

the Office of Management and Budget, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Administrator of General Services, shall establish and implement a counterintelligence training program for officials with supply chain risk management responsibilities at executive agencies (including programmatic, information communications technology, and acquisition officials). The program shall be designed to prepare such personnel to identify and mitigate counterintelligence threats that arise during the acquisition and use throughout the lifecycle of information and communications technology.

SEC. 3. REPORTS ON IMPLEMENTATION OF PROGRAM.

Not later than 180 days after the date of the enactment of this Act, and every 180 days for the next three years, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence, the Secretary of Homeland Security, and the Administrator of General Services, shall submit to the appropriate congressional committees and leadership a report on implementation of the program required under section 2.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP; INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The terms “appropriate congressional committees and leadership” and “information and communications technology” have the meanings given the terms in section 4713(k) of title 41, United States Code.

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

FEDERAL ADVANCE CONTRACTS ENHANCEMENT ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 188, S. 979.

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

The senior assistant legislative clerk read as follows:

A bill (S. 979) to amend the Post-Katrina Emergency Management Reform Act of 2006 to incorporate the recommendations made by the Government Accountability Office relating to advance contracts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 979

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Advance Contracts Enhancement Act” or the “FACE Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Post-Katrina Emergency Management and Reform Act of 2006 (Public Law 109-925; 120 Stat. 1394) required the Federal

Emergency Management Agency to establish advance contracts, which are established prior to disasters and are typically needed to quickly provide life-sustaining goods and services in the immediate aftermath of a disaster;

(2) the catastrophic hurricanes and wildfires in the United States in 2017 highlighted the importance of these advance contracts in disaster response;

(3) in a report issued by the Government Accountability Office entitled “2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts”, the Government Accountability Office identified a number of challenges with advance contracts and recommended actions to improve management by the Federal Emergency Management Agency of these contracts for future disasters; and

(4) section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791) should be amended to incorporate the recommendations made by the report described in paragraph (3) to ensure more effective use and management of advance contracts.

SEC. 3. FEDERAL EMERGENCY MANAGEMENT AGENCY ADVANCE CONTRACTS.

(a) IN GENERAL.—Section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791) is amended by adding at the end the following:

“(e) UPDATED REPORT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit to the appropriate committees of Congress an updated report that contains—

“(1) the information required in the initial report under subparagraphs (A) and (B) of subsection (a)(1); and

“(2) an updated strategy described in subsection (a)(1)(C) that clearly defines—

“(A) the objectives of advance contracts;

“(B) how advance contracts contribute to disaster response operations of the Agency; [and]

“(C) how to maximize the award of advance contracts to small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

“(D) whether and how advance contracts should be prioritized in relation to new post-disaster contract awards.

“(f) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—

“(1) HEAD OF CONTRACTING.—The Administrator shall ensure that the head of contracting activity of the Agency—

“(A) not later than 270 days after the date of enactment of this subsection, updates the Disaster Contracting Desk Guide of the Agency to provide specific guidance—

“(i) on whether and under what circumstances contracting officers should consider using existing advance contracts entered into in accordance with this section prior to making new post-disaster contract awards, and include this guidance in existing semi-annual training given to contracting officers; and

“(ii) for contracting officers to perform outreach to State and local governments on the potential benefits of establishing their own pre-negotiated advance contracts;

“(B) adheres to hard copy contract file management requirements in effect to ensure that the files relating to advance contracts entered into in accordance with this section are complete and up to date, whether the files will be transferred into the Electronic Contract Filing System of the Agency or remain in hard copy format;

“(C) notifies contracting officers of the 3-day time frame requirement for entering completed award documentation into the

contract writing system of the Agency when executing notice to proceed documentation;

“(D) not later than 180 days after the date of enactment of this subsection, revises the reporting methodology of the Agency to ensure that all disaster contracts are included in each quarterly report submitted to the appropriate congressional committees under this section on disaster contract actions;

“(E) identifies a single centralized resource listing advance contracts entered into under this section and ensures that source is current and up to date and includes all available advance contracts; and

“(F) communicates complete and up-to-date information on available advance contracts to State and local governments to inform their advance contracting efforts.

“(2) MASTER ACQUISITION PLANNING SCHEDULE.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall update and implement guidance for program office and acquisition personnel of the Agency to—

“(A) identify acquisition planning time frames and considerations across the entire acquisition planning process of the Agency; and

“(B) clearly communicate the purpose and use of a master acquisition planning schedule.”

(b) REPORT.—The Administrator of the Federal Emergency Management Agency shall regularly update the appropriate committees of Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) on the progress of the Federal Emergency Management Agency in implementing the recommendations of the Government Accountability Office in the report entitled “2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts”, as required under section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791), as amended by subsection (a).

Mr. McCONNELL. I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be considered read a third time and passed; and that the motion to reconsider made laid upon the table.

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

The committee-reported amendments were agreed to.

The bill (S. 979), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 979

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Advance Contracts Enhancement Act” or the “FACE Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Post-Katrina Emergency Management and Reform Act of 2006 (Public Law 109-925; 120 Stat. 1394) required the Federal Emergency Management Agency to establish advance contracts, which are established prior to disasters and are typically needed to quickly provide life-sustaining goods and services in the immediate aftermath of a disaster;

(2) the catastrophic hurricanes and wildfires in the United States in 2017 highlighted the importance of these advance contracts in disaster response;

(3) in a report issued by the Government Accountability Office entitled “2017 Disaster

Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts", the Government Accountability Office identified a number of challenges with advance contracts and recommended actions to improve management by the Federal Emergency Management Agency of these contracts for future disasters; and

(4) section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791) should be amended to incorporate the recommendations made by the report described in paragraph (3) to ensure more effective use and management of advance contracts.

SEC. 3. FEDERAL EMERGENCY MANAGEMENT AGENCY ADVANCE CONTRACTS.

(a) IN GENERAL.—Section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791) is amended by adding at the end the following:

“(e) UPDATED REPORT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit to the appropriate committees of Congress an updated report that contains—

“(1) the information required in the initial report under subparagraphs (A) and (B) of subsection (a)(1); and

“(2) an updated strategy described in subsection (a)(1)(C) that clearly defines—

“(A) the objectives of advance contracts;

“(B) how advance contracts contribute to disaster response operations of the Agency;

“(C) how to maximize the award of advance contracts to small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

“(D) whether and how advance contracts should be prioritized in relation to new post-disaster contract awards.

(f) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—

(1) HEAD OF CONTRACTING.—The Administrator shall ensure that the head of contracting activity of the Agency—

“(A) not later than 270 days after the date of enactment of this subsection, updates the Disaster Contracting Desk Guide of the Agency to provide specific guidance—

“(i) on whether and under what circumstances contracting officers should consider using existing advance contracts entered into in accordance with this section prior to making new post-disaster contract awards, and include this guidance in existing semi-annual training given to contracting officers; and

“(ii) for contracting officers to perform outreach to State and local governments on the potential benefits of establishing their own pre-negotiated advance contracts;

(B) adheres to hard copy contract file management requirements in effect to ensure that the files relating to advance contracts entered into in accordance with this section are complete and up to date, whether the files will be transferred into the Electronic Contract Filing System of the Agency or remain in hard copy format;

(C) notifies contracting officers of the 3-day time frame requirement for entering completed award documentation into the contract writing system of the Agency when executing notice to proceed documentation;

(D) not later than 180 days after the date of enactment of this subsection, revises the reporting methodology of the Agency to ensure that all disaster contracts are included in each quarterly report submitted to the appropriate congressional committees under this section on disaster contract actions;

(E) identifies a single centralized resource listing advance contracts entered into under this section and ensures that source is current and up to date and includes all available advance contracts; and

“(F) communicates complete and up-to-date information on available advance contracts to State and local governments to inform their advance contracting efforts.

“(2) MASTER ACQUISITION PLANNING SCHEDULE.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall update and implement guidance for program office and acquisition personnel of the Agency to—

“(A) identify acquisition planning time frames and considerations across the entire acquisition planning process of the Agency; and

“(B) clearly communicate the purpose and use of a master acquisition planning schedule.”.

(b) REPORT.—The Administrator of the Federal Emergency Management Agency shall regularly update the appropriate committees of Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) on the progress of the Federal Emergency Management Agency in implementing the recommendations of the Government Accountability Office in the report entitled “2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts”, as required under section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791), as amended by subsection (a).

DIVISIONAL REALIGNMENT FOR THE EASTERN DISTRICT OF ARKANSAS ACT OF 2019

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 1123 and the Senate proceed to its immediate consideration.

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

The senior legislative clerk read as follows:

A bill (H.R. 1123) to amend title 28, United States Code, to modify the composition of the eastern judicial district of Arkansas, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill, which was reported from the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, 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 with no intervening action or debate.

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

The bill (H.R. 1123) was ordered to a third reading, was read the third time, and passed.

EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF NOVEMBER 4 THROUGH NOVEMBER 8, 2019, AS “NATIONAL FAMILY SERVICE LEARNING WEEK”

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 412, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 412) expressing support for the designation of the week of November 4 through November 8, 2019, as “National Family Service Learning Week”.

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

Mr. McCONNELL. I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 412) was agreed to.

Mr. McCONNELL. I ask unanimous consent that the preamble be agreed to and that the motions 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 preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

NATIONAL VETERANS SMALL BUSINESS WEEK

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 413, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 413) designating the week of November 4 through November 8, 2019, as “National Veterans Small Business Week”.

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

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions 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 resolution (S. Res. 413) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 414, submitted earlier today.

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

The senior assistant legislative clerk read as follows: