIC C. PERDUE
LUKE R. PETERSEN
MARK A. PIBER
STEPHEN W. PITTMAN
JEFFREY R. PLATT
JASON T. PLUMLEY
CLAYTON S. PREBLE
KRISTEN M. PREBLE
RANDY L. PRESTON
MILES R. RANDALL, JR.
KENT R. REINHOLD
KENNETH H. ROCKHOLD
THOMAS C. RODZEWICZ
JOSE M. ROSARIO
ELIZABETH M. ROSCOE
ERIC S. RUNYON
MATTHEW A. SCHIBLER
DAVID P. SHEPPARD
BRENDAN C. SHIELDS
JONATHAN D. SHUMATE
DANIELLE M. SHUPE
LUKE M. SLIVINSKI
SCOTT R. SMITH
WILLIAM M. SNYDER
BENJAMIN J. SPECTOR
CHARLES B. STANLEY
JEFFREY J. SULLENS
PHILIP D. THISSE
KEITH O. THOMAS
CHAD R. THOMPSON
JAROD S. TOCZKO
ROBERTO N. TREVINO
JORGE L. VALENTE
PEDRO L. VAZQUEZ
BRETT R. WALTER
MATTHEW J. WALTER
BENJAMIN M. WALTON
MOLLY K. WATERS
RYAN A. WATERS
MICHAEL E. WHITTREDGE
JAMES E. WILLINGHAM
CHARLES K. WILSON
ERIC J. WILSON
DAVID J. YADRICK

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C. section 271(E) and title 10, U.S.C. section 12203(A):