

Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48); and

(3) no individuals entitled to payments of monthly stipend under section 3313 of title 38, United States Code, who have been overpaid as a result of the difficulties encountered by the Department in carrying out such section after the enactment of sections 107 and 501 of such Act should have overpayments recuperated by the Department.

SEC. 3. TIGER TEAM FOR HOUSING STIPENDS.

(a) ESTABLISHMENT.—Not later than one day after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a tiger team (in this section referred to as the “Tiger Team”) dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(b) COMPOSITION.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall submit to Congress the names and titles of the employees of the Department who compose the Tiger Team established under subsection (a), including the name and title of the senior-level employee of the Department who serves as the lead accountable official of the Tiger Team.

(c) DUTIES.—

(1) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Tiger Team shall submit to Congress the following:

(A) A plan describing the following:

(i) How the Secretary will obtain the information necessary to determine the correct payment amounts for monthly stipends under section 3313 of title 38, United States Code, made after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), from officials responsible for the certification of payments of monthly stipends made under section 3313 of such title.

(ii) How the Secretary will modify the relevant information technology systems of the Department to correct the payment amounts for monthly stipends under section 3313 of such title made after the enactment of sections 107 and 501 of such Act (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note) that were deficient.

(iii) How the Secretary will identify all of the individuals who received payments of monthly stipends under section 3313 of such title that were not in compliance with such section, after the enactment of sections 107 and 501 of such Act (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(iv) How the Secretary will notify the individuals described in clause (iii).

(v) The procedures the Secretary will use to correct the payments of monthly stipends under section 3313 of such title that were deficient as a result of the difficulties encountered by the Department of Veterans Affairs in carrying out such section after the enactment of sections 107 and 501 of such Act (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(B) A complete timeline for the implementation of the plan described in subparagraph (A).

(C) Any additional funding and personnel requirements necessary to support the implementation of the plan described in subparagraph (A), including any such requirements as may be necessary for staffing increases or relevant improvements to the information technology infrastructure of the Department.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall implement the plan submitted under paragraph (1)(A).

(B) PERIODIC UPDATES.—Not less frequently than once every 90 days after submission of the items under paragraph (1), the Tiger Team shall submit to Congress an update on the implementation of the plan described in subparagraph (A) of such paragraph.

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than July 1, 2020, the Tiger Team shall submit to the appropriate congressional committees a final report on the activities and findings of the Tiger Team.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The number of individuals who were affected by payments of monthly stipends under section 3313 of title 38, United States Code, that were not in compliance with such section after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(ii) The number of individuals described in clause (i) who received deficient payments as a result of the difficulties encountered by the Department in carrying out section 3313 of such title after the enactment of sections 107 and 501 of such Act (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), and the total amount of the deficiency for each individual, disaggregated by State.

(iii) The number of individuals described in clause (ii) who have not received the amount of monthly stipend to which such individuals are entitled under section 3313 of such title and an explanation of why such individuals have not received such amounts.

(iv) A certification of whether the Department is fully compliant with sections 107 and 501 of such Act (Public Law 115-48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term “appropriate congressional committees” means the following:

(i) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate.

(ii) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.

(d) TERMINATION.—On the date that is 60 days after the date on which the Tiger Team submits the final report required by subsection (c)(3), the Secretary shall terminate the Tiger Team established under subsection (a).

AMENDMENTS SUBMITTED AND PROPOSED

SA 4155. Mr. GRASSLEY (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 6615, to reauthorize the Traumatic Brain Injury program.

SA 4156. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. McCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table.

SA 4157. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 2200, to reauthorize the National Integrated Drought Information System, and for other purposes.

SA 4158. Mr. BOOZMAN (for Mrs. McCASKILL) proposed an amendment to the bill S.

3085, to establish a Federal Acquisition Security Council and to provide executive agencies with authorities relating to mitigating supply chain risks in the procurement of information technology, and for other purposes.

SA 4159. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 3367, to amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes.

SA 4160. Mr. BOOZMAN (for Mr. CASSIDY) proposed an amendment to the bill S. 3444, to designate the community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, as the “Douglas Fournet Department of Veterans Affairs Clinic”.

SA 4161. Mr. BOOZMAN (for Mr. THUNE) submitted an amendment intended to be proposed by Mr. Boozman to the bill S. 3641, to enhance efforts to combat human trafficking in connection with the catching and processing of seafood products imported into the United States, and for other purposes; which was referred to the Committee on Foreign Relations.

SA 4162. Mr. BOOZMAN (for Mr. CASSIDY) proposed an amendment to the bill H.R. 4227, to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes.

TEXT OF AMENDMENTS

SA 4155. Mr. GRASSLEY (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 6615, to reauthorize the Traumatic Brain Injury program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Traumatic Brain Injury Program Reauthorization Act of 2018”.

SEC. 2. PREVENTION AND CONTROL OF INJURIES.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) in section 393C (42 U.S.C. 280b-1d) by adding at the end the following:

“(c) NATIONAL CONCUSSION DATA COLLECTION AND ANALYSIS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may implement concussion data collection and analysis to determine the prevalence and incidence of concussion.”;

(2) in section 394A(b)(42 U.S.C. 280b-3(b)), by striking “\$6,564,000 for each of fiscal years 2015 through 2019” and inserting “\$11,750,000 for each of fiscal years 2020 through 2024”;

and

(3) by striking section 393C-1 (42 U.S.C. 280b-1e).

SEC. 3. STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d-52) is amended—

(1) in subsection (a), by inserting “, acting through the Administrator for the Administration for Community Living,” after “The Secretary”;

(2) by striking subsection (e);

(3) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively; and

(4) in subsection (i), as so redesignated, by striking “\$5,500,000 for each of the fiscal years 2015 through 2019” and inserting “\$7,321,000 for each of fiscal years 2020 through 2024”.

SEC. 4. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Section 1253 of the Public Health Service Act (42 U.S.C. 300d-53) is amended—

(1) in subsection (a), by inserting “, acting through the Administrator for the Administration for Community Living,” after “The Secretary”; and

(2) in subsection (1), by striking “\$3,100,000 for each of the fiscal years 2015 through 2019” and inserting “\$4,000,000 for each of fiscal years 2020 through 2024”.

SA 4156. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPORT ON THE PREVALENCE OF MENTAL ILLNESS IN PRISONS AND JAILS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report on—

(1) the prevalence of mental illness among inmates in prisons and jails between 2013 and 2018 by clinical diagnosis; and

(2) the levels of care to which inmates are assigned.

(b) ADDITIONAL CONTENTS.—The report required under subsection (a) shall also include, specific to inmates in a Bureau of Prisons facility, any data on such inmates that would illuminate the reasons for the changes in assigned mental care levels between 2013 and 2018, including staffing levels during 2013 and 2018 and examination of patterns of assigning inmates to different levels of care, including demographic information, diagnosis, comorbid physical health conditions, presence or absence of substance use disorder, and medication.

SA 4157. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 2200, to reauthorize the National Integrated Drought Information System, 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 “National Integrated Drought Information System Reauthorization Act of 2018”.

SEC. 2. NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM PROGRAM.

(a) IN GENERAL.—Section 3 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking “in order to make usable, reliable, and timely forecasts of drought, including” and inserting “, including precipitation, soil moisture, and evaporative demand, in order to make usable, reliable, and timely forecasts of drought and”;

(B) in paragraph (3), by inserting “watershed,” after “regional.”;

(C) in paragraph (4)—

(i) by inserting “, through interagency agreements” after “integrate”; and

(ii) by inserting “information” after “warning”;

(D) by amending paragraph (5) to read as follows:

“(5) utilize existing forecasting and assessment programs and partnerships, including

forecast communication coordinators and cooperative institutes, and improvements in seasonal precipitation and temperature, sub-seasonal precipitation and temperature, and low flow water prediction; and”

(E) in paragraph (6), by inserting “the prediction,” after “relating to”;

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

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

“(c) PARTNERSHIPS.—The National Integrated Drought Information System may—

“(1) engage with the private sector to improve drought monitoring, forecast, and communication if the Under Secretary determines the partnership is appropriate, cost-effective, and beneficial to the public and decisionmakers described in subsection (b)(2)(A);

“(2) facilitate the development of 1 or more academic cooperative partnerships to assist with National Integrated Drought Information System functions; and

“(3) utilize and support, as appropriate, monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration.”;

(4) in subsection (d), as redesignated, by inserting “and sustainment” after “development”; and

(5) by striking subsection (f), as redesignated, and inserting the following:

“(f) SOIL MOISTURE.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, the Under Secretary, acting through the National Integrated Drought Information System, shall develop a strategy for a national coordinated soil moisture monitoring network.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d note) is amended to read as follows:

“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this Act—

“(1) \$13,500,000 for fiscal year 2019;

“(2) \$13,750,000 for fiscal year 2020;

“(3) \$14,000,000 for fiscal year 2021;

“(4) \$14,250,000 for fiscal year 2022; and

“(5) \$14,500,000 for fiscal year 2023.”.

SEC. 3. REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.

(a) REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.—Section 1762 of the Food Security Act of 1985 (15 U.S.C. 8521) is amended—

(1) by amending subsection (j) to read as follows:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities under this section—

“(1) \$26,500,000 for fiscal year 2019;

“(2) \$27,000,000 for fiscal year 2020;

“(3) \$27,500,000 for fiscal year 2021;

“(4) \$28,000,000 for fiscal year 2022; and

“(5) \$28,500,000 for fiscal year 2023.”;

(2) by adding at the end the following:

“(k) DERIVATION OF FUNDS.—Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Weather Service.”.

(b) UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT.—Section 110 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8519) is amended to read as follows:

“SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to the Office of Oceanic and Atmospheric Research to carry out this title—

“(1) \$136,516,000 for fiscal year 2019, of which—

“(A) \$85,758,000 is authorized for weather laboratories and cooperative institutes;

“(B) \$30,758,000 is authorized for weather and air chemistry research programs; and

“(C) \$20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

“(2) \$148,154,000 for fiscal year 2020, of which—

“(A) \$87,258,000 is authorized for weather laboratories and cooperative institutes;

“(B) \$40,896,000 is authorized for weather and air chemistry research programs; and

“(C) \$20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

“(3) \$150,154,000 for fiscal year 2021, of which—

“(A) \$88,758,000 is authorized for weather laboratories and cooperative institutes;

“(B) \$41,396,000 is authorized for weather and air chemistry research programs; and

“(C) \$20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

“(4) \$152,154,000 for fiscal year 2022, of which—

“(A) \$90,258,000 is authorized for weather laboratories and cooperative institutes;

“(B) \$41,896,000 is authorized for weather and air chemistry research programs; and

“(C) \$20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4); and

“(5) \$154,154,000 for fiscal year 2023, of which—

“(A) \$91,758,000 is authorized for weather laboratories and cooperative institutes;

“(B) \$42,396,000 is authorized for weather and air chemistry research programs; and

“(C) \$20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4).

“(b) LIMITATION.—No additional funds are authorized to carry out this title and the amendments made by this title.”.

SEC. 4. EARTH PREDICTION INNOVATION CENTER.

(a) WEATHER RESEARCH AND FORECASTING INNOVATION.—Section 102(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by adding at the end the following:

“(4) Advancing weather modeling skill, reclaiming and maintaining international leadership in the area of numerical weather prediction, and improving the transition of research into operations by—

“(A) leveraging the weather enterprise to provide expertise on removing barriers to improving numerical weather prediction;

“(B) enabling scientists and engineers to effectively collaborate in areas important for improving operational global numerical weather prediction skill, including model development, data assimilation techniques, systems architecture integration, and computational efficiencies;

“(C) strengthening the National Oceanic and Atmospheric Administration’s ability to undertake research projects in pursuit of substantial advancements in weather forecast skill;

“(D) utilizing and leverage existing resources across the National Oceanic and Atmospheric Administration enterprise; and

“(E) creating a community global weather research modeling system that—

“(i) is accessible by the public;

“(ii) meets basic end-user requirements for running on public computers and networks located outside of secure National Oceanic and Atmospheric Administration information and technology systems; and

“(iii) utilizes, whenever appropriate and cost-effective, innovative strategies and

methods, including cloud-based computing capabilities, for hosting and management of part or all of the system described in this subsection.”.

(b) UNITED STATES WEATHER RESEARCH PROGRAM.—Section 108(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 8520(a)) is amended—

(1) in paragraph (10), by striking “; and” and inserting a semi-colon;

(2) in paragraph (11), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(12) carry out the activities of the Earth Prediction Innovation Center as described in section 102(b)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)(2)).”.

SEC. 5. COMPUTING RESOURCES PRIORITIZATION.

(a) IN GENERAL.—Section 108 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8518) is amended to read as follows:

“SEC. 108. COMPUTING RESOURCE EFFICIENCY IMPROVEMENT AND ANNUAL REPORT.

“(a) COMPUTING RESOURCES.—

“(1) IN GENERAL.—In acquiring computing capabilities, including high performance computing technologies and supercomputing technologies, that enable the National Oceanic and Atmospheric Administration to meet its mission requirements, the Under Secretary shall, when appropriate and cost-effective, assess and prioritize options for entering into multi-year lease agreements for computing capabilities over options for purchasing computing hardware outright.

“(2) ACQUISITION.—In carrying out the requirements of paragraph (1), the Under Secretary shall structure multi-year lease agreements in such a manner that the expiration of the lease is set for a date on or around—

“(A) the expected degradation point of the computing resources; or

“(B) the point at which significantly increased computing capabilities are expected to be available for lease.

“(3) PILOT PROGRAMS.—

“(A) IN GENERAL.—In order to more efficiently and effectively meet the mission requirements of the National Oceanic and Atmospheric Administration, the Under Secretary may create 1 or more pilot programs for assessing new or innovative information and technology capabilities and services.

“(B) PROGRAM REQUIREMENTS.—Any program created under paragraph (3) shall assess only those capabilities and services that—

“(i) meet or exceed the standards and requirements of the National Oceanic and Atmospheric Administration, including for processing speed, cybersecurity, and overall reliability; or

“(ii) meet or exceed, or are expected to meet or exceed, the performance of similar, in-house information and technology capabilities and services that are owned and operated by the National Oceanic and Atmospheric Administration prior to the establishment of the pilot program.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of funds appropriated to the National Environmental Satellite, Data, and Information Service, to carry out this paragraph \$5,000,000 for fiscal year 2019, \$10,000,000 for fiscal year 2020, and \$5,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

“(b) REPORTS.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, and triennially

thereafter until the date that is 6 years after the date on which the first report is submitted, the Under Secretary, acting through the Chief Information Officer of the National Oceanic and Atmospheric Administration and in coordination with the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service, shall produce and make publicly available a report that explains how the Under Secretary intends—

“(1) to continually support upgrades to pursue the fastest, most powerful, and cost-effective high performance computing technologies in support of its weather prediction mission;

“(2) to ensure a balance between the research to operations requirements to develop the next generation of regional and global models as well as highly reliable operational models;

“(3) to take advantage of advanced development concepts to, as appropriate, make next generation weather prediction models available in beta-test mode to operational forecasters, the United States weather industry, and partners in academic and Government research;

“(4) to use existing computing resources to improve advanced research and operational weather prediction;

“(5) to utilize non-Federal contracts to obtain the necessary expertise for advanced weather computing, if appropriate;

“(6) to utilize cloud computing; and

“(7) to create a long-term strategy to transition the programming language of weather model code to current and broadly-used coding language.”.

(b) TABLE OF CONTENTS.—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115-25; 131 Stat. 91) is amended by striking the item relating to section 108 and inserting the following:

“Sec. 108. Computing resource efficiency improvement and annual report.”.

SEC. 7. SATELLITE ARCHITECTURE PLANNING.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended by adding at the end the following:

“(c) NEXT GENERATION SATELLITE ARCHITECTURE.—

“(1) IN GENERAL.—The Under Secretary shall analyze, test, and plan the procurement of future data sources and satellite architectures, including respective ground system elements, identified in the National Oceanic and Atmospheric Administration’s Satellite Observing System Architecture Study that—

“(A) lower the cost of observations used to meet the National Oceanic and Atmospheric Administration’s mission requirements;

“(B) disaggregate current satellite systems, where appropriate;

“(C) include new, value-adding technological advancements; and

“(D) improve weather forecasting and predictions.

“(2) QUANTITATIVE ASSESSMENTS AND PARTNERSHIP AUTHORITY.—In meeting the requirements described in paragraph (1), the Under Secretary—

“(A) may partner with the commercial and academic sectors, non-governmental and not-for-profit organizations, and other Federal agencies; and

“(B) shall, consistent with section 107 of this Act, undertake quantitative assessments for objective analyses, as the Under Secretary considers appropriate, to evaluate relative value and benefits of future data sources and satellite architectures described in paragraph (1).

“(d) ADDITIONAL FORMS OF TRANSACTION AUTHORIZED.—

“(1) IN GENERAL.—Subject to paragraph (2), in order to enhance the effectiveness of data and satellite systems used by the National Oceanic and Atmospheric Administration to meet its missions, the Under Secretary may enter into and perform such transaction agreements on such terms as the Under Secretary considers appropriate to carry out basic, applied, and advanced research projects to meet the objectives described in subparagraphs (A) through (D) subsection (c)(1).

“(2) METHOD AND SCOPE.—

“(A) IN GENERAL.—A transaction agreement under paragraph (1) shall be limited to research and development activities.

“(B) PERMISSIBLE USES.—A transaction agreement under paragraph (1) may be used—

“(i) for the construction, use, operation, or procurement of new, improved, innovative, or value-adding satellites, instrumentation, ground stations, and data;

“(ii) to make determinations on how to best use existing or planned data, systems, and assets of the National Oceanic and Atmospheric Administration; and

“(iii) only when the objectives of the National Oceanic and Atmospheric Administration cannot be met using a cooperative research and development agreement, grants procurement contract, or cooperative agreement.

“(3) TERMINATION OF EFFECTIVENESS.—The authority provided in this subsection terminates effective September 30, 2023.

“(e) TRANSPARENCY.—Not later than 60 days after the date that a transaction agreement is made under subsection (d), the Under Secretary shall make publicly available, in a searchable format, on the website of the National Oceanic and Atmospheric Administration all uses of the authority under subsection (d), including an estimate of committed National Oceanic and Atmospheric Administration resources and the expected benefits to National Oceanic and Atmospheric Administration objectives for the transaction agreement, with appropriate redactions for proprietary, sensitive, or classified information.

“(f) REPORTS.—

“(1) IN GENERAL.—Not later than 90 days after September 30 of each fiscal year through September 30, 2023, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the use of additional transaction authority by the National Oceanic and Atmospheric Administration during the previous fiscal year.

“(2) CONTENTS.—Each report shall include—

“(A) for each transaction agreement in effect during the fiscal year covered by the report—

“(i) an indication of whether the transaction agreement is a reimbursable, non-reimbursable, or funded agreement;

“(ii) a description of—

“(I) the subject and terms;

“(II) the parties;

“(III) the responsible National Oceanic and Atmospheric Administration line office;

“(IV) the value;

“(V) the extent of the cost sharing among Federal Government and non-Federal sources;

“(VI) the duration or schedule; and

“(VII) all milestones;

“(iii) an indication of whether the transaction agreement was renewed during the previous fiscal year;

“(iv) the technology areas in which research projects were conducted under that agreement;

“(v) the extent to which the use of that agreement—

“(I) has contributed to a broadening of the technology and industrial base available for meeting National Oceanic and Atmospheric Administration needs; and

“(II) has fostered within the technology and industrial base new relationships and practices that support the United States; and

“(vi) the total value received by the Federal Government under that agreement for that fiscal year; and

“(B) a list of all anticipated reimbursable, non-reimbursable, and funded transaction agreements for the upcoming fiscal year.

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed as limiting the authority of the National Oceanic and Atmospheric Administration to use cooperative research and development agreements, grants, procurement contracts, or cooperative agreements.”.

SEC. 8. INTEGRATION OF OCEAN AND COASTAL DATA FROM THE INTEGRATED OCEAN OBSERVING SYSTEM.

(a) **IN GENERAL.**—Section 301(a)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(a)(2)) is amended—

(1) in subparagraph (A), by striking “; and” and inserting a semicolon;

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

(3) by adding at the end the following:

“(C) support increasing use of autonomous, mobile surface, sub-surface, and submarine vehicle ocean and fresh water sensor systems and the infrastructure necessary to share and analyze these data in real-time and feed them into predictive early warning systems.”.

(b) **COMMERCIAL WEATHER DATA; AUTHORIZATION OF APPROPRIATIONS.**—Section 302(c)(3) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8532(c)(3)) is amended—

(1) by striking “2017 through 2020” and inserting “2019 through 2023”; and

(2) by inserting “the” before “National”.

SEC. 9. IMPROVEMENTS TO COOPERATIVE OBSERVER PROGRAM OF NATIONAL WEATHER SERVICE.

(a) **IN GENERAL.**—The Under Secretary of Commerce for Oceans and Atmosphere, acting through the National Weather Service, shall improve the Cooperative Observer Program by—

(1) providing support to—

(A) State-coordinated programs relating to the Program; and

(B) States and regions where observations provided through the Program are scarce;

(2) working with State weather service headquarters to increase participation in the Program and to add stations in States and regions described in paragraph (1)(B);

(3) where feasible, ensuring that data streams from stations that have been contributing data to the Program for more than 50 years are maintained and continually staffed by volunteers;

(4) prioritizing the recruitment of new volunteers for the Program;

(5) ensuring that opportunities exist for automated reporting to lessen the burden on volunteers to collect and report data by hand; and

(6) ensuring that integrated reporting is available for qualitative observations that cannot be automated, such as drought conditions, snow observations, and hazardous weather events, to ensure that volunteers in the Program can report and upload observations quickly and easily.

(b) **COORDINATION WITH STATES AND REGIONS.**—Not less frequently than every 180 days, the National Weather Service shall co-

ordinate with State and regional offices with respect to the status of Cooperative Observer Program stations.

(c) **COORDINATION WITH FEDERAL AGENCIES.**—The National Weather Service shall coordinate with other Federal agencies, including the Forest Service, the Department of Agriculture, and the United States Geological Survey, to leverage opportunities to grow the Cooperative Observer Program network and to more effectively use existing infrastructure, weather stations, and staff of the Program.

SEC. 10. HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL.

(a) **SHORT TITLE.**—This section may be cited as the “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017”.

(b) **REFERENCES TO THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.**—Except as otherwise expressly provided, wherever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (33 U.S.C. 4001 et seq.).

(c) **INTER-AGENCY TASK FORCE.**—Section 603(a) (33 U.S.C. 4001(a)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

“(13) the Army Corps of Engineers; and”.

(d) **SCIENTIFIC ASSESSMENTS OF FRESHWATER HARMFUL ALGAL BLOOMS.**—Section 603 (33 U.S.C. 4001) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively; and

(3) by amending subsection (g) to read as follows:

“(g) **SCIENTIFIC ASSESSMENTS OF MARINE AND FRESHWATER HARMFUL ALGAL BLOOMS.**—Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters and freshwater systems. Each assessment shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries, those in freshwater lakes and rivers, and those that originate in freshwater lakes or rivers and migrate to coastal waters.”.

(e) **NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.**—

(1) **PROGRAM DUTIES.**—Section 603A(e) (33 U.S.C. 4002(e)) is amended—

(A) in paragraph (1), by inserting “, including to local and regional stakeholders through the establishment and maintenance of a publicly accessible Internet website that provides information as to Program activities completed under this section” after “Program”;;

(B) in paragraph (3)—

(i) in subparagraph (B), by striking “; and” and inserting a semicolon;

(ii) in subparagraph (C), by inserting “and” after the semicolon at the end; and

(iii) by adding at the end the following:

“(D) to accelerate the utilization of effective methods of intervention and mitigation to reduce the frequency, severity, and impacts of harmful algal bloom and hypoxia events;”;

(C) in paragraph (4), by striking “and work cooperatively with” and inserting “, and work cooperatively to provide technical assistance to;”;

(D) in paragraph (7)—

(i) by inserting “and extension” after “existing education”; and

(ii) by inserting “intervention,” after “awareness of the causes, impacts,”.

(2) **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.**—Section 603A(f) (33 U.S.C. 4002(f)) is amended—

(A) in paragraph (3), by inserting “, which shall include unmanned systems,” after “infrastructure”;

(B) in paragraph (5), by striking “and” at the end;

(C) in paragraph (6)(C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(7) use cost effective methods in carrying out this Act; and

“(8) develop contingency plans for the long-term monitoring of hypoxia.”.

(f) **CONSULTATION REQUIRED.**—Section 102 of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (33 U.S.C. 4001a) is amended by striking “the amendments made by this title” and inserting “the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998”.

(g) **HYPOXIA OR HARMFUL ALGAL BLOOM OF NATIONAL SIGNIFICANCE.**—

(1) **RELIEF.**—

(A) **IN GENERAL.**—Upon a determination under paragraph (2) that there is an event of national significance, the appropriate Federal official is authorized to make sums available to the affected State or local government for the purposes of assessing and mitigating the detrimental environmental, economic, subsistence use, and public health effects of the event of national significance.

(B) **FEDERAL SHARE.**—The Federal share of the cost of any activity carried out under this paragraph for the purposes described in subparagraph (A) may not exceed 50 percent of the cost of that activity.

(C) **DONATIONS.**—Notwithstanding any other provision of law, an appropriate Federal official may accept donations of funds, services, facilities, materials, or equipment that the appropriate Federal official considers necessary for the purposes described in subparagraph (A). Any funds donated to an appropriate Federal official under this paragraph may be expended without further appropriation and without fiscal year limitation.

(2) **DETERMINATIONS.**—

(A) **IN GENERAL.**—At the discretion of an appropriate Federal official, or at the request of the Governor of an affected State, an appropriate Federal official shall determine whether a hypoxia or harmful algal bloom event is an event of national significance.

(B) **CONSIDERATIONS.**—In making a determination under subparagraph (A), the appropriate Federal official shall consider the toxicity of the harmful algal bloom, the severity of the hypoxia, its potential to spread, the economic impact, the relative size in relation to the past 5 occurrences of harmful algal blooms or hypoxia events that occur on a recurrent or annual basis, and the geographic scope, including the potential to affect several municipalities, to affect more than 1 State, or to cross an international boundary.

(3) **DEFINITIONS.**—In this subsection:

(A) **APPROPRIATE FEDERAL OFFICIAL.**—The term “appropriate Federal official” means—

(i) in the case of a marine or coastal hypoxia or harmful algal bloom event, the Under Secretary of Commerce for Oceans and Atmosphere; and

(ii) in the case of a freshwater hypoxia or harmful algal bloom event, the Administrator of the Environmental Protection Agency.

(B) EVENT OF NATIONAL SIGNIFICANCE.—The term “event of national significance” means a hypoxia or harmful algal bloom event that has had or will likely have a significant detrimental environmental, economic, subsistence use, or public health impact on an affected State.

(C) HYPOXIA OR HARMFUL ALGAL BLOOM EVENT.—The term “hypoxia or harmful algal bloom event” means the occurrence of hypoxia or a harmful algal bloom as a result of a natural, anthropogenic, or undetermined cause.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) (33 U.S.C. 4009(a)) is amended by inserting “, and \$20,500,000 for each of fiscal years 2019 through 2023” before the period at the end.

SA 4158. Mr. BOOZMAN (for Mrs. McCASKILL) proposed an amendment to the bill S. 3085, to establish a Federal Acquisition Security Council and to provide executive agencies with authorities relating to mitigating supply chain risks in the procurement of information technology, 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 “Federal Acquisition Supply Chain Security Act of 2018”.

SEC. 2. FEDERAL ACQUISITION SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Chapter 13 of title 41, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

“§ 1321. Definitions

“In this subchapter:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ‘appropriate congressional committees and leadership’ means—

“(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

“(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

“(2) COUNCIL.—The term ‘Council’ means the Federal Acquisition Security Council established under section 1322(a) of this title.

“(3) COVERED ARTICLE.—The term ‘covered article’ has the meaning given that term in section 4713 of this title.

“(4) COVERED PROCUREMENT ACTION.—The term ‘covered procurement action’ has the meaning given that term in section 4713 of this title.

“(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term ‘information and communications technology’ has the meaning given that term in section 4713 of this title.

“(6) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(7) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given that term in section 3552 of title 44.

“(8) SUPPLY CHAIN RISK.—The term ‘supply chain risk’ has the meaning given that term in section 4713 of this title.

“§ 1322. Federal Acquisition Security Council establishment and membership

“(a) ESTABLISHMENT.—There is established in the executive branch a Federal Acquisition Security Council.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The following agencies shall be represented on the Council:

“(A) The Office of Management and Budget.

“(B) The General Services Administration.

“(C) The Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency.

“(D) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.

“(E) The Department of Justice, including the Federal Bureau of Investigation.

“(F) The Department of Defense, including the National Security Agency.

“(G) The Department of Commerce, including the National Institute of Standards and Technology.

“(H) Such other executive agencies as determined by the Chairperson of the Council.

“(2) LEAD REPRESENTATIVES.—

“(A) DESIGNATION.—

“(i) IN GENERAL.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

“(ii) REQUIREMENTS.—The representative of an agency designated under clause (i) shall have expertise in supply chain risk management, acquisitions, or information and communications technology.

“(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

“(c) CHAIRPERSON.—

“(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council.

“(2) FUNCTIONS.—The Chairperson shall perform functions that include—

“(A) subject to subsection (d), developing a schedule for meetings of the Council;

“(B) designating executive agencies to be represented on the Council under subsection (b)(1)(H);

“(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

“(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees and leadership.

“(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018 and not less frequently than quarterly thereafter.

“§ 1323. Functions and authorities

“(a) IN GENERAL.—The Council shall perform functions that include the following:

“(1) Identifying and recommending development by the National Institute of Standards and Technology of supply chain risk management standards, guidelines, and practices for executive agencies to use when assessing and developing mitigation strategies

to address supply chain risks, particularly in the acquisition and use of covered articles under section 1326(a) of this title.

“(2) Identifying or developing criteria for sharing information with executive agencies, other Federal entities, and non-Federal entities with respect to supply chain risk, including information related to the exercise of authorities provided under this section and sections 1326 and 4713 of this title. At a minimum, such criteria shall address—

“(A) the content to be shared;

“(B) the circumstances under which sharing is mandated or voluntary; and

“(C) the circumstances under which it is appropriate for an executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities provided under this section and section 4713 of this title.

“(3) Identifying an appropriate executive agency to—

“(A) accept information submitted by executive agencies based on the criteria established under paragraph (2);

“(B) facilitate the sharing of information received under subparagraph (A) to support supply chain risk analyses under section 1326 of this title, recommendations under this section, and covered procurement actions under section 4713 of this title;

“(C) share with the Council information regarding covered procurement actions by executive agencies taken under section 4713 of this title; and

“(D) inform the Council of orders issued under this section.

“(4) Identifying, as appropriate, executive agencies to provide—

“(A) shared services, such as support for making risk assessments, validation of products that may be suitable for acquisition, and mitigation activities; and

“(B) common contract solutions to support supply chain risk management activities, such as subscription services or machine-learning-enhanced analysis applications to support informed decisionmaking.

“(5) Identifying and issuing guidance on additional steps that may be necessary to address supply chain risks arising in the course of executive agencies providing shared services, common contract solutions, acquisitions vehicles, or assisted acquisitions.

“(6) Engaging with the private sector and other nongovernmental stakeholders in performing the functions described in paragraphs (1) and (2) and on issues relating to the management of supply chain risks posed by the acquisition of covered articles.

“(7) Carrying out such other actions, as determined by the Council, that are necessary to reduce the supply chain risks posed by acquisitions and use of covered articles.

“(b) PROGRAM OFFICE AND COMMITTEES.—The Council may establish a program office and any committees, working groups, or other constituent bodies the Council deems appropriate, in its sole and unreviewable discretion, to carry out its functions.

“(c) AUTHORITY FOR EXCLUSION OR REMOVAL ORDERS.—

“(1) CRITERIA.—To reduce supply chain risk, the Council shall establish criteria and procedures for—

“(A) recommending orders applicable to executive agencies requiring the exclusion of sources or covered articles from executive agency procurement actions (in this section referred to as ‘exclusion orders’);

“(B) recommending orders applicable to executive agencies requiring the removal of covered articles from executive agency information systems (in this section referred to as ‘removal orders’);

“(C) requesting and approving exceptions to an issued exclusion or removal order when

warranted by circumstances, including alternative mitigation actions or other findings relating to the national interest, including national security reviews, national security investigations, or national security agreements; and

“(D) ensuring that recommended orders do not conflict with standards and guidelines issued under section 11331 of title 40 and that the Council consults with the Director of the National Institute of Standards and Technology regarding any recommended orders that would implement standards and guidelines developed by the National Institute of Standards and Technology.

“(2) RECOMMENDATIONS.—The Council shall use the criteria established under paragraph (1), information made available under subsection (a)(3), and any other information the Council determines appropriate to issue recommendations, for application to executive agencies or any subset thereof, regarding the exclusion of sources or covered articles from any executive agency procurement action, including source selection and consent for a contractor to subcontract, or the removal of covered articles from executive agency information systems. Such recommendations shall include—

“(A) information necessary to positively identify the sources or covered articles recommended for exclusion or removal;

“(B) information regarding the scope and applicability of the recommended exclusion or removal order;

“(C) a summary of any risk assessment reviewed or conducted in support of the recommended exclusion or removal order;

“(D) a summary of the basis for the recommendation, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk;

“(E) a description of the actions necessary to implement the recommended exclusion or removal order; and

“(F) where practicable, in the Council’s sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding a recommendation.

“(3) NOTICE OF RECOMMENDATION AND REVIEW.—A notice of the Council’s recommendation under paragraph (2) shall be issued to any source named in the recommendation advising—

“(A) that a recommendation has been made;

“(B) of the criteria the Council relied upon under paragraph (1) and, to the extent consistent with national security and law enforcement interests, of information that forms the basis for the recommendation;

“(C) that, within 30 days after receipt of notice, the source may submit information and argument in opposition to the recommendation;

“(D) of the procedures governing the review and possible issuance of an exclusion or removal order pursuant to paragraph (5); and

“(E) where practicable, in the Council’s sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding the recommendation.

“(4) CONFIDENTIALITY.—Any notice issued to a source under paragraph (3) shall be kept confidential until—

“(A) an exclusion or removal order is issued pursuant to paragraph (5); and

“(B) the source has been notified pursuant to paragraph (6).

“(5) EXCLUSION AND REMOVAL ORDERS.—

“(A) ORDER ISSUANCE.—Recommendations of the Council under paragraph (2), together with any information submitted by a source under paragraph (3) related to such a recommendation, shall be reviewed by the fol-

lowing officials, who may issue exclusion and removal orders based upon such recommendations:

“(i) The Secretary of Homeland Security, for exclusion and removal orders applicable to civilian agencies, to the extent not covered by clause (ii) or (iii).

“(ii) The Secretary of Defense, for exclusion and removal orders applicable to the Department of Defense and national security systems other than sensitive compartmented information systems.

“(iii) The Director of National Intelligence, for exclusion and removal orders applicable to the intelligence community and sensitive compartmented information systems, to the extent not covered by clause (ii).

“(B) DELEGATION.—The officials identified in subparagraph (A) may not delegate any authority under this subparagraph to an official below the level one level below the Deputy Secretary or Principal Deputy Director, except that the Secretary of Defense may delegate authority for removal orders to the Commander of the United States Cyber Command, who may not redelegate such authority to an official below the level one level below the Deputy Commander.

“(C) FACILITATION OF EXCLUSION ORDERS.—If officials identified under this paragraph from the Department of Homeland Security, the Department of Defense, and the Office of the Director of National Intelligence issue orders collectively resulting in a governmentwide exclusion, the Administrator for General Services and officials at other executive agencies responsible for management of the Federal Supply Schedules, governmentwide acquisition contracts, and multi-agency contracts shall help facilitate implementation of such orders by removing the covered articles or sources identified in the orders from such contracts.

“(D) REVIEW OF EXCLUSION AND REMOVAL ORDERS.—The officials identified under this paragraph shall review all exclusion and removal orders issued under subparagraph (A) not less frequently than annually pursuant to procedures established by the Council.

“(E) RESCISSION.—Orders issued pursuant to subparagraph (A) may be rescinded by an authorized official from the relevant issuing agency.

“(6) NOTIFICATIONS.—Upon issuance of an exclusion or removal order pursuant to paragraph (5)(A), the official identified under that paragraph who issued the order shall—

“(A) notify any source named in the order of—

“(i) the exclusion or removal order; and

“(ii) to the extent consistent with national security and law enforcement interests, information that forms the basis for the order;

“(B) provide classified or unclassified notice of the exclusion or removal order to the appropriate congressional committees and leadership; and

“(C) provide the exclusion or removal order to the agency identified in subsection (a)(3).

“(7) COMPLIANCE.—Executive agencies shall comply with exclusion and removal orders issued pursuant to paragraph (5).

“(d) AUTHORITY TO REQUEST INFORMATION.—The Council may request such information from executive agencies as is necessary for the Council to carry out its functions.

“(e) RELATIONSHIP TO OTHER COUNCILS.—The Council shall consult and coordinate, as appropriate, with other relevant councils and interagency committees, including the Chief Information Officers Council, the Chief Acquisition Officers Council, the Federal Acquisition Regulatory Council, and the Committee on Foreign Investment in the United States, with respect to supply chain risks

posed by the acquisition and use of covered articles.

“(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to limit the authority of the Office of Federal Procurement Policy to carry out the responsibilities of that Office under any other provision of law; or

“(2) to authorize the issuance of an exclusion or removal order based solely on the fact of foreign ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

“§ 1324. Strategic plan

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Council shall develop a strategic plan for addressing supply chain risks posed by the acquisition of covered articles and for managing such risks, that includes—

“(1) the criteria and processes required under section 1323(a) of this title, including a threshold and requirements for sharing relevant information about such risks with all executive agencies and, as appropriate, with other Federal entities and non-Federal entities;

“(2) an identification of existing authorities for addressing such risks;

“(3) an identification and promulgation of best practices and procedures and available resources for executive agencies to assess and mitigate such risks;

“(4) recommendations for any legislative, regulatory, or other policy changes to improve efforts to address such risks;

“(5) recommendations for any legislative, regulatory, or other policy changes to incentivize the adoption of best practices for supply chain risk management by the private sector;

“(6) an evaluation of the effect of implementing new policies or procedures on existing contracts and the procurement process;

“(7) a plan for engaging with executive agencies, the private sector, and other non-governmental stakeholders to address such risks;

“(8) a plan for identification, assessment, mitigation, and vetting of supply chain risks from existing and prospective information and communications technology made available by executive agencies to other executive agencies through common contract solutions, shared services, acquisition vehicles, or other assisted acquisition services; and

“(9) plans to strengthen the capacity of all executive agencies to conduct assessments of—

“(A) the supply chain risk posed by the acquisition of covered articles; and

“(B) compliance with the requirements of this subchapter.

“(b) SUBMISSION TO CONGRESS.—Not later than 7 calendar days after completion of the strategic plan required by subsection (a), the Chairperson of the Council shall submit the plan to the appropriate congressional committees and leadership.

“§ 1325. Annual report

“Not later than December 31 of each year, the Chairperson of the Council shall submit to the appropriate congressional committees and leadership a report on the activities of the Council during the preceding 12-month period.

“§ 1326. Requirements for executive agencies

“(a) IN GENERAL.—The head of each executive agency shall be responsible for—

“(1) assessing the supply chain risk posed by the acquisition and use of covered articles and avoiding, mitigating, accepting, or transferring that risk, as appropriate and consistent with the standards, guidelines,

and practices identified by the Council under section 1323(a)(1); and

“(2) prioritizing supply chain risk assessments conducted under paragraph (1) based on the criticality of the mission, system, component, service, or asset.

“(b) INCLUSIONS.—The responsibility for assessing supply chain risk described in subsection (a) includes—

“(1) developing an overall supply chain risk management strategy and implementation plan and policies and processes to guide and govern supply chain risk management activities;

“(2) integrating supply chain risk management practices throughout the lifecycle of the system, component, service, or asset;

“(3) limiting, avoiding, mitigating, accepting, or transferring any identified risk;

“(4) sharing relevant information with other executive agencies, as determined appropriate by the Council in a manner consistent with section 1323(a) of this title;

“(5) reporting on progress and effectiveness of the agency’s supply chain risk management consistent with guidance issued by the Office of Management and Budget and the Council; and

“(6) ensuring that all relevant information, including classified information, with respect to acquisitions of covered articles that may pose a supply chain risk, consistent with section 1323(a) of this title, is incorporated into existing processes of the agency for conducting assessments described in subsection (a) and ongoing management of acquisition programs, including any identification, investigation, mitigation, or remediation needs.

“(c) INTERAGENCY ACQUISITIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), in the case of an interagency acquisition, subsection (a) shall be carried out by the head of the executive agency whose funds are being used to procure the covered article.

“(2) ASSISTED ACQUISITIONS.—In an assisted acquisition, the parties to the acquisition shall determine, as part of the interagency agreement governing the acquisition, which agency is responsible for carrying out subsection (a).

“(3) DEFINITIONS.—In this subsection, the terms ‘assisted acquisition’ and ‘interagency acquisition’ have the meanings given those terms in section 2.101 of title 48, Code of Federal Regulations (or any corresponding similar regulation or ruling).

“(d) ASSISTANCE.—The Secretary of Homeland Security may—

“(1) assist executive agencies in conducting risk assessments described in subsection (a) and implementing mitigation requirements for information and communications technology; and

“(2) provide such additional guidance or tools as are necessary to support actions taken by executive agencies.

“§ 1327. Judicial review procedures

“(a) IN GENERAL.—Except as provided in subsection (b) and chapter 71 of this title, and notwithstanding any other provision of law, an action taken under section 1323 or 4713 of this title, or any action taken by an executive agency to implement such an action, shall not be subject to administrative review or judicial review, including bid protests before the Government Accountability Office or in any Federal court.

“(b) PETITIONS.—

“(1) IN GENERAL.—Not later than 60 days after a party is notified of an exclusion or removal order under section 1323(c)(6) of this title or a covered procurement action under section 4713 of this title, the party may file a petition for judicial review in the United States Court of Appeals for the District of

Columbia Circuit claiming that the issuance of the exclusion or removal order or covered procurement action is unlawful.

“(2) STANDARD OF REVIEW.—The Court shall hold unlawful a covered action taken under sections 1323 or 4713 of this title, in response to a petition that the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity;

“(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

“(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (3); or

“(E) not in accord with procedures required by law.

“(3) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over claims arising under sections 1323(c)(5) or 4713 of this title against the United States, any United States department or agency, or any component or official of any such department or agency, subject to review by the Supreme Court of the United States under section 1254 of title 28.

“(4) ADMINISTRATIVE RECORD AND PROCEDURES.—

“(A) IN GENERAL.—The procedures described in this paragraph shall apply to the review of a petition under this section.

“(B) ADMINISTRATIVE RECORD.—

“(i) FILING OF RECORD.—The United States shall file with the court an administrative record, which shall consist of the information that the appropriate official relied upon in issuing an exclusion or removal order under section 1323(c)(5) or a covered procurement action under section 4713 of this title.

“(ii) UNCLASSIFIED, NONPRIVILEGED INFORMATION.—All unclassified information contained in the administrative record that is not otherwise privileged or subject to statutory protections shall be provided to the petitioner with appropriate protections for any privileged or confidential trade secrets and commercial or financial information.

“(iii) IN CAMERA AND EX PARTE.—The following information may be included in the administrative record and shall be submitted only to the court ex parte and in camera:

“(I) Classified information.

“(II) Sensitive security information, as defined by section 1520.5 of title 49, Code of Federal Regulations.

“(III) Privileged law enforcement information.

“(IV) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

“(V) Information subject to privilege or protections under any other provision of law.

“(iv) UNDER SEAL.—Any information that is part of the administrative record filed ex parte and in camera under clause (iii), or cited by the court in any decision, shall be treated by the court consistent with the provisions of this subparagraph and shall remain under seal and preserved in the records of the court to be made available consistent with the above provisions in the event of further proceedings. In no event shall such information be released to the petitioner or as part of the public record.

“(v) RETURN.—After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States.

“(C) EXCLUSIVE REMEDY.—A determination by the court under this subsection shall be the exclusive judicial remedy for any claim described in this section against the United States, any United States department or agency, or any component or official of any such department or agency.

“(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, superseding, or preventing the invocation of, any privileges or defenses that are otherwise available at law or in equity to protect against the disclosure of information.

“(c) DEFINITION.—In this section, the term ‘classified information’—

“(1) has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.); and

“(2) includes—

“(A) any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation to require protection against unauthorized disclosure for reasons of national security; and

“(B) any restricted data, as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

“§ 1328. Termination

“This subchapter shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of such title is amended by adding at the end the following new items:

“SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

“Sec.

“1321. Definitions.

“1322. Federal Acquisition Security Council establishment and membership.

“1323. Functions and authorities.

“1324. Strategic plan.

“1325. Annual report.

“1326. Requirements for executive agencies.

“1327. Judicial review procedures.

“1328. Termination.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

(d) IMPLEMENTATION.—

(1) INTERIM FINAL RULE.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Security Council shall prescribe an interim final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(2) FINAL RULE.—Not later than one year after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Council shall prescribe a final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(3) FAILURE TO ACT.—

(A) IN GENERAL.—If the Council does not issue a final rule in accordance with paragraph (2) on or before the last day of the 1-year period referred to in that paragraph, the Council shall submit to the appropriate congressional committees and leadership, not later than 10 days after such last day and every 90 days thereafter until the final rule is issued, a report explaining why the final rule was not timely issued and providing an

estimate of the earliest date on which the final rule will be issued.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this paragraph, the term “appropriate congressional committees and leadership” has the meaning given that term in section 1321 of title 41, United States Code, as added by subsection (a).

SEC. 3. AUTHORITIES OF EXECUTIVE AGENCIES RELATING TO MITIGATING SUPPLY CHAIN RISKS IN THE PROCUREMENT OF COVERED ARTICLES.

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

“§4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles

“(a) AUTHORITY.—Subject to subsection (b), the head of an executive agency may carry out a covered procurement action.

“(b) DETERMINATION AND NOTIFICATION.—Except as authorized by subsection (c) to address an urgent national security interest, the head of an executive agency may exercise the authority provided in subsection (a) only after—

“(1) obtaining a joint recommendation, in unclassified or classified form, from the chief acquisition officer and the chief information officer of the agency, or officials performing similar functions in the case of executive agencies that do not have such officials, which includes a review of any risk assessment made available by the executive agency identified under section 1323(a)(3) of this title, that there is a significant supply chain risk in a covered procurement;

“(2) providing notice of the joint recommendation described in paragraph (1) to any source named in the joint recommendation advising—

“(A) that a recommendation is being considered or has been obtained;

“(B) to the extent consistent with the national security and law enforcement interests, of information that forms the basis for the recommendation;

“(C) that, within 30 days after receipt of the notice, the source may submit information and argument in opposition to the recommendation; and

“(D) of the procedures governing the consideration of the submission and the possible exercise of the authority provided in subsection (a);

“(3) making a determination in writing, in unclassified or classified form, after considering any information submitted by a source under paragraph (2) and in consultation with the chief information security officer of the agency, that—

“(A) use of the authority under subsection (a) is necessary to protect national security by reducing supply chain risk;

“(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

“(C) the use of such authorities will apply to a single covered procurement or a class of covered procurements, and otherwise specifies the scope of the determination; and

“(4) providing a classified or unclassified notice of the determination made under paragraph (3) to the appropriate congressional committees and leadership that includes—

“(A) the joint recommendation described in paragraph (1);

“(B) a summary of any risk assessment reviewed in support of the joint recommendation required by paragraph (1); and

“(C) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk.

“(c) PROCEDURES TO ADDRESS URGENT NATIONAL SECURITY INTERESTS.—In any case in which the head of an executive agency determines that an urgent national security interest requires the immediate exercise of the authority provided in subsection (a), the head of the agency—

“(1) may, to the extent necessary to address such national security interest, and subject to the conditions in paragraph (2)—

“(A) temporarily delay the notice required by subsection (b)(2);

“(B) make the determination required by subsection (b)(3), regardless of whether the notice required by subsection (b)(2) has been provided or whether the notified source has submitted any information in response to such notice;

“(C) temporarily delay the notice required by subsection (b)(4); and

“(D) exercise the authority provided in subsection (a) in accordance with such determination within 60 calendar days after the day the determination is made; and

“(2) shall take actions necessary to comply with all requirements of subsection (b) as soon as practicable after addressing the urgent national security interest, including—

“(A) providing the notice required by subsection (b)(2);

“(B) promptly considering any information submitted by the source in response to such notice, and making any appropriate modifications to the determination based on such information;

“(C) providing the notice required by subsection (b)(4), including a description of the urgent national security interest, and any modifications to the determination made in accordance with subparagraph (B); and

“(D) providing notice to the appropriate congressional committees and leadership within 7 calendar days of the covered procurement actions taken under this section.

“(d) CONFIDENTIALITY.—The notice required by subsection (b)(2) shall be kept confidential until a determination with respect to a covered procurement action has been made pursuant to subsection (b)(3).

“(e) DELEGATION.—The head of an executive agency may not delegate the authority provided in subsection (a) or the responsibility identified in subsection (g) to an official below the level one level below the Deputy Secretary or Principal Deputy Director.

“(f) ANNUAL REVIEW OF DETERMINATIONS.—The head of an executive agency shall conduct an annual review of all determinations made by such head under subsection (b) and promptly amend any covered procurement action as appropriate.

“(g) REGULATIONS.—The Federal Acquisition Regulatory Council shall prescribe such regulations as may be necessary to carry out this section.

“(h) REPORTS REQUIRED.—Not less frequently than annually, the head of each executive agency that exercised the authority provided in subsection (a) or (c) during the preceding 12-month period shall submit to the appropriate congressional committees and leadership a report summarizing the actions taken by the agency under this section during that 12-month period.

“(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the head of an executive agency to carry out a covered procurement action based solely on the fact of foreign ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

“(j) TERMINATION.—The authority provided under subsection (a) shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.

“(k) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ‘appropriate congressional committees and leadership’ means—

“(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

“(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

“(2) COVERED ARTICLE.—The term ‘covered article’ means—

“(A) information technology, as defined in section 11101 of title 40, including cloud computing services of all types;

“(B) telecommunications equipment or telecommunications service, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

“(C) the processing of information on a Federal or non-Federal information system, subject to the requirements of the Controlled Unclassified Information program; or

“(D) hardware, systems, devices, software, or services that include embedded or incidental information technology.

“(3) COVERED PROCUREMENT.—The term ‘covered procurement’ means—

“(A) a source selection for a covered article involving either a performance specification, as provided in subsection (a)(3)(B) of section 3306 of this title, or an evaluation factor, as provided in subsection (b)(1)(A) of such section, relating to a supply chain risk, or where supply chain risk considerations are included in the agency’s determination of whether a source is a responsible source as defined in section 113 of this title;

“(B) the consideration of proposals for and issuance of a task or delivery order for a covered article, as provided in section 4106(d)(3) of this title, where the task or delivery order contract includes a contract clause establishing a requirement relating to a supply chain risk;

“(C) any contract action involving a contract for a covered article where the contract includes a clause establishing requirements relating to a supply chain risk; or

“(D) any other procurement in a category of procurements determined appropriate by the Federal Acquisition Regulatory Council, with the advice of the Federal Acquisition Security Council.

“(4) COVERED PROCUREMENT ACTION.—The term ‘covered procurement action’ means any of the following actions, if the action takes place in the course of conducting a covered procurement:

“(A) The exclusion of a source that fails to meet qualification requirements established under section 3311 of this title for the purpose of reducing supply chain risk in the acquisition or use of covered articles.

“(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

“(C) The determination that a source is not a responsible source as defined in section 113 of this title based on considerations of supply chain risk.

“(D) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor to exclude a

particular source from consideration for a subcontract under the contract.

“(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term ‘information and communications technology’ means—

“(A) information technology, as defined in section 11101 of title 40;

“(B) information systems, as defined in section 3502 of title 44; and

“(C) telecommunications equipment and telecommunications services, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

“(6) SUPPLY CHAIN RISK.—The term ‘supply chain risk’ means the risk that any person may sabotage, maliciously introduce unwanted function, extract data, or otherwise manipulate the design, integrity, manufacturing, production, distribution, installation, operation, maintenance, disposition, or retirement of covered articles so as to surveil, deny, disrupt, or otherwise manipulate the function, use, or operation of the covered articles or information stored or transmitted on the covered articles.

“(7) EXECUTIVE AGENCY.—Notwithstanding section 3101(c)(1), this section applies to the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

“Sec. 4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

SEC. 4. FEDERAL INFORMATION SECURITY MODERNIZATION ACT.

(a) IN GENERAL.—Title 44, United States Code, is amended—

(1) in section 3553(a)(5), by inserting “and section 1326 of title 41” after “compliance with the requirements of this subchapter”; and

(2) in section 3554(a)(1)(B)—

(A) by inserting “, subchapter III of chapter 13 of title 41,” after “complying with the requirements of this subchapter”; and

(B) in clause (iv), by striking “; and” and inserting a semicolon; and

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

“(vi) responsibilities relating to assessing and avoiding, mitigating, transferring, or accepting supply chain risks under section 1326 of title 41, and complying with exclusion and removal orders issued under section 1323 of such title; and”.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or impede any authority or responsibility under section 3553 of title 44, United States Code.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 4159. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 3367, to amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, 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 “Department of Transportation Reports Harmonization Act”.

SEC. 2. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR ATTENDANCE AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51314(b) of title 46, United States Code, is amended by striking “shall notify Congress of” and inserting “shall present at the next meeting of the Board of Visitors, and post on a publicly available website.”.

SEC. 3. PUBLIC AVAILABILITY OF INFORMATION ON ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

Section 310(f)(1) of title 49, United States Code, is amended by inserting “, and make publicly available on the Department of Transportation website,” after “House of Representatives”.

SEC. 4. REPORTING ON THE NORTHEAST CORRIDOR.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE REPORT.—Section 24905(e) of title 49, United States Code, is amended by striking paragraph (3).

(b) CONTENTS OF GRANT REQUESTS.—

(1) IN GENERAL.—Section 24319(c) of title 49, United States Code, is amended—

(A) in paragraph (2), by striking “; and” and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) describe the status of efforts to improve safety and security on the Northeast Corridor main line, including a description of any efforts to implement recommendations of relevant railroad safety advisory committees.”.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection or an amendment made by this subsection shall affect a grant request made under section 24319 of title 49, United States Code, before the date of enactment of this Act.

SEC. 5. HIGHWAY SAFETY PROGRAMS REPORT TO CONGRESS.

(a) DOT REPORTS.—Section 402 of title 23, United States Code, is amended by striking subsection (n) and inserting the following:

“(n) PUBLIC TRANSPARENCY.—The Secretary shall publicly release on its website information that contains each State’s performance with respect to the State’s highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State’s highway safety plan.”.

(b) GAO REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the highway safety programs under section 402 of title 23, United States Code. In carrying out the review, the Comptroller General shall review States’ progress in achieving safety performance targets, including how States are utilizing grants and problems encountered in achieving such targets.

(2) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under paragraph (1), including any recommendations for improvements to State activities and the Secretary of Transportation’s administration of the highway safety programs.

SEC. 6. CESSATION OF CERTAIN ADVISORY COUNCILS AND ADVISORY COMMITTEES.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE.—Section 24905(e) of title 49, United

States Code, as amended by this Act, is further amended by striking paragraph (2) and inserting the following:

“(2) SUNSET.—The Committee established under this subsection ceases to exist on the date that the Secretary determines positive train control, as required by section 20157, is fully implemented along the Northeast Corridor.”.

(b) NATIONAL RAIL COOPERATIVE RESEARCH PROGRAM OVERSIGHT COMMITTEE.—Section 24910(c) of title 49, United States Code, is amended by adding at the end the following:

“(3) SUNSET.—The advisory board established under this subsection ceases to exist effective January 1, 2019.”.

SEC. 7. TECHNICAL AMENDMENTS TO RAIL IMPROVEMENT GRANTS.

(a) REDESIGNATION.—Subtitle V of title 49, United States Code, is amended—

(1) by redesignating sections 24401 through 24408 as sections 22901 through 22908, respectively;

(2) by redesignating chapter 244 as chapter 229;

(3) by moving chapter 229, as redesignated, to appear at the end of part B;

(4) in the table of chapters—

(A) by striking the item relating to chapter 244; and

(B) by inserting after the item relating to chapter 227 the following:

“Chapter 229. Rail Improvement Grants 22901”;

and

(5) by amending the table of sections for chapter 229, as redesignated, to read as follows:

“CHAPTER 229—RAIL IMPROVEMENT GRANTS

“Sec.

“22901. Definitions.

“22902. Capital investment grants to support intercity passenger rail services.

“22903. Project management oversight.

“22904. Use of capital grants to finance first-dollar liability of grant project.

“22905. Grant conditions.

“22906. Authorization of appropriations.

“22907. Consolidated rail infrastructure and safety improvements.

“22908. Restoration and enhancement grants.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22902, as redesignated—

(i) in subsection (c)(3)(A)—

(I) in the matter preceding clause (i), by inserting “of” after “other modes”; and

(II) in clause (vi) by striking “environmentally” and inserting “environmental”; and

(ii) in subsection (k), by striking “state rail plan” and inserting “State rail plan”; and

(B) in section 22905(e)(1), as redesignated—

(i) by striking “government authority” and inserting “governmental authority”; and

(ii) by striking “section 5302(11) and (6), respectively, of this title” and inserting “section 5302”.

(2) CONFORMING AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22901(2)(D), as redesignated, by striking “24404” and inserting “22904”;

(B) in section 22904, as redesignated, by striking “24402” and inserting “22902”;

(C) in section 22905(e)(1), as redesignated, by striking “24102(4) of this title” and inserting “24102”;

(D) in section 22907, as redesignated—

(i) in subsection (c)(2), by striking “24401(2)” and inserting “22901(2)”; and

(ii) in subsection (k), by striking “of sections 24402, 24403, and 24404 and the definition contained in 24401(1)” and inserting “under sections 22902, 22903, and 22904, and the definition contained in section 22901(1)”; and

(E) in section 22908, as redesignated—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “24401(1)” and inserting “22901(1)”; and

(ii) in subsection (i)(3), by striking “24405” and inserting “22905”.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) SUBTITLE V.—Subtitle V of title 49, United States Code, is amended—

(i) in part C—

(I) in section 24102(7)(D)(ii), by striking “chapter 244” and inserting “chapter 229”; and

(II) in section 24103, by inserting “or chapter 229” after “this part” each place it appears;

(III) in section 24711(c)(3), by striking “24405” and inserting “22905”; and

(IV) in section 24911(i), by striking “24405” and inserting “22905”; and

(i) in part D, in section 26106(e)(3), by striking “24405 of this title” and inserting “22905”.

(B) RAILROAD SAFETY ENHANCEMENT ACT OF 2008.—The Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432) is amended—

(i) in section 301(c) (49 U.S.C. 24405 note), by striking “24405(a)” and inserting “22905(a)”; and

(ii) in section 502(a)(4)(I) (49 U.S.C. 26106 note), by striking “24405” and inserting “22905”.

(C) FAST ACT.—The Fixing America’s Surface Transportation Act (Public Law 114-94; 129 Stat. 1312) is amended—

(i) in section 11102, by adding at the end the following:

“(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24407 of such title shall be deemed to refer to grants or project management oversight under section 22907 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act.”;

(ii) in section 11104, by adding at the end the following:

“(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24408 of such title shall be deemed to refer to grants or project management oversight under section 22908 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act.”;

(iii) in section 11308(a)(4)(I), by striking “24405” and inserting “22905”; and

(iv) in section 11401(b)(5), by striking “chapter 244” and inserting “chapter 229”.

SA 4160. Mr. BOOZMAN (for Mr. CASIDY) proposed an amendment to the bill S. 3444, to designate the community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, as the “Douglas Fournet Department of Veterans Affairs Clinic”; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DESIGNATION OF DOUGLAS FOURNET DEPARTMENT OF VETERANS AFFAIRS CLINIC IN LAKE CHARLES, LOUISIANA.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Vet-

erans Affairs in Lake Charles, Louisiana, shall after the date of the enactment of this Act be known and designated as the “Douglas Fournet Department of Veterans Affairs Clinic” or the “Douglas Fournet VA Clinic”.

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Douglas Fournet Department of Veterans Affairs Clinic.

SA 4161. Mr. BOOZMAN (for Mr. THUNE) submitted an amendment intended to be proposed by Mr. BOOZMAN to the bill S. 3641, to enhance efforts to combat human trafficking in connection with the catching and processing of seafood products imported into the United States, and for other purposes; which was referred to the Committee on Foreign Relations; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Facilitate Addressing Issues with Regulating Forced Labor in International Seafood Harvesting Act” or “FAIR FISH Act”.

SEC. 2. FINDING.

Congress finds that human trafficking is a pervasive problem in the catching and processing of certain seafood products imported into the United States, particularly seafood products obtained through illegal, unreported, and unregulated fishing.

SEC. 3. SECRETARY OF COMMERCE AS MEMBER OF INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting “Secretary of Commerce,” after “Secretary of Education.”

SEC. 4. REPORT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration and the Commissioner of the Food and Drug Administration, in consultation with the Secretary of State, the Attorney General, and the heads of other relevant Federal agencies, shall jointly submit to Congress a report on the existence of human trafficking in the supply chains of seafood products imported into the United States. The report shall include the following:

(1) A list of the countries at risk for human trafficking in their seafood catching and processing industries, and an assessment of such risk for each country listed.

(2) A description of the quantity and economic value of seafood products imported into the United States from the countries listed pursuant to paragraph (1).

(3) A description and assessment of the methods, if any, in the countries listed pursuant to paragraph (2) to trace and account for the manner in which seafood is caught.

(4) A description of domestic and international enforcement mechanisms to deter illegal practices in the catching of seafood in the countries listed pursuant to paragraph (1).

(5) Such recommendations as the Administrator and the Commissioner jointly consider appropriate for legislative or administrative action to enhance and improve actions against human trafficking in the catching and processing of seafood products abroad.

SA 4162. Mr. BOOZMAN (for Mr. CASIDY) proposed an amendment to the

bill H.R. 4227, to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes; as follows:

On page 2, line 16, insert “and the Committee on Commerce, Science, and Transportation” after “Affairs”.

On page 3, strike lines 17 through 20 and insert the following:

(2) VEHICULAR TERRORISM.—The term “vehicular terrorism” means an action that utilizes automotive transportation to commit terrorism (as defined in section 2(18) of the Homeland Security Act of 2002 (6 U.S.C. 101(18))).

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Rachel Rossi, a detailee on my Judiciary Committee staff, be granted floor privileges for the remainder of the Congress.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the re-appointment of the following individual to serve as a member of the United States—China Economic Security Review Commission: Thea M. Lee of the District of Columbia for a term expiring December 31, 2020.

The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 107-12, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Joseph Fox of New York.

The PRESIDING OFFICER. The Senator from Arkansas.

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM REAUTHORIZATION ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 424, S. 2200.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2200) to reauthorize the National Integrated Drought Information System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, 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 “National Integrated Drought Information System Reauthorization Act of 2018”.