United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162 WASHINGTON, MONDAY, JUNE 6, 2016 No. 88

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 7, 2016, at 12 p.m.

Senate

MONDAY, JUNE 6, 2016

The Senate met at 2 p.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

To You, O Lord, we lift our hearts, for we trust You to guide our lives. Show us the path where we should walk; point out the right road for us to follow. Lead our lawmakers by Your truth, as they put their hope in You. Lord, give them the humility to accept Your guidance so that with reverence they may arrive at Your desired destination. Hear their silent prayers, as they give their time and strength to keep America strong. Kindle in their hearts a flame of devotion to freedom's cause in our Nation and world.

Lord, on this 72nd anniversary of D-day, we thank You for the courage and self-sacrifice that paid the price for our freedom.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

DONALD TRUMP AND THE REPUBLICAN LEADER

Mr. REID. Mr. President, today the Senate is returning from a 10-day recess, but even though the Republicans took 10 days off, the Zika virus did not.

Last week a child was born in New Jersey with severe birth defects caused by the Zika virus. Thousands of our citizens are exposed to Zika now, today, but the problem will only get worse. Zika is a problem that is here and is not going away quickly. As the weather continues to warm and the mosquitoes become more active, it will inevitably cause local transmission. The number of infected Americans will skyrocket.

In light of the threat posed by Zika, one would expect Republicans to spend their break working on an emergency spending bill to send to the President's desk with the full amount, $1.9 billion. They did not. Instead, Republicans spent their recess boasting their Republican standard bearer, Donald Trump. The Republican Party's capitulation to Donald Trump is complete. As headlined last week in the Washington Post, ''It's official: The GOP is now the Party of Trump.''

I was especially disappointed to see that our senior Senator from Kentucky personally led this pro-Trump propaganda tour. Senator MCCONNELL spent last week as Donald Trump's head cheerleader, a trumpet. The Republican leader left Washington 10 days ago without doing his job on Zika so he could stump for Trump. In the last 10 days, it has become clear that Senator MCCONNELL will go to any length to support Donald Trump.

Consider the Republican leader's refusal to denounce Donald Trump's racist attack on U.S. District Court Judge Curiel, a man born in Indiana—in the United States. Donald Trump opined a Federal judge should be disqualified from presiding on his case because of his Mexican heritage. He went even further in saying he would feel the same way if the judge were Muslim. How did the Republican leader respond? Senator MCCONNELL repeatedly refused to say Donald Trump's attacks

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

on Judge Curiel's ethnicity are racist. This is precisely the type of failure that gave rise to Donald Trump in the first place.

Senator MCCONNELL and all congressional leaders have never taken a stand against Trump's vile rhetoric. That is because the hate emanating from Trump's mouth reflects the Republican Party's agenda in the U.S. Senate for the last 7½ years—the agenda Senator MCCONNELL himself promoted. For years Senator MCCONNELL and other Republican leaders embraced the darkest elements within their party. The Republican Party made anti-woman, anti-Latino, anti-Muslim, anti-immigrant, and anti-Obama policies the norm. Trump is the logical conclusion of what Republican leaders have been saying and doing for the past 7½ years.

By refusing to denounce Trump's attack on a Federal judge for the racism it clearly connotes, it shows Senator MCCONNELL is the poster boy for Republicans' spinelessness that allowed Donald Trump to be the Republican nominee for President of the United States. I have made this argument for months. I am not the only one making it now. Now, even some Republicans are joining me. The conservative blog ''RedState'' railed against Senator MCCONNELL's refusal to condemn Trump's racist attacks.

The conservative blog ''RedState'' said this: ''[Senator MCCONNELL] fell back to the last coward's refuge: we have to support Trump because he won the primary.''

The junior Senator from Nebraska, Mr. SASSE, a Republican, is willing to say what Senator MCCONNELL will not. What he is saying today and he tweeted was: ''Public Service Announcement: Saying someone can't do a specific job because of his or her race is the literal definition of 'racism.' ''

Newt Gingrich, former Republican Speaker of the House, called Trump's comments ''inexcusable.'' There are others. But for his part, Senator MCCONNELL is doubling down on Trump. The Republican leader is waging a nonstop campaign to persuade any Republicans who have doubts about supporting Trump to drop their complaints and fall in line. The Republican leader even went so far—listen to this—as to compare Donald Trump as comparable to President Dwight Eisenhower, to GEN Dwight Eisenhower.

Donald Trump is a failed businessman who bilked millions of Americans out of their hard-earned money. No wonder he will not release his tax returns. Trump doesn't deserve to be mentioned in the same breath as President Eisenhower, who led the Allied forces in World War II and, among other things, integrated America's schools. Comparing Eisenhower to Trump? Give us a break.

Donald Trump is the converse of all for which leaders such as Eisenhower, Lincoln, Roosevelt, and Ronald Reagan stood. They stood for equality, fairness, and decency. Trump and McConnell obviously do not. Donald Trump stands for hatred and stands for division. Senator MCCONNELL also defended Trump's temperament, reassuring everyone that as President, Donald Trump ''would be fine.'' That is what he said. That is a quote.

The Republican leader also extolled Trump's intelligence. Senator MCCONNELL even claimed the Republican Party is ''at an all-time high,'' with Trump at its helm. That is how the Republican leader spent last week. He wasn't fighting for resources to stop the spread of Zika. He was leading the cheers as he stumped for Trump.

Senator MCCONNELL was doing zero for the 100,000 poisoned residents of Flint, MI. Senator MCCONNELL was doing zero to fund our Nation's response to the opioid epidemic. It is terrible. The Republican leader was too busy being a trumpet for Trump, and now that he has firmly entrenched himself in Trump's corner, I can't help but wonder just how far Senator MCCONNELL's support extends. For example, were Donald's Trump's comments about Judge Curiel racist, as the Senator from Nebraska said? Senator MCCONNELL wouldn't answer that question yesterday. He had numerous opportunities to do it. So I will give him another opportunity today.

There are other questions the Republican leader needs to answer. Does he believe a Federal judge should be disqualified because of his Mexican heritage? Does he believe these attacks are acceptable for a man who wants to be President of our great country? Does he agree judges should face a religious test?

Senator MCCONNELL said last week: ''We know that Donald Trump will make the right kind of Supreme Court appointments.'' After Donald Trump's latest attacks on the judiciary, does he truly believe Trump is the right man to pick nominees to our Nation's highest Court?

The Republican leader defended Trump's temperament, saying he ''would be fine'' as President. I ask the Senator from Kentucky, is it fine when Donald Trump calls women pigs and dogs? Is it fine when Trump calls immigrants rapists and murderers? Is it fine that his party's Presidential candidate urges violence at rallies? These are not rhetorical questions.

The Republican leader has so fully embraced Donald Trump that we are all unclear as to where Trump's platform ends and the Senate Republicans' begins. If Republicans think a man who believes in religious and ethnic tests for Federal judges is fit to be President of the United States, they must explain why this is acceptable. The Nation has a right to know how far Senate Republicans' support of Donald Trump extends, and that starts with the Republican leader because now there doesn't appear to be any daylight between Donald Trump and Senator MCCONNELL.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 3011

Mr. CORNYN. Madam President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3011) to improve the accountability, efficiency, transparency, and overall effectiveness of the Federal Government.

Mr. CORNYN. Madam President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

TEXAS FLOODING

Mr. CORNYN. Madam President, anybody who has been watching the national news—and particularly the weather—knows we have been having some serious flooding back home in Texas. Tragically, we lost nine soldiers from Fort Hood in a very unfortunate drowning incident as part of that flooding. These soldiers were in the midst of a training mission when their vehicle got stuck in a flooded creek. I know I speak for a lot of people when I say my prayers and condolences are with the Fort Hood family and the families of these lost soldiers.

I know from experience that the Fort Hood community is a resilient one and, unfortunately, has seen more than its fair share of tragedy in recent years. But I also know the community there in Killeen, along with the entire State and Nation, will continue to offer support for our men and women in uniform, and particularly for those who have lost loved ones and those who are recovering in the days ahead.

Amidst the sad news, I have been continually thankful for the hard work

and dedication of our first responders, who have devoted their lives to saving others. It is at times like these, when they rise to the occasion, that I am particularly grateful for their service.

As you might expect, my staff and I are in close contact with local officials across the State of Texas in the more than 30 counties where Governor Abbott has declared a disaster. We will be working with the Governor as they prepare to assess the damage on the ground and determine what sort of Federal resources are necessary to help people rebuild. Should Governor Abbott request a formal Federal declaration of disaster for the affected counties, I intend to do everything I can to help get such a request granted and to make sure these Texans have what they need to recover as quickly as possible.

MEMORIAL DAY, NATIONAL DEFENSE AUTHORIZATION BILL, AND FOREIGN POLICY

Mr. CORNYN. Madam President, on a happier note, during this last week, we had the occasion to celebrate Memorial Day, a day of remembrance. I know many of us had a chance to spend time with true American heroes—the veterans, the Active-Duty military members and their families—to remember the fallen on Memorial Day.

I had a particularly delightful occasion this Memorial Day to spend time with about 115 high school graduates from across Texas as part of a sendoff ceremony as they prepare to head to our Nation's military academies. We have been doing this every year for 10 years. As I always tell people: If you are a little down, if you are in a bad mood or feeling a little depressed, all you need to do is be around these wonderful young men and women who are really mature beyond their years and who aspire not only to attend our Nation's service academies but to be the next generation of military leaders. They truly are the best and the brightest.

It was also great to provide an occasion for these young people and their families to be there and hear from inspirational leaders such as COL Bruce Crandall, a Medal of Honor winner from the Vietnam war.

So in remembering this last week the service of so many people in defense of our Nation and these young people who I just mentioned on Memorial Day and our academy sendoff, it is appropriate that we return to the Senate this week to finish the national defense authorization bill, legislation that will provide our military men and women with the resources they need in order to protect and defend our country.

This is an absolutely critical piece of legislation and one that Congress has passed each year for some 50 years-plus. If anyone doubts that, all they need to do is ask Chairman MCCAIN because he will remind us every chance he gets that this is must-pass-every-year legislation and something that has become a tradition—a good tradition—for the Senate.

This bill was passed out of the Armed Services Committee with overwhelming bipartisan support. Not a single Democrat voted against the legislation, and before Memorial Day, the Senate voted unanimously to move this legislation forward—98 yes and 0 no votes.

Despite this being a clear bipartisan priority, we have been stuck and mired down for no real reason, frankly, because of objections from the other side of the aisle. The minority leader has chosen to use every tactic and every tool available to him to slow this down. Frankly, this is not acceptable. The Defense authorization bill provides critical resources to our military. It will give our men and women in uniform a modest pay raise and support critical training and equipment modernization efforts. And it ensures that future generations of military leaders have the support they need.

I don't know what happened at Fort Hood when these nine soldiers drowned, but I hope it doesn't have anything to do with their lack of adequate training under these circumstances. What we need to do as part of our duty in the Senate is to get our work done and to pass the Defense authorization bill so there is not even a suspicion or hint of lack of adequate training or preparation by our military members that leads to tragedy.

At a time when we face instability at every turn and our military is confronting evolving and constant threats, political posturing is not appropriate. In fact, it is dangerous. Unfortunately, this is a product of misguided foreign policy choices made by this administration over the last 8 years. It has put our country and our military at greater risk. Our enemies have become emboldened and our allies' confidence has been shaken.

Instead of recognizing the growing threats our military men and women face every day, the President tries to diminish them, calling ISIS the ''JV team.'' This is a terrorist group that continues its reign of violence across Iraq and Syria and continues to grow in strength across North Africa.

Words matter. When President Obama and former Secretary of State, Secretary Clinton, refused to attribute terrorism to radical Islam, it sent a message. And when the Obama administration and its allies ignore the reality of the enemy we are facing, our men and women in uniform are at greater risk of not having the full resources they need in order to defend U.S. interests at home and abroad.

A few weeks ago, I had the chance to visit with U.S. soldiers in the Middle East and to get a good glimpse of the reality on the ground that the administration seems to be lacking. I heard firsthand about the threats they face every day from ISIS-affiliated groups. That danger is growing, not receding.

There is no doubt in my mind that this growing ISIS presence correlates with gaps in our foreign policy under the Obama administration. This is particularly clear in Libya, where the Obama administration's failure in 2011 left a gaping hole of power—another failed state in the Middle East, which, as we have seen before, becomes a power vacuum that attracts foreign fighters and other people who want to use that to leap into Europe and commit acts of terror, either there or in the United States.

After Secretary Clinton pushed to remove Muammar Qadhafi, she prematurely heralded this intervention as her signature achievement as Secretary of State. This is something President Obama now admits was a mistake. She calls it her signature achievement as Secretary of State.

Yet the vacuum created by the United States' retreating in the region has only led to more chaos, and the ISIS fighters and recruiters have quickly filled the space, as I said a moment ago. The Financial Times even called it ''a mess no one should think will be resolved by the current UN-backed peace process.'' This chaos doesn't just give terrorism a foothold; it provides a strategic launch point for terrorist attacks, directly across the Mediterranean from Europe.

In 2011, when the Obama administration, lacking any coherent, long-term strategy, decided to lead from behind in Libya, I strongly opposed that decision. While I can't say the same for others I have served with in the Senate, I have been proud to vote against premature troop withdrawals from volatile regions, as in Iraq, following the surge, which the chairman of the Armed Services Committee and so many others said was our one last chance in Iraq. To see us now fighting even as trainers and advisers in places such as Fallujah and Ramadi and other places where we have lost young lives to liberate—to see those now squandered by a premature exit from Iraq due to the administration's failure to get a security Status of Forces Agreement is just heartbreaking.

We know so many did oppose the surge, including then-candidate Obama, but the fact is, it paid off. Now we see all too clearly the consequences of precipitous withdrawal—the squandering of hard-earned progress achieved by the surge.

Of course, Secretary Clinton defended President Obama's decision to remove U.S. troops before the region could be stabilized. In fact, when asked about the potential threat of civil war in Iraq by exiting too early, Secretary Clinton simply said, ''Well, let's find out.'' Well, we found out, after all. Foreign policy isn't something we just find out about or make up as we go along. It requires thoughtful planning and purposeful, intentional action.

Of course, Syria is another case study of what can happen when the White House refuses to act decisively

and proactively against our adversaries. Unfortunately, when red lines are crossed with no consequences and when groups like ISIS aren't treated as the serious threat they are, terrorism can make its way onto U.S. soil. Just consider the attacks in San Bernardino or the multiple attacks on our allies in Europe.

Unfortunately, as groups such as ISIS are getting stronger, our friends around the world are increasingly getting concerned that the United States doesn't have their backs. The White House prioritized its courtship with Iran, the No. 1 state sponsor of global terrorism, while choosing to ignore our friends and allies in the region. Turning its back on Israel to give Iran billions of dollars in sanctions relief was a hallmark of President Obama's tenure in the Oval Office, and Secretary Clinton said that she was proud to play a part in crafting that terrible nuclear deal. This simply is not good foreign policy. Why should we choose to reward those who have harmed us or threatened us while ignoring our oldest and strongest relationships? The result is what we would pretty much expect: an Iran that is ascendant in the Middle East and growing in belligerence with a nuclear program largely intact.

Our actions do speak louder than words, and right now our friends in the Middle East and around the world are losing faith in their relationship with the United States. This is simply a product of failed foreign policy under the Obama-Clinton leadership. I think it is telling that when former President Jimmy Carter, a Democrat, was asked about President Obama's policies on the world stage, he said, ''I can't think of many nations in the world where we have a better relationship now than we did when he took over.'' This is President Carter on President Obama's foreign relations. He went on to go through a list of countries as examples of where, in his words, ''the United States' influence and prestige and respect in the world is probably lower now than it was six or seven years ago.'' On that point, I agree with President Carter. The foreign policy of this administration is nothing to be proud of.

Our job now in the Senate is to reassure our allies that the military might of the United States has not fallen by the wayside. One way we can do that is by ensuring our military has the resources and funding necessary to remain a strong emblem of American strength for the rest of the watching world. After delays and obstruction from our friends on the other side of the aisle, I hope we can finally complete our work this week on the Defense authorization bill under the able leadership of Chairman MCCAIN.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Texas for his very compelling statement.

Just one example of what the Senator from Texas has referred to is the whole issue of Qadhafi. I would remind my colleague from Texas that we got rid of Qadhafi without losing a single American and then walked away. We walked away from it, and now we see ISIS establishing a strong beachhead—a direct failure of leadership of the Obama administration and the then-Secretary of State.

There were many of us, including the Senator from Texas, who said: Look, we have to do a lot of things now that you have gotten rid of Qadhafi. This country has never known democracy; it has no institutions. For example, we could have taken care of their wounded. We could have helped them secure their borders. Instead, what did we do? We killed Qadhafi—or his own people killed him. But we set up a scenario that happened and just walked away—just as we walked away from Iraq, just as we are sort of walking away from Afghanistan while the Taliban is starting to show success throughout the country. This administration is very good at walking away. Unfortunately, the consequences are attacks on the United States of America and Europe.

So I thank the Senator from Texas for his very important statement.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MCCAIN. Madam President, it is my pleasure to rise with my friend and colleague from Rhode Island to speak about the National Defense Authorization Act for fiscal year 2017.

For 54 consecutive years, Congress has passed this vital piece of legislation, which provides our military servicemembers with the resources, equipment, and training they need to defend the Nation. The NDAA is one of the few bills in Congress that continues to enjoy bipartisan support year after year. That is a testament to this legislation's critical importance to our national security and the high regard with which it is held by the Congress.

Last month, the Senate Armed Services Committee voted 23 to 3—23 to 3—to approve the NDAA, an overwhelming vote that reflects the committee's proud tradition of bipartisan support for the brave men and women of our Armed Forces.

I thank the committee's ranking member, the Senator from Rhode Island, for his months of hard work on the NDAA. It has been a great pleasure to work with him on this legislation, and I remain appreciative of the thoughtfulness and bipartisan spirit with which he approaches our national security. He is a great partner and a great leader.

I also thank the majority leader, the Senator from Kentucky, for his commitment to bring the NDAA to the Senate floor on time and without delay. It is a testimony to his leadership that the Senate will once again consider this bill in regular order with an open amendment process.

I am tremendously proud of the Senate Armed Services Committee's work on this legislation. This year's NDAA is the most significant piece of defense reform legislation in 30 years. It includes major reforms to the Department of Defense that can help our military rise to the challenge of a more dangerous world.

The NDAA contains updates to the Pentagon's organization to prioritize innovation and improve the development and execution of defense strategy. The legislation continues sweeping reforms of the defense acquisition system to harness American innovation and preserve our military's technological edge.

The NDAA modernizes the military health system to provide military servicemembers, retirees, and their families with higher quality care, better access to care, and a better experience of care.

The NDAA authorizes a pay raise for our troops. It invests in the modern equipment and advanced training they need to meet current and future threats. It helps to restore military readiness with $2 billion for additional training, depot maintenance, and weapons sustainment. And it gives our allies and partners the support they need to deter aggression and fight terrorism.

This is a far-reaching piece of legislation, but there is one challenge it could not address: the dangerous mismatch between growing worldwide threats and arbitrary limits on defense spending that are in current law. This mismatch has very real consequences for the thousands of Americans who serve in uniform and sacrifice on our behalf all around the Nation and the world. Our troops are doing everything we ask of them, but we must ask ourselves: Are we doing everything we can for them? The answer, I say with profound sadness, is we are not.

Since 2011 the Budget Control Act has imposed arbitrary caps on defense spending. Over the last 5 years, as our military has struggled under the threat of sequestration, the world has only grown more complex and far more dangerous. Since 2011 we have seen Russian forces invade Ukraine, the emergence of the so-called Islamic State and its global campaign of terrorism, increased attempts by Iran to destabilize U.S. allies and partners in the Middle East, growing assertive behavior by China and the militarization of the South China Sea, numerous cyber attacks on U.S. industry and government agencies, and further testing by North Korea of nuclear technology and other advanced military capabilities. Indeed, the Director of National Intelligence, James Clapper, testified in February that over the course of his distinguished five-decade career, he could not recall ''a more diverse array of challenges and crises'' than our Nation confronts today.

Our military is being forced to confront these growing threats with shrinking resources. This year's defense budget is more than $150 billion

less than fiscal year 2011. Despite periodic relief from the budget caps that imposed these cuts, including the Bipartisan Budget Act of last year, each of our military services remains underfunded, undersized, and unready to meet current and future threats. In short, as threats grow and the operational demands on our military increase, defense spending in constant dollars is decreasing. How does that make any sense?

The President's defense budget request strictly adheres to the bipartisan budget agreement, which is $17 billion less than what the Department of Defense planned for last year. As a result, the military services' underfunded requirements total nearly $23 billion for the coming fiscal year alone. Meanwhile, sequestration threatens to return in 2018, taking away another $100 billion from our military through 2021. This is unacceptable.

While the NDAA conforms to last year's budget agreement at present, I have filed an amendment to increase defense spending above the current spending caps. This amendment will reverse shortsighted cuts to modernization, restore military readiness, and give our servicemembers the support they need and deserve. I do not know whether this amendment will succeed, but the Senate must have this debate and Senators are going to have to choose a side.

At the same time, as I have long believed, providing for the common defense is not just about a bigger defense budget—as necessary as that is. We must also reform our Nation's defense enterprise to meet new threats, both today and tomorrow, and to give Americans greater confidence, which they don't have a lot of now, that the Department of Defense is spending their tax dollars efficiently and effectively. That is exactly what this legislation does.

The last major reorganization of the Department of Defense was the Goldwater-Nichols Act, which marks its 30th anniversary this year. Last fall the Senate Armed Services Committee held a series of 13 hearings on defense reform. We heard from 52 of our Nation's foremost defense experts and leaders. The Goldwater-Nichols Act of 30 years ago responded to the challenges of its time. Our goal was to determine what changes needed to be made to prepare the Department of Defense to meet the new set of strategic challenges. As Jim Locher, the lead staffer on Goldwater-Nichols, testified last year: ''No organizational blueprint lasts forever. . . . [T]he world in which DOD must operate has changed dramatically over the last 30 years.''

Instead of one great power rival, the United States now faces a series of transregional, cross-functional, multidomain, and long-term strategic competitions that pose a significant challenge to the organization of the Pentagon and the military, which is often rigidly aligned around functional issues and regional geography. Put simply, the Goldwater-Nichols Act of 30 years ago was about operational effectiveness—improving the ability of the military services to plan and operate together as one joint force. The problem today is strategic integration—how the Department of Defense integrates its activities and resources across different regions, functions, and domains, while balancing and sustaining those efforts over time.

The NDAA would require the next Secretary of Defense to create a series of ''cross-functional mission teams'' to better integrate the Department's efforts and achieve discrete objectives. For example, one could imagine a Russia mission team with representatives from policy, intelligence, acquisition, budget, the services, and more. There is no mechanism to perform this kind of integration at present. The Secretary and the Deputy have to do it ad hoc, which is an unrealistic burden. The idea of cross-functional teams has been shown to be tremendously effective in the private sector and by innovative military leaders, such as GEN Stan McChrystal. If applied effectively in the Office of the Secretary of Defense, I believe this concept could be every bit as impactful as the Goldwater-Nichols reforms.

The NDAA would also require the next Secretary to reorganize one combatant command around joint task forces focused on discrete operational missions rather than military services. Here, too, the goal is to improve integration across different military functions and do so with far fewer staff than these commands now have. Similarly, the legislation seeks to clarify the role of the Chairman of the Joint Chiefs, focusing this leader on more strategic issues, while providing the Chairman greater authority to assist the Secretary with the global integration of military operations.

The NDAA also seeks to curb the growth in civilian staff and military officers that has occurred in recent years. Over the past 30 years, the end strength—the total number of members of the services—of the joint force has decreased by 38 percent. The number of men and women serving in the military has decreased by 38 percent, but the ratio of four-star officers—admirals and generals—to the overall force has increased by 65 percent. We have seen similar increases among civilians at the senior executive service level. The NDAA, therefore, requires a carefully tailored 25-percent reduction in the number of general and flag officers, a corresponding 25-percent decrease to the ranks of senior civilians, and a 25-percent cut to the amount of money that can be spent on contractors who are doing staff work.

The NDAA also caps the size of the National Security Council policy staff at 150. The National Security Council staff will be capped at 150. The staff has steadily grown over administrations of both parties in recent decades. Under George Herbert Walker Bush, there were 40; more than 100 in the Clinton administration; more than 200 during the George W. Bush administration; and now there are reports of nearly 400 under the current administration, plus as many as 200 contractors. This tremendous growth has enabled a troubling expansion of the NSC staff's activities from their original strategic focus to micromanagement of operational issues in ways that are inconsistent with the intent of Congress when it created the NSC in 1947. It has gotten so bad that all three leaders who served as Secretary of Defense under the current administration recently blasted the NSC's micromanagement of operational issues during their tenures. Former Secretary of Defense Leon Panetta has come out publicly in favor of shrinking the staff, saying he thinks we can do the job better with fewer people.

In short, the NSC staff is becoming increasingly involved in operational issues that should be the purview of Senate-confirmed individuals in the chain of command, and doing so beyond the reach of congressional oversight. If this organization were to return to the intent of the legislation that established it, it could reasonably claim that its strategic functions on behalf of the President are protected by Executive privilege. If, on the other hand, the NSC staff is to play the kind of operational role it has in recent years—and I could give my colleagues example after example—if it is going to play the kind of operational role it has in recent years, then such a body cannot escape congressional oversight.

The purpose of the provision in the NDAA to cap the size of the NSC staff is to state a preference for the Congress's original intent in creating the NSC.

As I have said, integration is a major theme in the NDAA. Another one is innovation. For years after the Cold War, the United States enjoyed a near monopoly on advanced military technologies. That is changing rapidly. Our adversaries are catching up, and the United States is at real and increasing risk of losing the military technological dominance we have taken for granted for 30 years. At the same time, our leaders are struggling to innovate against an acquisition system that too often impedes their efforts. I have applauded Secretary Carter's attempts to innovate and reach out to nontraditional high-tech firms, but it is telling that this has required the Secretary's personal intervention to create new offices, organizations, outposts, and initiatives—all to move faster and get around the current acquisition system.

Innovation cannot be an auxiliary office at the Department of Defense; it must be the central mission of its acquisition system. Unfortunately, that is not the case with the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, also known as AT&L. It has grown too big,

tries to do too much, and is too focused on compliance at the expense of innovation. That is why the NDAA seeks to divide AT&L's duties between two offices—a new Under Secretary of Defense for Research and Engineering and an empowered and renamed Under Secretary of Management and Support, which was congressionally mandated 2 years ago.

The job of research and engineering would be developing defense technologies that can ensure a new era of U.S. qualitative military dominance. This office would set defense-wide acquisition and industrial-based policy. It would pull together the centers of innovation in the defense acquisition system. It would oversee the development and manufacturing of weapons by the services. In short, research and engineering would be a staff job focused on innovation, policy, and oversight of the military services and certain defense agencies, such as DARPA.

By contrast, management and support would be a line management position. It would manage the multibillion-dollar businesses—such as the Defense Logistics Agency and the Defense Commissary Agency—that buy goods and services for the Department of Defense. It would also manage other defense agencies that perform other critical business functions for the Department, such as performing audits, paying our troops, and managing contracts. This would not only enable research and engineering to focus on technology development, it would also provide for a better management of billions of dollars of spending on mission support activities.

These organizational changes complement the additional acquisition reforms in the NDAA that build on our efforts of last year. This legislation creates new pathways for the Department of Defense to do business with nontraditional defense firms. It streamlines regulations to procure commercial goods and services. It provides new authorities for the rapid prototyping, acquisition, and fielding of new capabilities. It imposes new limits on the use of so-called ''cost-plus'' contracts. The overuse of these kinds of contracts and the complicated and expensive government bureaucracy that goes with them serves as a barrier to entry for commercial, nontraditional, and small businesses that are driving the innovation our military needs.

Another major reform in this year's NDAA is the most sweeping overhaul of the military health system in a generation. This strong bipartisan effort is the result of several years of careful study. The NDAA creates greater health value for military families and retirees and their families by improving the quality of health care they receive, providing timely access to care, and enhancing patient satisfaction—all done at lower costs to the patients by encouraging them to seek high-value health services from high-value health care providers.

The NDAA incorporates many of the best practices and recent innovations of high-performing private sector health care providers. For example, the NDAA creates specialized care centers of excellence at major medical centers based on the specialized care delivery model in high-performing health systems like the Cleveland Clinic. The legislation also expands the use of telehealth services and incentivizes participation in disease management programs. Finally, the NDAA expands and improves access to care by requiring a standardized appointment system in military treatment facilities and creating more options for patients to get health care in the private sector.

Taken together, these reforms, along with many others in the bill, will improve access to and quality of care for servicemembers and their families and retirees and their families, and they will improve the military and combat medical readiness of our force and reduce rising health care costs for the Department of Defense. This entails some difficult decisions. The NDAA makes significant changes to the services' medical command structures and right-sizes the costly military health system infrastructure, and, yes, the NDAA asks some beneficiaries to pay a little more for a better health system.

Let me make three brief points.

First, Active-Duty servicemembers will not pay for any health care services or prescription drugs they receive, and the NDAA does not increase the cost of health care by a single cent for families of active-duty servicemembers enrolled in TRICARE Prime. There will continue to be no enrollment fees for their health care coverage. All beneficiaries, including retirees and their families, will continue to receive health care services and prescription drugs free of charge in military hospitals and clinics.

Second, the NDAA does ask working-aged retirees, many of whom are pursuing a second career, to pay a little more. Increases in annual enrollment fees for TRICARE Choice are phased in over time, and there are modest increases in pharmacy copays at retail pharmacies and for brand-name drugs through the mail-order pharmacy. It is important to remember that 68 percent of retirees live within the service area of a military hospital or clinic where they will continue to enjoy no co-pays for prescription drugs, and all military retirees have access to the mail-order pharmacy, where they can access a 90-day supply of generic prescriptions free of charge through fiscal year 2019.

Third, while some military retirees will pay a little more, the guiding principle of this reform effort is that we would not ask beneficiaries to pay more unless they receive greater value in return—better access, better care, and better health outcomes. The NDAA delivers on that promise. Modernizing the military health system is part of the NDAA's focus on sustaining the quality of life of our military servicemembers, retirees, and their families.

The NDAA authorizes a 1.6-percent pay raise for our troops and reauthorizes over 30 types of bonuses and special pays. The legislation restructures and enhances leave for military parents to care for a new child, and it provides stability for the families of our fallen by permanently extending the special survivor indemnity allowance. No widow should have to worry year to year that she or he may not receive the offset of the so-called widows' tax. If this NDAA becomes law, he or she will never have to worry about that.

The NDAA also implements the recommendations of the Department of Defense Military Justice Review Group by incorporating the Military Justice Act of 2016. The legislation modernizes the military court-martial trial and appellate practice, incorporates best practices from Federal criminal practice and procedures, and increases transparency and independent review in the military justice system. Taken together, the provisions contained in the NDAA constitute the most significant reforms to the Uniform Code of Military Justice in a generation.

Among the many military personnel policy provisions in the NDAA, there is one that has already attracted some controversy. That, of course, is the provision in the NDAA that requires women to register for Selective Service to the same extent as men beginning in 2018. Earlier this year, the Department of Defense lifted the ban on women serving in ground combat units. After months of rigorous oversight, a large bipartisan majority in the Armed Services Committee agreed that there is simply no further justification to limit Selective Service registration to men. That is not just my view but the view of every single one of our military service chiefs, including the Army Chief of Staff and the Commandant of the Marine Corps.

There will likely be further debate on this issue. As it unfolds, we must never forget that women have served honorably in our military for years. They filled critical roles in every branch of our military. Some have served as pilots, like MARTHA MCSALLY, who flew combat missions in Afghanistan. Some served as logisticians, like the Presiding Officer, Senator JONI ERNST, who ran convoys into Iraq. Others have served as medics, intelligence officers, nuclear engineers, boot camp instructors, and more. Many of these women have served in harm's way, and many women have made the ultimate sacrifice, including 160 killed in Afghanistan and Iraq.

As we uphold our commitment to the well-being of our servicemembers and their families, we must also uphold our commitment to American taxpayers. As part of the committee's comprehensive effort to root out and eliminate wasteful spending and improve the Department of Defense acquisition system, the NDAA imposes strict oversight measures on programs such as the F–35 Joint Strike Fighter, the B–21

Long Range Strike Bomber, the Ford-class aircraft carrier, and the littoral combat ship. These provisions will ensure accountability for results, promote transparency, protect taxpayers, and drive the Department to deliver our warfighters the capabilities they need on time, as promised, and at reasonable costs.

The NDAA also upholds America's commitment to its allies and partners. It authorizes $3.4 billion to support our Afghan partners as they fight to preserve the gains of the last 15 years and defeat the terrorists who seek to destabilize the region and attack American interests. The legislation provides $1.3 billion for counter-ISIL operations. The NDAA fully supports the European Reassurance Initiative to increase the capability and readiness of U.S. and NATO forces to deter and, if necessary, respond to Russian aggression. It also authorizes up to $500 million in security assistance to Ukraine, including lethal assistance. We should give the Ukrainian people the ability to defend themselves. Finally, the legislation includes $239 million for U.S.-Israel cooperative missile defense programs.

As we continue to support allies and partners against common threats, the NDAA makes major reforms to the Pentagon's complex and unwieldy security cooperation enterprise, which has complicated the Department of Defense's ability to effectively prioritize, plan, execute, and oversee these activities.

This legislation also makes sure we are not providing support to adversaries like Russia. The United States' assured access to space continues to rely on Russian rocket engines. Purchasing these engines provides a financial benefit to Vladimir Putin's cronies, including individuals who have been sanctioned by the United States, and it subsidizes the Russian military industrial base. This is unacceptable at a time when Russia continues to occupy Crimea, destabilize Ukraine, menace our NATO allies, violate the 1987 Intermediate-Range Nuclear Forces Treaty, and bomb moderate rebels in Syria. That is why the NDAA repeals a provision from last year's Omnibus appropriations bill that furthered dependence on Russia.

Once the nine Russian rocket engines allowed by the past two NDAAs are expended, the Defense Department would be required to achieve assured access to space without the use of rocket engines designed or manufactured in Russia. In testimony before the committee, the Secretary of Defense, the Director of National Intelligence, and the Secretary of the Air Force each confirmed that the United States can meet its assured access to space requirements without the use of Russian rocket engines.

We do not have to rely on Russia for access to space. Given the urgency of eliminating reliance on Russian engines, the NDAA will allow for up to half of the funds for the development of a replacement launch vehicle or propulsion system to be made available for offsetting any potential increase in launch costs as a result of prohibitions on Russian rocket engines. With $1.2 billion budgeted over the next 5 years, we can cover the costs of ending our reliance on Russia while developing the next generation of American space launch capabilities.

Finally, the legislation takes several steps to bolster border security and homeland defense. It authorizes $688 million for Department of Defense counterdrug programs. It enhances information sharing and operational coordination between the Department of Defense and the Department of Homeland Security. It provides additional support for the U.S. Southern Command, and it continues support for the U.S.-Israel anti-tunneling cooperation program, which helps to improve our efforts to restrict the flow of drugs across the U.S. southern border.

I say to my colleagues: This is an ambitious piece of legislation, and it is one that reflects the growing threats to our Nation. Everything about the NDAA is threat driven—everything, that is, but its top line of $602 billion. That is an arbitrary figure set by last year's budget agreement, having nothing to do with events in the world, and which itself was a product of 5 years of letting politics, not strategy, determine the level of funding for our national defense. Former Chairman of the Joint Chiefs GEN Martin Dempsey described last year's defense budget as ''the lower ragged edge of manageable risks.'' Yet here we are 1 year later with defense spending arbitrarily capped at $17 billion below what our military needed and planned for last year. I don't know what lies beneath the lower ragged edge of manageable, but this is what I fear it means—that our military is becoming less and less able to deter conflict and that if, God forbid, deterrence does fail somewhere and we end up in conflict, our Nation will deploy young Americans into battle without sufficient training or equipment to fight a war that will take longer, be larger, cost more, and ultimately claim more American lives than it otherwise would have.

That is the growing risk we face, and for the sake of the men and women serving in our military, we cannot change course soon enough. The Senate will have the opportunity to do just that when we consider my amendment to reverse the budget-driven cuts to the capabilities of our Armed Forces that are needed to defend the Nation. I hope we will seize this opportunity.

We ask a lot of our men and women in uniform, and they never let us down. We must not let them down. As we move forward with consideration of the NDAA, I stand ready to work with my colleagues on both sides of the aisle to pass this important legislation and give our military the resources they need and deserve.

Again, I note the presence of my esteemed colleague and friend, the ranking member of the Armed Services Committee, without whom this legislation would not have been possible. It happens to be a source of great pride to me—and I hope to Americans who believe that we are bitterly divided—that as an example of defending this Nation and providing for men and women whom we send into harm's way, the Senator from Rhode Island and I have developed a partnership that I believe has been incredibly productive. Without the kind of partnership that I have enjoyed with my friend from Rhode Island, it would not have been possible to produce this legislation, which is obviously the most important obligation we have, and that is to defend the Nation.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 2943 is agreed to.

The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (S. 2943) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4206

Mr. MCCAIN. Madam President, I call up amendment No. 4206.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mrs. FISCHER, proposes an amendment numbered 4206.

The amendment is as follows:

(Purpose: To modify the requirement that the Secretary of Defense implement measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces)

On page 423, strike lines 16 and 17 and insert the following:

(a) IN GENERAL.—Except as provided in subsection (c), not later than 90 days after submitting the report required by subsection (d), or one year after the date of the enactment of this Act, whichever occurs first, the Secretary of Defense

On page 425, strike lines 10 through 18 and insert the following:

(5) The Secretary shall ensure that any covered beneficiary who may be affected by modifications, reductions, or eliminations implemented under this section will be able to receive through the purchased care component of the TRICARE program any medical services that will not be available to such covered beneficiary at a military treatment facility as a result of such modifications, reductions, or eliminations.

(c) EXCEPTION.—The Secretary is not required to implement measures under subsection (a) with respect to overseas military health care facilities in a country if the Secretary determines that medical services in addition to the medical services described in subsection (b)(2) are necessary to ensure that covered beneficiaries located in that country have access to a similar level of care available to covered beneficiaries located in the United States.

(d) REPORT ON MODIFICATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the modifications to medical services, military treatment facilities, and personnel in the military health system to be implemented pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) A description of the medical services and associated personnel capacities necessary for the military medical force readiness of the Department of Defense.

(B) A comprehensive plan to modify the personnel and infrastructure of the military health system to exclusively provide medical services necessary for the military medical force readiness of the Department of Defense, including the following:

(i) A description of the planned changes or reductions in medical services provided by the military health system.

(ii) A description of the planned changes or reductions in staffing of military personnel, civilian personnel, and contractor personnel within the military health system.

(iii) A description of the personnel management authorities through which changes or reductions described in clauses (i) and (ii) will be made.

(iv) A description of the planned changes to the infrastructure of the military health system.

(v) An estimated timeline for completion of the changes or reductions described in clauses (i), (ii), and (iv) and other key milestones for implementation of such changes or reductions.

(e) COMPTROLLER GENERAL REPORT.—

On page 428, between lines 15 and 16, insert the following:

(3) The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to discuss the fiscal year 2017 national defense authorization bill, which was passed out of the Armed Services Committee on May 19 by a vote of 23 to 3.

I want to begin by thanking Chairman MCCAIN, not only for his kind and thoughtful words but for ably leading the committee through many thought-provoking hearings and a successful markup with bipartisan support of the bill. I believe the committee has worked diligently in the past month, not only to evaluate the President's budget request for fiscal year 2017 but also to take a hard look at the Department of Defense and to consider what reforms are necessary. Most, if not all, of that effort is a direct result of the leadership of Chairman MCCAIN and his commitment to ensuring that we were thoroughly immersed in the details, that we had access to expert testimony, and that we heard both sides of the argument and led to the markup, which was productive and has resulted in the legislation that is before us today.

I think we both agree that we can make improvements, and we both will strive to do that over the course of the next several weeks and in our deliberation with the House, but we are beginning with very thoughtful and very constructive legislation that we brought to the floor. I thank the chairman for that.

There are many provisions in this bill that will help the Department today and in the future. It is a lengthy bill that contains sweeping reforms, as the chairman described in some detail, and I support many aspects of this bill. In fact, I was privileged to work with the chairman and our staffs in developing some of these aspects. Because of the scope and because of the range of these improvements and reforms, I believe—and I think this is shared by others—that we need a continued dialogue with the Department of Defense and other experts to ensure that we not only take the first steps but that the subsequent consequences, both intended and unintended, are well known and contribute to our overall national security. We truly must ensure that our decisions which are ultimately incorporated in this legislation improve the Department's operations and do not create unnecessary and detrimental consequences.

Let me highlight some of the aspects of the bill that will help our military in ongoing overseas operations.

We are engaged in a difficult struggle with ISIL and radical extremists, and critical to our efforts to fight against ISIL are our local partners. That is why this bill includes $1.3 billion to support the Iraq and Syria train-and-equip programs and $180 million to support the efforts of Jordan and Lebanon to secure their borders.

The bill also includes $3.4 billion for the Afghanistan Security Forces Fund to preserve the gains of the last 15 years. These are critical investments that enhance our interests and keep pressure on our enemy.

The bill provides the funds necessary to enable our operations across Iraq, Syria, Yemen, Somalia, and other locations where ISIL, Al Qaeda, and its remnants are located. This funding will continue to enable the Department to hunt the leaders of these organizations and illuminate their network of supporters. Ensuring that there is continuous pressure on violent extremists is critical, and it is with that focus that the chairman and I worked to include these important elements in the legislation.

The bill funds U.S. Special Operations Command, or SOCOM, at the requested level of $10.76 billion, including an increase of $26.7 million to help address technology gaps identified by SOCOM on its fleet of MQ–9 Reaper unmanned aerial vehicles, which are important to our ability to effectively carry out counterterrorism strikes while avoiding collateral damage. The bill also extends critical authorities used by special operations forces and enhances the role of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict in providing oversight and advocacy for SOCOM within the Department.

The fight against terrorism is not our fight alone, and it requires the support of old and new partners across the globe. This bill will enable the Department of Defense to support and enable our foreign partners and also, critically, will continue to provide support to our intelligence community to protect the homeland.

Of major significance, this year's bill would undertake the most comprehensive reform of the Defense Department's security cooperation enterprise in decades. Since 9/11, Congress, partly at the request of the Department and partly through our own doing, has created dozens of new authorities to enable our Armed Forces to engage with the national security forces of friendly foreign countries. This patchwork has been difficult to navigate and oversee. To address this problem, this bill would consolidate and streamline security cooperation authorities. This will greatly enhance the Defense Department's ability to address the wide-ranging and evolving nature of global threats.

Additionally, the NDAA consolidates roughly $2 billion in security cooperation funding into a new fund, the Security Cooperation Enhancement Fund. This new fund will enhance public transparency, increase flexibility, and improve congressional oversight.

While the Department of Defense is responsible for only two of the administration's nine lines of effort against ISIL—and this bill funds those two lines of effort—DOD also plays an essential enabling role for many other parts of our government, particularly in the areas of intelligence collection and analysis. This bill ensures the Department is able to continue this critical support so we can maintain an integrated effort against our enemy. The Department of Defense is not the only Federal agency that is responsible for our Nation's security. All agencies have a role and should receive the resources they need.

The bill before us also includes $3.4 billion for the European Reassurance Initiative, which will deliver critical investments to increase U.S. military presence in Europe, improve existing infrastructure, and enhance allied and partner military capabilities to respond to external aggression and bolster regional stability. It also authorizes up to $500 million for the Ukraine Security Assistance Initiative to continue the ongoing efforts to support the Ukrainian security forces in the defense of their country.

One major concern the committee heard repeatedly, and the chairman

made reference to on numerous occasions, is about the state of readiness with our troops and their equipment. I am very pleased that this bill contains almost $2 billion in additional readiness funding to satisfy some of the Service Chiefs' unfunded requirements, with the goal of restoring military readiness as soon as possible. Additionally, all of these increases are paid for with corresponding and targeted funding reductions.

One other aspect of our national security is our nuclear deterrent. In many cases, it forms the bedrock of our defense posture. This is an essential mission which must not be neglected and our committee continues to support it on a bipartisan basis.

The bill continues to fund the President's request to modernize our triad of nuclear-capable air, sea, and ground delivery platforms. This is the first year of full engineering, manufacturing, and development funding for the B–21, which will replace the B–52s that were built in the 1960s. While the B–21 will be costly, I believe this bill places rigorous oversight on the program to ensure that we understand the technology risk as it moves forward.

Turning to the area of undersea deterrence, if we are to maintain a sea-based deterrent, the current fleet of 14 Ohio-class submarines must be replaced starting in 2027 due to the potential for hull fatigue. By then, the first Ohio submarine will be 46 years old—the oldest submarine to have sailed in our Navy in its history.

The third aspect of our triad, our land-based ICBMs, will not need to be replaced until the 2030s. We have authorized the initial development of a replacement for this responsive leg of the triad, which acts as a counterbalance to Russian ICBMs.

Let me focus for a moment on the submarine program, which is frankly an important part of our national security and an important industry for my home State where this construction begins. This bill supports the Virginia-class attack submarine production at a level of two per year. The Navy's requirement for attack submarines is a force of 48 boats. Since attack submarine force levels will fall below 48, even with the purchase of two Virginia-class submarines per year, we cannot allow the production rates to drop at all.

The bill also supports the Virginia Payload Module upgrade to the Virginia-class submarines, with production starting in fiscal year 2019. The Virginia Payload Module program is important to begin replacing Tomahawk missile magazine capacity that will decline sharply as we retire the Navy's four guided missile submarines in the next decade.

Our support of the Virginia-class attack submarine program has led to stability that helped drive down costs and improve productivity. This bill continues that support and also supports the plans for achieving similar effectiveness on the Ohio replacement program. Establishing and achieving cost reduction goals in these Virginia-class and Ohio replacement programs will yield significant stability to our Nation's submarine base, which will ensure the Navy has a modern, capable submarine fleet for many years to come.

The chairman also indicated in his remarks that the bill accomplishes much on behalf of our servicemembers and the Department of Defense. It authorizes a 1.6 percent pay raise for all servicemembers and reauthorizes a number of expiring bonus and special pay authorities to encourage enlistment, re-enlistment, and continued service by active duty and reserve component military personnel. The bill permanently extends the Special Survivor Indemnity Allowance scheduled to expire next year, clarifies the applicability of certain employment rights for military technicians, establishes an independent National Commission on Military, National, and Public Service to review the Selective Service process, and makes numerous enhancements to military whistleblower protections.

Notably, this bill also contains a robust package of health care reforms. The current military health care system, designed decades ago, has served us well. Since 2001, battlefield survival rates have been higher than at any time in our Nation's history. Clearly, battlefield medicine is a pocket of excellence in the military health system that must be maintained. However, it is also clear that the military health care system has increasingly emphasized delivering peacetime healthcare, and beneficiaries have voiced their concerns about access to care.

While I know that many in the military community are wary of changes to the healthcare system, I believe the reforms included in this bill are designed to improve and maintain operational medical force readiness while at the same time affording better value to TRICARE beneficiaries by providing higher quality medical care, with better access to that care, and a better experience of care.

I am also pleased to note that the mark includes the 105 recommendations of the Military Justice Review Group. The review group was made up of judges and lawyers, all military justice experts, who spent 18 months reviewing and providing recommended changes to update the entire Uniform Code of Military Justice. These provisions provide a much-needed updating of the military justice system, and I want to commend the members of the review group for their work and also the counsels on the committee, Gary Leeling and Steve Barney, for all their efforts in this area.

Again, a major effort, as has been highlighted by the chairman, is to continue the Senate tradition for improving the way DOD buys everything, from major systems like the F–35 and submarines to office support services, to spare parts, and even to the buying of new technologies and next-generation research products.

I am pleased we have taken positive steps to strengthen our contracting and program management workforces and support Secretary Carter's efforts to reach out to innovative Silicon Valley companies and other high-tech small businesses. I am glad we are building on the considerable and successful efforts Under Secretary Frank Kendall has taken to control costs and improve delivery times of our major weapons systems through his active management and leadership, which have resulted in a very successful series of better buying power procurement reforms.

Consistent with those efforts, we have taken steps to improve our ability to estimate costs of new weapons systems, especially the cost to maintain them in the field or at sea, sometimes for decades, and to de-layer the bureaucracy and untangle the redtape that the Pentagon acquisition process has sometimes been very much weighted down by.

We can use better data and better analysis to make better decisions on what we acquire and how we maintain it. I want to note that I believe there are a few provisions where continued dialogue with the Pentagon can improve our bill and make sure we achieve our shared goal: delivering the best and most modern systems to our forces, while protecting taxpayer money in the most responsible manner possible.

I hope we can work together to reexamine and refine a few provisions of the bill to that end. For example, I am concerned that we overly limit the flexibility of DOD to use all available contract types to best balance the needs of government and industry. I am pleased the bill before us is very supportive of the scientists, engineers, and other technical innovators in organizations like DARPA, in the Department of Defense, and in DOD laboratories across the Nation.

We fully fund the President's request for science and technology research programs, including the university research programs that are the foundation of almost all military and commercial technology. We also fully fund the important work of DARPA and the Strategic Capabilities Office, both of which are working to develop the next-generation systems that will dominate the battlefields of the future, on the ground, on the sea, under the sea, in space, and in cyber space.

We also take important steps to ensure that DOD can better compete with the private sector for a limited and shrinking pool of world-class technical talent. I am pleased to see we have given the DOD labs and DARPA important tools to hire the best scientists and engineers through faster hiring processes and some special pay authorities.

We have also taken steps to cut the redtape that often ties up these organizations and keeps them from achieving their full innovative potential, as well as to allow the labs to more easily build and maintain modern research equipment and laboratory facilities. One of the major challenges facing DOD is the difficulty in moving such a large and diverse organization to adopt new and more efficient business practices.

I am pleased the bill provides a number of authorities and pilot programs that will allow the Department to explore new business practices, informed by best commercial practices, which hopefully will drive down costs and reduce the bureaucratic burdens on the military. For example, we push for the Department to make more use of the burgeoning field of big data and data analytics so it can collect and use information and data in a much more sophisticated way, to improve DOD management, human resources, and acquisition practices.

Big data techniques are changing the way the commercial sector markets products, manufactures, and manages supply chains and logistics. It is even changing the way people manage sports teams. We would like to see similar techniques and technological advances used in ways that will improve the efficiency of the Pentagon and its processes.

We take a major step in this bill to redesignate the position of the Under Secretary for Acquisition Technology and Logistics as the Under Secretary for Research and Engineering. I understand and support the chairman's intent to make sure that innovation, research, and technology are at the forefront of Pentagon thinking. We all know we are now in a world where the Pentagon can no longer corner the market on the best people or the best new technologies.

Our foreign competitors are closing the gap on our battlefield technological superiority, and global commercial companies are far outspending the government on the development of new systems and technology in areas like cyber security, biotechnology, aerospace, and others that are critical to the future of our national security.

I hope the reorganization and realignment steps we take in this bill support DOD's effort to stay at the leading edge of technological advances. I worry that we may not understand all of the implications of the major changes we are proposing, and I hope we can continue to have a robust and open dialogue, including with the Pentagon's leadership, so we can take these steps in a thoughtful, considered way.

Once again, we have taken very bold and very thoughtful steps, but I think we can enhance these steps with a bigger, productive dialogue. This bill takes several other steps to reform both the organizational structures of the civilian and military leadership and also the Pentagon's overall approach to its operations. One of the most significant provisions of the bill is the creation of cross-functional teams. The Office of the Secretary of Defense is organized exclusively along functional lines, such as acquisition, personnel, logistics, finance, and intelligence, but the real work of the Department is mission performance, which requires integrating across all of these functional stovepipes to achieve specific objectives. This integration task has always been a serious challenge, conducted through layers of management spanning more and more functional boundaries, ending with the Secretary and Deputy Secretary of Defense.

The Armed Services Committee, in the years before drafting the Goldwater-Nichols act, grappled with the broad problem of mission integration across DOD. The committee found solutions for achieving ''jointness'' in the combat operations of the Department, but the committee was unable, at that time, to find practical mechanisms to achieve mission integration in the Office of the Secretary of Defense.

The problem of integrating across silos of function expertise is not unique to DOD or the government as a whole. Industry has long struggled with the same problem. Not surprisingly, industry has pioneered effective ways to integrate across their enterprises, dramatically improving outcomes in shorter timeframes, and ultimately streamlining and flattening organizational structures. This bill is the first major step in applying these concepts systematically in government. It will not be easy. There will be resistance to such changes, but I believe we are taking steps in the right direction, and I encourage the leadership of the Department of Defense to work with Congress to make this reform successful.

Another important provision is a reform of the Joint Requirements Oversight Council, JROC, which shepherds the joint acquisition process. This bill elevates the Vice Chairman of the Joint Chiefs from merely ''first among equals'' on the Council to the principal adviser to the Chairman on military requirements. The committee hopes this change will solve one of the most important and consistent criticisms of the JROC; namely, that it is a quid-pro-quo process dominated by parochial service interests.

There are other reform provisions—changes to the role of Chairman of the Joint Staffs and Combatant Commands, a reduction in the number of general and flag officers, and a change to the type of strategy doctrines produced by the Department. Again, these reforms are a good start, but these are major changes that may have unforeseen consequences. I think they would benefit, again, from further discussion with the Defense Department's military and civilian leadership and outside experts. I encourage and look forward to that dialogue.

Let me highlight one provision of the bill that I am somewhat concerned with. It limits the Defense Department's ability to implement an important Executive order that protects the health, safety, and labor rights of veterans, disabled persons, and other persons of the defense industry workforce. The Executive order is an important tool to ensure that DOD is working with responsible contractors that are more likely to deliver goods and services critical to national security on time and on budget when they are following these procedures.

This order is being implemented in a way that protects the rights of all employees, while also protecting due process rights for the companies concerned, and ensuring that there is no discrimination against them based on incomplete evidence of wrongdoing or unsubstantiated allegations. I hope we can work to continue a policy, as enunciated by the Executive order, that I think we can all support, ensuring DOD is working with responsible contractors to protect our workforce and support national security missions.

Finally, I would like to say a few words about the funding levels for defense. The bill reported out of committee includes $523.9 billion in discretionary spending for defense base budget requirements and $58.9 billion for Overseas Contingency Operations. It also includes $19.3 billion for Department of Energy-related activities, resulting in a top-line funding level of $602 billion for discretionary national defense spending.

While these funding levels adhere to the spending limits mandated by the Bipartisan Budget Act, BBA, of 2015, concerns have been raised that the Department requires additional resources. As all Members are aware, when the Senate considered the BBA last fall, it established the discretionary funding levels of defense spending for fiscal year 2017.

That agreement passed this chamber with support from Senators from both political parties. Furthermore, the BBA split the increase in discretionary spending evenly between the security and nonsecurity categories. As we consider the fiscal year 2017 NDAA, there is likely to be—in fact, the chairman has made it very clear—an effort to increase military spending above the level established by the BBA.

It is important to remember that since the Budget Control Act was enacted in 2011, we have made repeated incremental changes to the discretionary budget caps for both defense and nondefense accounts. We have done so in order to provide some budget certainty to the Department of Defense and also to domestic agencies. As debate on this bill continues, the chairman has indicated he will propose an amendment to increase spending for defense only.

Again, this seems to run counter to the central tenets of all the previous budget negotiation agreements. If defense funds are increased, funding for

domestic agencies must also be increased, I believe. In addition, this is a point that I think all of us acknowledge, our national security is broader than simply the accounts in the Department of Defense. It is the FBI, it is the Department of Homeland Security, and it is many other agencies that contribute to our national security.

Let me conclude, once again, by thanking the chairman and my colleagues on the committee who contributed significantly and thoughtfully through this whole process, and I particularly thank the staff who worked laboriously and at great personal cost to ensure that we have a bill we can bring to our colleagues on the floor and stand and continue a very thoughtful, vigorous, and important dialogue about the national security of the United States. Let me thank them.

I know there are many amendments that have been filed. I look forward to working with the chairman and all of my colleagues to get this legislation completed and sent forward.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be equally charged to both sides.

The Senator from Delaware.

50TH ANNIVERSARY OF ROBERT F. KENNEDY'S ''RIPPLES OF HOPE'' SPEECH

Mr. COONS. Madam President, on this exact date half a century ago, then-Senator Robert F. Kennedy delivered a powerful speech in Cape Town, South Africa, a nation that was then struggling through the cruel injustices of apartheid. It was the conclusion of a remarkable trip to South Africa in which Bobby Kennedy visited the Nobel Peace Prize-winning Chief Lutuli, visited Soweto, visited the University of Wits in Johannesburg, and spoke with students at the University of Cape Town.

Last week I had the opportunity to help lead a congressional delegation to commemorate Bobby Kennedy's historic journey and his famous ''Ripples of Hope'' speech he delivered during his visit. The trip offered all of us an opportunity to reflect on the parallels between America's civil rights movement and South Africa's liberation struggle and to renew the conversation of reconciliation as both countries face legacies that remain both difficult and unresolved.

More importantly, as South Africa and the United States face serious challenges to the very institutions that underpin and preserve our democracies, this trip served as a reminder that while our constitutional orders may be supported by courageous and principled leaders through critical moments in our history, nations don't endure because of a few charismatic and historic individuals, they endure because of institutions.

I was honored to be joined on this trip by a bipartisan group of colleagues from the House of Representatives, including, most importantly, Congressman JOHN LEWIS of Georgia, who is a hero of America's own civil rights movement, Democratic Whip STENY HOYER of Maryland, and five others. There was also a ''Ripples of Hope'' delegation that traveled alongside us that included RFK's children, Kerry Kennedy and Rory Kennedy. Kerry is now president of the RFK Human Rights Foundation. There were more than a dozen members of the Kennedy family, of several generations, as well as the leaders and some members of the Faith in Politics Institute. It is Faith in Politics that annually organizes—under the leadership of Congressman JOHN LEWIS—the civil rights pilgrimage of Members of Congress, Republicans and Democrats, House and Senate, who retrace the steps of the famous Selma march, which he helped lead, as well as the pivotal events of both Montgomery and Birmingham at the height of the American civil rights movement. These three organizations—the Faith in Politics Institute, the RFK Foundation, and the congressional delegation—met up in South Africa.

At the time of Bobby Kennedy's visit 50 years ago, South Africa was deep in the throes of apartheid, with a liberation movement that had been decapitated in the Liliesleaf raid of 1963 and pushed far underground. At that point, Black South Africans lived in fear, and their leaders were either imprisoned or in exile. The National Party and the South African security forces controlled nearly every state institution. As author Evan Thomas has described it, ''Nowhere was injustice more stark or the prospect for change bleaker than South Africa in 1966.'' RFK would later write about what he what called ''the dilemma of South Africa: a land of enormous promise and potential, aspiration and achievement—yet a land also of repression and sadness, darkness and cruelty'' as of 1966. To put it plainly and simply, apartheid was a brutal form of racial subjugation.

In the midst of an environment in which White supremacy was codified by law and most anti-apartheid leaders and stalwarts were imprisoned or on the run, Bobby Kennedy was invited to give the University of Cape Town's Day of Affirmation address. Kennedy began his speech at Jameson Hall, describing ''a land in which the native inhabitants were at first subdued, but relations with whom remain a problem to this day; a land which defined itself on a hostile frontier; . . . a land which once [was] the importer of slaves, and now must struggle to wipe out the last traces of that former bondage.'' RFK then paused before concluding: ''I refer, of course, to the United States of America.''

As you listen to the audio recording of his speech, you can then hear a ripple of recognition and applause that Kennedy—who many thought was introducing his speech about South Africa—was instead recognizing remarkable parallels between our two nations. As Kennedy spoke to a large crowd who had waited in the cold for hours, he made it clear with his opening that he came not to preach to the people of South Africa from our supposed position of superiority due to the length of our democratic experiment but to share and to learn from our common legacies and challenges.

Then and now, the differences between the United States and South Africa are profound and real. Yet Americans and South Africans do share more than we might widely recognize. We have similar stories to tell, and we have many lessons that we can and should learn from each other.

Today, more than 20 years after the end of apartheid, South Africa's post-apartheid nonracial democracy is struggling to deliver on the promise of its ambitious founding principles and to transform its economy to generate opportunity for all its citizens. Meanwhile, here in the United States, we are mired in dysfunctional politics, and many Americans justifiably feel that we have failed to make even modest progress on the economic and social challenges we face.

Our countries also share a deeply embedded history of racial discrimination and division from which we have not yet healed—a shared struggle exemplified by the fact that 50 years ago during Kennedy's trip to South Africa, American civil rights activist James Meredith was shot by a White gunman while marching for voting rights in Mississippi.

We share complex histories of struggles balancing the role of violence and nonviolence in seeking justice and equality under the law.

Today we share flawed criminal justice systems that disproportionately punish our citizens of color, and we share sadly imperfect education systems that don't do enough to support them.

Today we also continue to share a struggle to find the most appropriate way to welcome and incorporate literally millions of undocumented immigrants and to prevent the tensions associated with xenophobia—something we have seen in the United States and we also heard about in South Africa last week.

Yet, despite our common shortcomings, we share remarkable constitutions and inspiring foundational documents—South Africa's Freedom Charter and our own Declaration of Independence—whose soaring principles say powerful and inspiring things but whose lived experiences have so far fallen short.

We share a powerful commitment to democracy framed by these strong original documents, respect for the rule of law, and capable and independent judiciaries—institutions created and sustained by the work of many over hundreds of years.

We share a striking foundational moment: Our President George Washington and their President Nelson Mandela—both, as founding Presidents,

stepped down from their offices willingly and set powerful precedents of respect for constitutions and term limits.

We share the fact that we are deeply religious nations across all racial backgrounds and all income levels. Both South Africa and the United States have deep and long traditions of faith and religion which have powerfully influenced our public lives. These, of course, are traditions which were at times in the past twisted into justifications for prejudice and racial discrimination but which also served as guiding lights for the nonviolent efforts to achieve justice and reconciliation.

If you think about it, these shared faith traditions have inspired some of our most powerful leaders. Congressman JOHN LEWIS, who was with us on this trip, was beaten, bloodied, and arrested 40 times in the streets of the South, fighting for equality in the South under the law. He led the Student Nonviolent Coordinating Committee. As the leader of the march on Selma in 1966, he encountered State troopers armed with guns, tear gas, and clubs wrapped in barbed wire as he crossed the Edmund Pettus Bridge and simply said, before the onslaught that later became known as Bloody Sunday, ''Let us pray.''

We all remember that Reverend Dr. Martin Luther King, Jr., was one of the most important leaders of our civil rights movement, the Baptist preacher and president of the Southern Christian Leadership Conference who, when imprisoned in a Birmingham jail, wrote that ''human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God.''

Similarly, in South Africa some of their most important leaders were clergymen. One of the most moving moments for me in our trip was the chance to revisit a fellowship I have shared with Archbishop Desmond Tutu, for whom I worked briefly 30 years ago. Tutu, the Anglican bishop who led the South African Council of Churches and fought for decades against apartheid, was lifted up and recognized with the Nobel Peace Prize in 1984 and many years later received the Presidential Medal of Freedom here in the United States. He ultimately chaired the post-apartheid Truth and Reconciliation Commission, which engaged in the very hard work of convening whole committees of both those who committed the atrocities of apartheid and their victims in a disciplined, constitutionally created, nationwide effort at reconciliation. It was Archbishop Desmond Tutu who wrote, ''Hate has no place in the house of God.''

In both the United States and South Africa, the language used to challenge unjust structures and actions of the government in civil society at the time were rooted in Biblically based questions of justice and righteousness. It made possible national conversations about forgiveness and reconciliation.

Some of the most striking and powerful witnesses offered quietly on the sides of our journey were from two Americans who were participants in the faith and politics civil rights pilgrimage this year in Charleston, SC. They were survivors of the horrible events at the Emanuel AME Church in Charleston, a tragedy in which relatives and friends were savagely murdered during a Bible reflection prayer session. It was a tragedy from which two survivors, Felicia and Polly, traveled with us to South Africa last week, with the Kennedy delegation. It was many of those who survived that tragic event in Charleston, SC, who just a few days later, in confronting the gunman, were able and willing, out of the depths of their faith, to say publicly:

We have no room for hate. We have to forgive.

I will remind you that one thing that is most impressive about Congressman JOHN LEWIS from his own experience in our civil rights movement is his ability to reconcile and forgive. Decades after a member of the Ku Klux Klan beat JOHN LEWIS and many other Freedom Riders in the summer of 1961, the now U.S. Congressman JOHN LEWIS welcomed a Klansman who had actually beaten him decades before to his office here in Washington and said, as he has repeated many times on our civil rights pilgrimage, ''I accept your apology. I forgive you.''

One of the most striking aspects of Nelson Mandela's leadership as the first President of a truly free, nonracial South Africa was his capacity for forgiveness. Twenty years after he was released from prison—an imprisonment that lasted 27 years and robbed him of his opportunity to be a free man, to see his own children grow up, to be a contributing part of his society; an apartheid imprisonment that took away virtually his entire adult life—20 years after his release from prison, Mandela invited one of his former jailers to dinner at his own home, a man with whom he had become friends, saying that their friendship ''reinforced my belief in the essential humanity of even those who had kept me behind bars.'' Think about the depths of that forgiveness. As our own President Obama has put it, referring to Mandela by his familiar name, ''It took a man like Madiba to free not just the prisoner, but the jailer as well.''

It is individuals such as JOHN LEWIS and Nelson Mandela who set the example of healing, forgiveness, and reconciliation that may ultimately allow us to move forward from our foundational sins of slavery and discrimination. And it is the powerful witness of those from South Carolina, from the Emanuel AME Church, who have challenged us anew, in an era of Black Lives Matter concerns and protests, to redouble our efforts to achieve real repentance by those who weigh violence against our racial minorities in the United States and those whose still need reconciliation and forgiveness.

Last week our congressional delegation had a chance to break bread with Archbishop Desmond Tutu. We heard him discuss the vital importance of the Truth and Reconciliation Commission, which allowed the people of South Africa to attempt to work together to move past the bitterness and hatred of apartheid. There is much work undone in South Africa today, as I referenced, but the transformational impact of the Truth and Reconciliation Commission is beyond doubt in that it made it possible for both the perpetrators and the victims of apartheid to see each other face to face and to engage in many acts of contrition and reconciliation.

We had a chance on our trip to South Africa to visit Liliesleaf Farm just outside of Johannesburg, which was the site where the leaders of the underground anti-apartheid movement—led by Nelson Mandela, Walter Sisulu, and Andrew Mlangeni, the African National Congress—where all of those leaders were at one time picked up by the South African security police. This was in July of 1963. We had a chance to meet with and hear from many of the stalwarts of that stage of the struggle—from Walter Sisulu's son Max to Mlangni himself, now in his late eighties—about their struggles following the raid and the Rivonia treason trials, after which there were life sentences imposed on many of those captured at Liliesleaf.

We also visited Nelson Mandela's home in Soweto and his jail cell on Robben Island, where he served out 18 years of his very long sentence. We had a remarkable and moving tour of Robben Island, provided for us by Ahmed Kothrada, who goes by the casual name of ''Kathy,'' and who talked with us about his experience on Robben Island and about how they maintained discipline, how they were able to continue to work together to shore up each other's spirits as they coped with year after year of brutal conditions and hard prison labor.

One of the most striking things for me was to hear from this man, Mr. Kothrada, the absence of bitterness, the absence of vitriol after his life, too, was marred by decades of imprisonment by the apartheid regime.

It wasn't just members of our delegation who had an opportunity to learn from these conversations. There were also many South Africans who had the opportunity to hear from Congressman JOHN LEWIS, as he spoke passionately in several different settings, both in Johannesburg and in Cape Town, about his experience in our civil rights movement. It was uplifting to see him mobbed afterwards by young South Africans everywhere he went who wanted to meet with him, hear from him, take pictures with him, and reflect once again on the common and constructive legacies of our two nations.

As we look back at 50 years, we see from the struggles of people like JOHN LEWIS and Nelson Mandela that while progress is possible, RFK's observation that ''humanity sometimes progresses very slowly indeed'' remains true, and humanity has much more work to do.

Today, in South Africa, over half the Black population lives in poverty compared to less than 1 percent of the White population. Average annual household income is over $25,000 for White South Africans, yet barely $4,000 for Blacks. South Africa's unemployment rate is 7 percent for Whites and over 30 percent for Blacks, and it is much higher in the townships and for younger South Africans. Even when Black students make it to South Africa's universities, like the University of Cape Town, they are much less likely to graduate.

I have many more statistics that I could cite, but by important measures, inequality between Whites and Blacks has actually increased since the end of apartheid in South Africa since 1994.

These disparities are not unique to South Africa. A Pew Research Center study found that in 2013 in the United States, White households had a median net worth 13 times greater than that of our African-American households—the largest discrepancy in decades in our country. Our Department of Education recently found that compared to White students, Black students in America are far less likely to have access to preschool, advanced high school courses, are much more likely to be suspended, and are much less likely to complete college.

These divides sadly extend to our legal system as well. On average, Black men in America receive sentences 20-percent longer than White men who commit identical crimes. The population of my home State of Delaware is 22 percent Black, yet two-thirds of our prison population is African American.

Behind all these challenging and difficult statistics lies the very real challenge of how to be true to our foundational values and yet find a path forward that creates both growth and empowerment and opportunity and progress for the peoples of both of our countries. By any measure, we have more work to do. Echoing the words of Congressman LEWIS, ''we have come a great distance . . . but we have a great distance farther to go.''

In that June 6 address 50 years ago, Bobby Kennedy described the plane that brought him to South Africa from which ''we could see no national boundaries, no vast gulfs or high walls dividing people from people.'' Today, globalization has proven that the boundaries between us and them—whether by race or religion, party or nationality—are indeed what RFK called them—illusions of differences.

Still, we need to find the courage and the strength to tackle these problems, to not fall victim to the forces of apathy and complacency. We must find solutions that work for each country in its own context.

Exactly 50 years ago today, Bobby Kennedy told South Africans: ''Few will have the greatness to bend history but each of us can work to change a small portion of the events, and then the total of all these acts will be written in the history of this generation.'' That, in some ways, was the enduring power of his best known quote from that speech, about how each man, each individual—man or woman—who stands up for an ideal acts to improve the lot of others or strikes out against injustice and sends forth a tiny ripple of hope. All those ripples in combination can form a wall of water that knocks down even the greatest of impediments to progress and justice, such as the walls of apartheid.

It was these very ripples that sent forth hope to all South Africans in 1966, when Bobby Kennedy spoke. It was these ripples that sustained Mandela's struggle over decades and that prompted the son of an African immigrant to America to take his first steps towards a career in public service, a decision that ultimately brought him to our Presidency today. It was the same commitment to equality and justice that led me, 30 years ago, to travel to South Africa and work for the Council of Churches there, under the tutelage of both Reverend Paul Verryn and Archbishop Desmond Tutu. It was this same experience which was reflected in Bishop Tutu's ''Ubuntu,'' the distinctly South African idea that, as President Obama put it, we are all bound together in ways invisible to the eye but there is a oneness to humanity.

I met a remarkable range of men and women, young and old, leaders of this generation and the last in South Africa in this past week, and I was reminded in all of our conversations—on Robben Island, at Liliesleaf, with young entrepreneurs in Soweto, with business leaders trying to grow the economy and create opportunity, with those from every background in South Africa—that all of these men and women have fought that fight, sending forth ripples of hope that brought the mighty walls of apartheid crashing down and built a more equal nation in its place 20 years ago. That has to continue to be part of this progress today and going forward.

Bobby Kennedy's visit 50 years ago played a critical role in changing the tone and tempo of the anti-apartheid struggle at the time. Margaret Marshall, a student activist then in South Africa, recalled this from the time of his visit in 1966:

> The world seemed to ignore us . . . but Bobby Kennedy was different. He reminded us . . . that we were not alone. That we were part of a great and noble tradition, the reaffirmation of nobility and value in every human person. We all had felt alienated. It felt to me that what I was doing was small and meaningless. He put us back into the great sweep of history.

Last week, speaking at that same university at which her father provided this vital infusion of optimism a half century ago, Kerry Kennedy told us these ripples of hope didn't have to come from governments or militaries or corporations. They can come from anyone, anywhere—from seemingly average people, just as was the case with Margaret Marshall five decades ago. Today, they come from us, from the citizens we represent across this Nation and the people struggling across South Africa to find together a better and brighter future.

In the months and years to come, the United States and South Africa can and should look to each other for lessons and inspirations as we continue to work to heal the damage of racial injustice, to reverse the trends of economic inequality, and to protect our experiments in democracy.

As South Africa prepares for upcoming municipal elections in August, and as we prepare for our own national elections in November, both nations are entering periods in our electoral history where our institutions of democracy and governance are being challenged. Today, South Africa is showing just how important to the sustainment of democracy it is to have not just charismatic, worldly, historical, or forgiving heads of state or individuals leading churches but also a very strong public protector, an independent judiciary, a vibrant media, and an engaged electorate.

In America and South Africa, I believe our institutions will protect and preserve our democracies. These institutions must, of course, be inspired and led by courageous and principled individuals, like Senator Kennedy, like Congressman LEWIS, like President Mandela. But nations don't endure because of individuals. Nations must endure because of strong institutions.

Two months after he returned to the United States, Kennedy reflected on his speech of 50 years ago today, and said:

> I acknowledged the United States, like other countries, still had far to go to keep the promises of our Constitution. What was important . . . was that we were trying.

In 1991, when President Mandela came here to speak, he told an American audience: ''I am not a saint, unless you think of a saint as a sinner who keeps on trying.'' The people of the United States must keep trying to be true to our foundational values and documents, and the people of South Africa must as well. We must all keep on trying, as President Obama said, because ''action and ideas are not enough. No matter how right, they must be chiseled into law and institutions'' that will endure.

We have a lot of trying left to do. From last week, I have concluded that we have much to learn from each other and much to teach the rest of the world. So let's rededicate ourselves, 50 years after Bobby Kennedy's speech gave hope to South Africa and the world, to facing these challenges together.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

72ND ANNIVERSARY OF D-DAY

Mr. TILLIS. Madam President, I am here today to talk about a very important event in American history. Seventy-two years ago today, six American and four British and Canadian divisions began the assault on Adolf Hitler's Fortress Europe, on what German Field Marshal Rommel famously referred to as ''the longest day.''

As the paratroopers moved to their planes and infantrymen embarked on their ships, Dwight Eisenhower reminded them of their cause when he said:

> You are about to embark upon the Great Crusade, toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you. In company with our brave Allies and brothers-in-arms on other Fronts, you will bring about the destruction of the German war machine, the elimination of Nazi tyranny over the oppressed peoples of Europe, and security for ourselves in a free world.

North Carolina was at Normandy on that day. At 1:51 a.m., Fort Bragg's 82nd Airborne Division, under the command of MG Matthew Ridgeway and BG James Gavin, began the fight. The paratroopers of the ''All-American Division'' were scattered by bad weather and German anti-aircraft fire, missing many of their designated drop zones. Within hours, though, through sheer guts and determination, the All-American Division had captured towns and crossroads and ensured that the Panzer counterattack did not reach Normandy beaches, allowing the Allied infantry to push into the heart of German-occupied France.

The 82nd Airborne finished the war as the most decorated combat unit in the history of the United States, a distinction that still holds today. The cross-channel invasion fixed Omaha and Utah Beaches for the American assault. ''Bloody Omaha'' was the most difficult of the landing beaches, due to its rough terrain and bluffs fortified by Rommel's infantry division.

Omaha was hit by the U.S. First and 29th Infantry Divisions. The 29th, known as ''The Blue and Gray Division,'' was a National Guard unit composed of men from North Carolina, Virginia, and Maryland. In the first wave, A Company, 1st Battalion, 116th Infantry, from the Virginia National Guard in Bedford, VA, was annihilated as it landed.

The catastrophic losses suffered by the small Virginia community led it to being selected for the site of the National D-day Memorial. Losses were so heavy that GEN Omar Bradley seriously considered pulling American forces from Omaha Beach. However, follow-on units from the North Carolina National Guard reached that beach, as immortalized in the opening scenes of the movie ''Saving Private Ryan.''

By nightfall, the division headquarters and 10,000 reinforcements landed and began fighting inland. On Omaha Beach, ''uncommon valor was [quite] common'' that day.

By the evening of June 6, over 1,000 men from the 29th had become casualties on Omaha Beach. Added to losses at other beaches and drop zones made the total casualties for Operation Overlord 6,500 Americans and 3,000 British and Canadian soldiers.

During World War II, the 29th Infantry Division had such a high casualty rate it was said that its commanding general actually commanded three divisions: one on the field of battle, one in the hospital, and one in the cemetery. The 29th Infantry Division lost 3,720 killed in action, 15,403 wounded in action, 462 missing in action, 526 prisoners of war, and another 8,665 noncombat casualties, for a total of 28,776 casualties during 242 days of combat.

Today, thousands of North Carolinian guardsmen continue the brave tradition of this proud unit.

The people of North Carolina remember the soldiers of D-day and their comrades from other battlefields of the war. On the Cape Fear River sits the USS *North Carolina*, the most decorated battleship of World War II. It is not a museum. It is a reminder. It is our memorial. The names of over 10,000 North Carolinians who paid the ultimate price are set on the walls of that great ship. In Franklin Roosevelt's words, ''They fought not for the lust of conquest. They fought to end conquest. They fought to liberate.''

As we observe D-day, I hope we all recognize the ultimate sacrifice so many men and women have paid in uniform, and on the week that we consider the national defense authorization, I hope all of my colleagues will recognize the incredible importance and the debt we owe them to do our job here so that they can continue to defend us abroad. We have to do everything we can to get them safe and prepared and ready to do that mission.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I didn't know my colleague from North Carolina was going to come to the floor to talk about D-day. That is what I am going to talk about too. I would like to follow on his comments, first, to congratulate him for a terrific job of explaining the importance of this day, not just to our country but to the world, the day America truly began the liberation of Europe, and also for his description of the North Carolina brave soldiers who lost their lives that day.

It was 72 years ago this morning when the invasion began. It was a day in which there was a lot of concern and anxiety. People knew this was going to be a major conflict.

Some 40 years later, Ronald Reagan spoke at Pointe du Hoc. He made the point that every church in America was filled that morning. By about 4 that morning, people were praying all over the country, knowing this was going to be a very difficult battle. It was the largest amphibious assault in the history of the world. There were 150,000 Allied troops involved, and as my friend from North Carolina indicated, we lost over 10,000 troops that day, most of whom were Americans. There were 10,000 aircraft involved as well and 6,000 ships.

It was thought that day that Franklin Delano Roosevelt would give a speech, as he had done many times before, called a ''fireside chat,'' from the White House, talking about the invasion and helping the American people to understand the importance of that day, but he decided to do something else instead. He decided, instead of giving a speech, to recite a prayer. That prayer has become known as the ''D-day Prayer.'' It is a very powerful statement.

About 2 years ago on this day, the 70th anniversary, we passed legislation in the Senate to actually ensure that prayer would be part of the World War II Memorial. We are now going through the process to have that included in the World War II Memorial so all Americans today, and the children and grandchildren of those World War II veterans and heroes, as they come to Washington, are able to see this prayer Franklin Delano Roosevelt said that day. I would like to read these words that were spoken 72 years ago by President Roosevelt, if I might. He said:

> My fellow Americans: Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.
>
> And so, in this poignant hour, I ask you to join with me in prayer:
>
> Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.
>
> Lead them straight and true, give strength to their arms, stoutness to their hearts, steadfastness to their faith.
>
> They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.
>
> They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.
>
> For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and good will among all Thy people. They yearn but for the end of battle, for their return to the haven of home.
>
> Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.
>
> And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas—whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.
>
> Many people have urged that I call the Nation into a single day of special prayer. But

because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us Faith. Give us Faith in Thee; Faith in our sons; Faith in each other; Faith in our crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister Nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

This is the prayer that he spoke on D-day. What a powerful moment.

On this day, 72 years later, we remember the bravery and the sacrifice of D-day. We remember the fact that this was the beginning of the liberation of Europe, and, indeed, as President Roosevelt predicted, we would ultimately prevail, despite great losses.

Let us also today, as we are talking on the floor—this evening, tomorrow, and through the week—about our defense forces, remember the importance of this prayer, as it talks about the need for us to ensure we do have a strong military and that we support those in the military forces as we take up the Defense authorization legislation.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VOTE ON AMENDMENT NO. 4206

Mr. MORAN. Mr. President, I yield back the time.

The PRESIDING OFFICER (Mr. RUBIO). All time has expired.

The question occurs on agreeing to amendment No. 4206.

Mr. MORAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Arizona (Mr. FLAKE), the Senator from North Dakota (Mr. HOEVEN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted ''yea'' and the Senator from Wisconsin (Mr. JOHNSON) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—91

Alexander	Fischer	Perdue
Ayotte	Franken	Peters
Baldwin	Gardner	Portman
Barrasso	Gillibrand	Reed
Bennet	Graham	Reid
Blumenthal	Grassley	Risch
Blunt	Hatch	Roberts
Boozman	Heinrich	Rounds
Boxer	Heller	Rubio
Brown	Hirono	Sasse
Burr	Inhofe	Schatz
Cantwell	Isakson	Schumer
Capito	Kaine	Scott
Cardin	King	Sessions
Carper	Klobuchar	Shaheen
Casey	Lankford	Shelby
Cassidy	Leahy	Stabenow
Cochran	Lee	Sullivan
Collins	Manchin	Tester
Coons	Markey	Thune
Corker	McCain	Tillis
Cornyn	McCaskill	Toomey
Cotton	McConnell	Udall
Crapo	Menendez	Vitter
Cruz	Merkley	Warner
Daines	Mikulski	Warren
Donnelly	Moran	Whitehouse
Durbin	Murphy	Wicker
Enzi	Murray	Wyden
Ernst	Nelson	
Feinstein	Paul	

NOT VOTING—9

Booker	Heitkamp	Kirk
Coats	Hoeven	Murkowski
Flake	Johnson	Sanders

The amendment (No. 4206) was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. BOOKER. Mr. President, today the Senate voted on amendment No. 4206 to S. 2943, the National Defense Authorization Act, NDAA, for fiscal year 2017. This amendment would ensure that beneficiaries affected by changes to military health care designed to maintain critical wartime medical readiness skills and core competencies will be able to access through TRICARE medical services no longer available at military treatment facilities. I support this amendment because it ensures military families and retirees receive the care they deserve while allowing the military to focus on its wartime medical skills and training, and I would have voted in favor of it if I were present for the vote.

Currently, the Military Health System has the dual role of medically supporting wartime deployments while caring for Active Duty members, retirees, and their families in peacetime. However, the core competencies and skills required for wartime and peacetime medical care can, at times, diverge. Great efficiencies can be found through public-private partnerships that can allow military medical professionals to focus on their wartime skills, while allowing the civilian health system to provide more care to military families and retirees. In our fiscally constrained environment, we must ensure that we use our defense dollars for maximum effect.

Amendment No. 4206 specifies how beneficiaries will receive care because of changes to the Military Health System. The amendment also requires the Secretary of Defense to submit a report to Congress on the modifications to medical services, treatment facilities, and personnel in the Military Health System. This ensures appropriate oversight of the Department of Defense's reforms in this area. I will continue to work to ensure that the individuals that protect us every day receive the care and support that we owe them.●

The PRESIDING OFFICER. The Senator from Arizona

AMENDMENT NO. 4229

(Purpose: To address unfunded priorities of the Armed Forces)

Mr. MCCAIN. Mr. President, I call up my amendment No. 4229.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4229.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of May 25, 2016, under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise today to speak about the National Defense Authorization Act, which we will be processing this week, I hope. Particularly, I want to talk about Section 578. Section 578 is a provision designed to protect the children of our servicemembers and specifically to protect them while they are at school from convicted pedophiles and other dangerous felons.

This is an issue I have been working on for 2½ years. My involvement resulted from hearing about a horrific story that is about a little boy name Jeremy Bell. The story begins at a school in Delaware County in Southeastern Pennsylvania. A schoolteacher there had molested several boys—had raped one. When the school officials and the local law enforcement figured out that something very, very wrong was going on, they unfortunately concluded that they just did not have

enough evidence. They did not have a strong case that they could bring against this teacher.

The school wanted to get rid of him, and tragically they were OK with letting him become someone else's problem. They wrote a letter of recommendation with the understanding that he would leave. This monster took the letter of recommendation, went across the State line to West Virginia, was hired as a teacher, and several years later he had become a principal. Of course, these people don't change their ways, and he didn't. He continued to molest and attack little boys. It ended when he raped and killed a 12-year-old boy named Jeremy Bell in West Virginia.

That time, justice caught up with this teacher. He is now serving a life sentence in jail for that murder, but of course it is too late for Jeremy Bell. Tragically, Jeremy Bell is not alone.

Since JOE MANCHIN and I first began this effort in this Chamber 2½ years ago, at least 1,150 school employees have been arrested across the country for sexual misconduct with the kids whom they are supposed to be looking after, they are supposed to be caring for, and they are supposed to be teaching—1,150. That is more than one a day. Of course, those are the ones where the officials knew enough to feel confident that they could make an arrest and actually press charges. How many more cases are actually happening? I would stress that these aren't just numbers. Every one of these 1,150 arrests represents a horrific tragedy and, in many cases, more than one.

Consider a few examples from my State of Pennsylvania.

Just this past January, the parents of children at Trinity High School in Washington County learned something absolutely horrific. They learned that a special education teacher there was charged with raping a little girl over a 15-year period. It started when she was just 3 years old, and they didn't discover this until she was 18. He had raped another little girl who was only 6 years old.

Or consider the Phoenixville Area Middle School in Chester County. In November 2013, the school's principal was sentenced to 2 years in prison for having child pornography. A month later, a special education and math teacher at the school was arrested for possessing child pornography, some involving very, very young children.

It is hard to even talk about these things. It is very uncomfortable to hear about this, to talk about this, but we can't shy away from this. If we think it is uncomfortable to think about it, talk about it, and hear about it, what about the experience for the child and the child's family? Every day it seems there is a new story.

In Pittsburgh, Plum High School, two teachers have pled guilty to having sex with younger students. A third one is awaiting trial on related charges. The DA is investigating allegations that the school superintendent and principal might have ignored reports of abuse along the way.

Another teacher has been charged with witness intimidation. He made one of the victims, a girl who is a victim, stand up in front of the class, and he mocked her because she brought the issue to the attention of the authorities.

This is outrageous. This has to stop. I have vowed that I am going to do everything I can to try to provide greater security to our kids in our schools.

This past December we took a big step in the right direction, in my view. Congress passed legislation, and President Obama signed it into law. It was legislation in the broader education bill we passed that had my legislation which now explicitly prohibits, forbids, knowingly recommending one of these monsters for hire. So exactly the circumstances that gave rise to the murder of Jeremy Bell—where a school knows they have a pedophile, they discover it, and they still send along a letter of recommendation so that he can become someone else's problem—are now illegal, as well they should be. It is not as rare as you might think. In fact, the practice is so common that it is well understood in the circles of child advocates and the people who prosecute these crimes and who defend children when they have been victimized by these crimes. It is so common that it even has its own name. It is called ''passing the trash.'' But, unfortunately, when we got that piece of our legislation passed, we were not successful in persuading all of our colleagues that we also had to have another element to this. To really keep our kids safe, we need to make sure that we have a rigorous background check and that people aren't able to skirt—and we know that does happen.

I promised I would be back on the Senate floor to try to address this weakness, this loophole—the fact that we don't have consistently rigorous background checks—to make sure that we are not hiring these creeps in the first place.

I am very pleased to announce today that I think we are very close to taking another step forward in this legislation, thanks to Chairman MCCAIN, who just left the floor. But the senior Senator from Arizona, the chairman of the Armed Services Committee, incorporated into this legislation, the national defense authorization bill, the bill that I introduced to protect our servicemembers' children. That is what it is called; it is called the Protecting Our Servicemembers' Children from Sexual and Violent Predators Act. It simply states that a school district that accepts Impact money—that is the funding we approve in Congress; it runs through the Defense Department, and it goes to the school districts that are educating the children of our servicemembers when they are on a base. What our legislation says is that such a school district has to have a safe environment for kids. That is all. They have to have a policy requiring criminal background checks for all the school workers, any adults, who have unsupervised contact with children. If a person applies for a job with such a school and it turns out they have been convicted—not alleged, but convicted of a serious crime, including murder, rape, or any violent or sexual crime against children—then such a person may not be employed at a school in a capacity where they would have unsupervised access to children. As I said, this applies only to those school districts that receive Federal Impact Aid; that is, those school districts that receive money to help compensate them for the fact that they are educating our military families' children. It is about 17 percent of America's school districts that receive this Federal Impact Aid. It is roughly 8.5 million kids.

The legislation also applies to the DOD-operated schools. The Defense Department operates its own schools to educate the children of our military personnel. To the credit of the Defense Department, it is already their own internal policy to require these appropriate background checks that are rigorous enough to make sure that we stop a violent predator from being hired in this capacity.

Because it is just internal policy, it could change, and enforcement could lapse. What our legislation does is codify it because this is the right thing to do. Let's codify it. Since it is the right thing to do and we are doing it at our DOD schools, let's also do it at the other schools that are educating our military families' kids.

I don't think this should even be controversial. Pennsylvanians whom I talk to don't think this is controversial. Of course, they think we should insist that our schools are at least as safe an environment as we can make them. While the men and women are providing enormous service to all of us—the sacrifice they make by wearing the uniform, committing to serving in our Armed Forces—don't we owe it to them to provide the level of protection that we can provide to their kids? I think we do.

In addition, it shouldn't be controversial because, substantively, this isn't anything new.

Last year every Member of Congress but one—the vote was 523 to 1, the House and the Senate—passed almost identical background check legislation with respect to daycare workers who worked for a daycare that got funding through the childcare and development block grant bill. In other words, we have already agreed. With 1 dissenting vote—out of 100 Senators and 435 House Members, there was 1 dissenting vote. Every other Senator and House Member on both sides of the aisle agreed that this level of background check security ought to be provided for very young kids. Why wouldn't we do it for slightly older kids—the kids who are in primary and secondary schools—as well?

Despite that, there is opposition. Just last week, the senior Senator from Illinois came to the floor to criticize my legislation. He stated: ''This provision fails to provide adequate due process and civil rights protections for innocent individuals.'' I want to address this because I couldn't disagree more.

First, it is important to note that our legislation—the legislation that forbids the hiring of these pedophiles, people who have committed these terrible crimes against kids—applies only if the applicant has been convicted of a crime. If you have been alleged or rumored—that is not what the legislation contemplates; it is only someone who has been convicted.

The last time I checked, our criminal justice system was loaded with due process rights. In order to get a conviction, we have very elaborate processes that someone can avail themselves of, and of course they always do. So nobody has been convicted without having had the opportunity for all of us to pay for their lawyer to defend them, for instance, if they need to; to have a jury trial if they want to do that; all the civil rights guarantees throughout the Constitution. It is all there. Due process—they have already had enormous due process or they wouldn't have been convicted.

But our legislation goes a step beyond that. What we do is we say that the applicant is entitled to a copy of the background check, so they get full disclosure of whatever was discovered, and the school district must have an appeals process if it turns out the applicant is denied, because we acknowledge that it is conceivable that there could be a mistake. It could be like the wrong John Smith who is applying for a job at a school. There could be an error of some sort. In the first place, you have to have been convicted, and in the second place, you get to appeal. What more due process is necessary than that?

Well, I can tell you because we have had this debate before, and some on the other side have suggested that they want something that I don't even think qualifies as due process. It is a totally different category, but they call it due process. What they want is a carve-out. They want a minitrial. They want to give the convicted pedophile the opportunity to make the case for why an exception should be made in his case. It is unbelievable to me. How do I know this? Because last year 39 special interest groups sent a letter to the Senate asserting that it is unfair to deny even a convicted child molester a teaching job. They wrote this. I am going to quote from the letter briefly. It says:

> We believe that individuals who have been convicted of crimes and have completed their sentences should not be unnecessarily subjected to additional punishments because of these convictions.

Let's think about what they are saying. What they are explicitly saying is that a person could admit to and be convicted of raping a child, serve a sentence, walk out of prison, go down the road to the local elementary school, apply for a job as a teacher, and they should be hired. It is unbelievable.

I am not suggesting that the pedophile should never be eligible to do any work at all, never have any job. That is not what I am saying. But how about we keep them away from young kids? Is that really unreasonable? That is all we are asking for. That is what we are saying.

We have other colleagues who object to this notion, this legislative approach, on the grounds that it offends their sense of federalism. They think we should leave it to the States to decide whether and to what extent the States and school districts will protect kids from predators. I strongly disagree with that for many reasons. We might well have an extended debate about that, but let me just give two brief ones.

First, I think we have an oversight responsibility. I think the Pennsylvanians who send me to the Senate and know I am casting votes on how we are going to spend their tax dollars expect that I am providing some kind of oversight—such that, for instance, their tax dollars aren't used to hire a pedophile in a school. That would not be a controversial notion with my constituents.

The second thing is that the folks who are hung up on the federalism issue insist that every State is free to do what it wants to do. They have to be able to pass whatever laws—or not—as they see fit.

What about the military family who can't determine which State? They don't get to pick the State in which they are based—not always. They are in a State. It is not their native State. They are assigned to that base in a particular State, and they have to live with whatever the laws are there.

Don't we agree that every child in America deserves to have protection from these predators?

I do.

Our legislation doesn't go that far. I wish it did. We tried, and I am not going to give up. But can't we at least provide that security for the children of our military families? That is what our legislation does do.

Again, I want to thank Chairman MCCAIN. He has been a consistent advocate for providing this level of protection to children. He was a cosponsor of my legislation that prohibited passing the trash. His support was essential in getting it passed last year, and I am really proud of and grateful to him for working with me to incorporate the language of my legislation into our NDAA legislation.

I strongly urge my colleagues that it is past time to act on this. As I said, Senator MANCHIN and I have been pushing this for 2½ years, and in that time another 1,150 school employees have been arrested for sexual misconduct with the kids they are supposed to be taking care of.

Clearly, we are not doing enough. And we really need to ask ourselves: How much bigger does that number have to get? How many more children have to have their childhoods ruined? How many families need to be torn apart before we are willing to pass this measure? I would argue that we have seen more than enough, the children of America have seen more than enough, and the children of the men and women who wear the uniform of this country and who make the sacrifices to protect and defend all of us absolutely deserve this protection.

So I hope we will pass this Defense authorization bill with this language intact, and I once again express my appreciation to the chairman for putting it into the base text.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REMEMBERING MUHAMMAD ALI

Mr. MCCONNELL. Mr. President, over the weekend the world learned the sad news of the passing of Muhammad Ali. Ali was one of the preeminent athletes of the 20th century. His story was an American story. It is one that touched people in every corner of the world. It is one that began in my hometown of Louisville. Louisville is where he grew up. Louisville is where he fought his first professional fight. Louisville is where the Muhammad Ali Center stands today. It is a memorial to his legacy and to his life story. It is where mourners now lay flowers in his memory.

As people around the world honor ''The Greatest,'' the spotlight shines bright upon his hometown. I wish to again add my condolences as well. I wish to again recognize a legend from Louisville who was more than just a boxer, he was an icon known for grace on his feet and power in his fists inside the ring and a great exuberance for life outside it.

Mr. President, after needless and inexplicable delay by colleagues across the aisle, we have begun consideration of the National Defense Authorization Act today and will work to pass it this week.

The NDAA authorizes funds aimed at meeting the combat-readiness needs of our armed services, maintaining our national security posture, and supporting defense health care and benefits for servicemembers and their families. It is an important measure we consider each year. It is especially critical today given the myriad of threats facing our country.

The next Commander in Chief, regardless of party, will take office facing a number of security challenges—

everything from instability in Libya, Syria, and Yemen, to a belligerent North Korea, to a newly aggressive Russia. It is imperative to do what we can now to better position our country to confront challenges currently facing us and to better prepare for those yet to come.

Ensuring military readiness and keeping Americans safe should be a top priority for all of us, so I would encourage my colleagues to put aside partisan politics and work together to bring this NDAA across the finish line this week. We may pass the bill on Friday, we may pass it sooner, but we will pass it this week. So let's all work hard to do so.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

50TH ANNIVERSARY OF THE AMERICAN CIVIL LIBERTIES UNION OF NEVADA

Mr. REID. Mr. President. today I wish to recognize the 50th anniversary of the American Civil Liberties Union, ACLU, of Nevada.

Since it was established in 1966, the ACLU of Nevada has been dedicated to protecting the civil rights and liberties of all Nevadans. The organization, which was founded in a living room by a group of volunteers, had humble beginnings, but has grown to include 2,000 members throughout the Silver State.

The ACLU of Nevada has been instrumental in defending voting, free speech, and other rights protected by the U.S. and Nevada Constitutions. The organization also works on other issues of importance to Nevadans, including privacy, public education, racial justice, criminal justice reform, and marriage equality. For instance, the ACLU of Nevada's efforts contributed to a successful outcome in the Nevada marriage equality case. Through public education, advocacy, and litigation, the ACLU of Nevada defends and advances the civil rights and liberties of Nevadans.

I commend the ACLU of Nevada for 50 years of exceptional service, and I applaud executive director Tod Story and his dedicated staff for their fine leadership of this organization. As the ACLU of Nevada begins its next chapter in protecting civil liberties in the Silver State, I wish the organization continued success.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA 22202–5408

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–17, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost $301 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JENNIFER ZAKRISKI,
(For J.W. Rixey, Vice Admiral, USN, Director.)

Enclosures:

TRANSMITTAL NO. 16–17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:
Major Defense Equipment* $216 million
Other $85 million
Total $301 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Up to eighty (80) STANDARD Missile, SM–2 Block IIIB Vertical Launching Tactical All-Up Rounds, RIM–66M–09.

Up to fifteen (15) MK 97 SM–2 Block IIIB Guidance Sections (GSs).

Non-MDE: This request also includes the following Non-MDE: MK 13 MOD 0 Vertical Launching System Canisters, operator manuals and technical documentation, U.S. Government and contractor engineering, technical and logistics support services.

(iv) Military Department: Navy (AMM).

(v) Prior Related Cases, if any: AT–P–AYR–28 JUL 10–$39,499,569, AT–P–LCY–30 APR 05–$221,521,728, AT–P–GSQ–22 APR 11–$58,842,285

(vi)

(vii) Sales Commission, Fee. etc. Paid, Offered, or Agreed to be Paid: None.

(viii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(ix) Date Report Delivered to Congress: May 27, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia–SM–2 Block IIIB STANDARD Missiles

The Government of Australia requested a possible sale of:

Major Defense Equipment (MDE):

Up to eighty (80) STANDARD Missile, SM–2 Block IIIB Vertical Launching Tactical All-Up Rounds, RIM–66M–09.

Up to fifteen (15) MK 97 SM–2 Block IIIB Guidance Sections (GSs).

This request also includes the following Non-MDE: MK 13 MOD 0 Vertical Launching System Canisters, operator manuals and technical documentation, U.S. Government and contractor engineering, technical and logistics support services.

The total estimated value of MDE is $216 million. The total overall estimated value is $301 million.

Australia is one of the major political and economic powers in Southeast Asia, a key democratic partner of the United States in ensuring regional peace and stability, a close coalition ally in major/lesser regional contingency operations, and a close cooperative and international exchange agreement partner. It is vital to U.S. national interests that Australia develops and maintains a strong and ready self-defense capability. This sale is consistent with U.S. regional objectives.

The SM–2 Block IIIB missiles proposed in this purchase will be used for anti-air warfare test firings during Combat Systems Ship Qualification Trials for the Royal Australian Navy's three new Air Warfare Destroyers (AWD) currently under construction). The SM–2 Block IIIB missiles, combined with the Aegis combat systems in the AWDs, will provide significantly enhanced area defense capabilities over critical South East Asian air-and-sea-lines of communication. Australia has already integrated the SM–2 Block IIIA into its Perry-class FFGs and recently upgraded its Intermediate-Level Maintenance Depot at Defense Establishment Orchard Hills with new guided missile test equipment capable of maintaining the SM–2 All-Up Round. Australia will have no difficulty absorbing these new missiles.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon Missile Systems Company, Tucson, Arizona; Raytheon Company, Camden, Arkansas; and BAE of Minneapolis and Aberdeen, South Dakota. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any U.S. or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16–17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. A completely assembled STANDARD Missile–2 (SM–2) Block IIIB with or without a conventional warhead, whether a tactical, telemetry or inert (training) configuration, is classified CONFIDENTIAL. Missile component hardware includes: Guidance Section (classified CONFIDENTIAL), Target Detection Device (classified CONFIDENTIAL), Warhead (UNCLASSIFIED), Rocket Motor (UNCLASSIFIED), Steering Control Section (UNCLASSIFIED), Safe and Arming Device (UNCLASSIFIED), Autopilot Battery Unit (classified CONFIDENTIAL), and if telemetry missiles, AN/DKT–71 Telemeters (UNCLASSIFIED).

2. SM–2 operator and maintenance documentation is usually CONFIDENTIAL. Shipboard operation/firing guidance is generally CONFIDENTIAL. Pre-firing missile assembly/pedigree information is UNCLASSIFIED.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

CENTENNIAL OF THE WYOMING DENTAL ASSOCIATION

Mr. BARRASSO. Mr. President, I am honored to recognize the Wyoming Dental Association as it celebrates its 100th anniversary. This historic milestone marks the success of the organization's efforts to assist its members in their mission of achieving the highest level of patient care for Wyoming.

Life on the frontier posed many challenges for Wyoming's first dentists. Pioneer practitioners often traveled long distances through rugged terrain to treat their patients. Armed with rudimentary tools, including forceps, pedal-powered drills, and whiskey to kill the pain, these circuit riders treated patients with little or no oversight. Seeing a need for standardization, the Wyoming Legislature created the Wyoming Board of Dental Examiners, which required all practicing dentists to register with the State. In 1916, several licensed dentists joined to form the Wyoming Dental Association, an organization dedicated to supporting the State's dentists. From that day forward, the association's members dedicated themselves toward advancing the practice of dentistry.

Thanks to extensive progress made in technology and medical care, modern oral health care has dramatically improved. Today there are over 500 licensed dentists in Wyoming. Our State's dentists are dedicated to their patients' health, not only providing dental care, but also educating the public on the importance of oral hygiene. Every dentist has adopted a professional code of ethics and works to maintain the highest standards of excellence.

The Wyoming Dental Association is a leader in promoting dental hygiene. Through its dedicated advocacy and leadership, the association collaborates with the Wyoming Legislature, local government agencies, and nonprofit organizations to help the people of Wyoming. Their achievements are impressive.

In particular, dentists around the State volunteered hundreds of hours to complete Wyoming's oral health initiative, which was designed to gauge the overall dental health of residents. The initiative provided stakeholders with valuable data which led to the development of strategies to improve education and access to care. Thanks to the Wyoming Dental Association's participation in this crucial study, the State is advancing dental health care to new levels of success.

After 100 years, the Wyoming Dental Association is stronger than ever thanks to its incredible leadership. The dedicated efforts of the association's executive director, Diane Bouzis, and its current board of directors continue to improve the services its members receive. Thank you to President Mike Shane, President-elect Dana Leroy, Vice President Lance Griggs, Secretary-Treasurer Deb Shevick, and ADA delegates Rod Hill and Brad Kincheloe. We also acknowledge the hard work of the State's district directors, including Lorraine Gallagher, Brian Cotant, Steve Harmon, Paul Dona, Aaron Taff, and Leslie Basse. These incredible individuals serve the association and their patients with great integrity.

The Wyoming Dental Association is a remarkable organization committed to improving dental health care in all of Wyoming's communities. I am pleased to offer my sincere appreciation to the members of the Wyoming Dental Association as they celebrate their centennial.

TRIBUTE TO CARL GULBRANDSEN

Ms. BALDWIN. Mr. President, today I wish to honor Carl Gulbrandsen on his retirement from the Wisconsin Alumni Research Foundation, or WARF. After 19 impressive years at the foundation, 16 years as managing director, Carl committed his career to ensuring the success of WARF and its mission to support, aid, and encourage UW-Madison research by protecting its discoveries and licensing them for use around the world.

Carl's journey began when he enlisted in the military during the last years of the Vietnam war. Carl was stationed at a medical post in Germany, leading him to later obtain a Ph.D. in physiology from the University of Wisconsin-Madison in 1978. That same year, he began law school, as his medical background ignited an interest in the law and its impact on medical regulations.

After serving as a litigation lawyer at the firm of Ross and Stevens for several years, Carl decided to expand his legal practice, taking the patent law exam in 1985. Carl's first case secured a patent for vitamin D metabolism, a discovery made by Heinrich Schnoes and Hector DeLuca of UW-Madison's biochemistry department, who went on to become WARF's most prolific patent holder.

Guided by his academic background, Carl's patent litigation career flourished. Carl firmly believed in the ''Wisconsin Idea'': the scientific research and work done at the University of Wisconsin should benefit the State as a whole. After a decade working in private practice, Carl joined WARF in 1997 as a legal adviser. In 2000, Carl took over as managing director, determined to create a transparent organization known for its deep and broad ranging expertise. Over the last 16 years as managing director, Carl's leadership has often called for grace under fire. In 1998, Dr. James Thomson's breakthrough research on human embryonic stem cells was considered one of the discoveries of the century, while at the same time sparking controversy and debate over the ethics of stem cell use. Carl's leadership ensured WARF's success amidst controversy, allowing researchers to continue their important research. Today, Dr. Thomson's work continues through the nonprofit WiCell Research Institute, which provides stem cell resources to more than 300 labs worldwide, assisting scientists in the discovery of new breakthroughs in stem cell applications.

Under Carl's direction, WARF achieved significant global impact and continues to give back to the UW community and the Wisconsin economy as a whole. Since 2000, WARF's endowment has doubled to $2.86 billion, enabling it to gift $895 million to the UW-Madison, ensuring its continued success as a top research institution. Additionally, Carl helped establish WiSys Technology Foundation to guarantee that the impressive scientific advances at campuses throughout the UW System go beyond campus laboratories and into the marketplace.

As his tenure as managing director comes to a close, Carl's work and expertise has firmly established WARF as one of the Nation's most respected scientific organizations. Under his leadership, WARF helped shape stem cell policy, brought forth new cancer therapies, and created countless technologies that will improve and even save lives. Although I am sure he will be missed by colleagues and those whose lives he has impacted, I am excited that he will have the opportunity to pursue other goals. I wish him, his wife, Mary, and their family well as they write the next chapter of their lives.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JANIE DARR

• Mr. BOOZMAN. Mr. President, today I honor Rogers School District Superintendent Dr. Janie Darr, who will retire this month after nearly five decades of commitment to education in the community. For more than 40 years, Dr. Darr has served the Rogers School District, beginning as an English teacher in 1967, before working her way up to administrative assistant and eventually superintendent when chosen by the school board in 1999.

During her tenure with the school district, she has made sure that students come first. Rogers High School has been named as one of the best high schools in the State and Nation by U.S. News and World Report under the direction of Dr. Darr. She has directed the district in times of fast growth and increased diversity. The Rogers School Board recognized Dr. Darr's dedication to education by naming its newest elementary school in her honor. The Janie Darr Elementary School opened in 2014 and has the capacity to serve up to 750 students.

Dr. Darr has a special way of treating everyone with dignity and respect, so it is no surprise that public service is a centerpiece of her life. If serving as superintendent isn't enough to keep her busy, her commitment to the community and the State keep her active in a variety of other roles, including service on the Arvest Bank Board, United Way, Ozark Guidance Center, and Rogers Historical Museum boards. She is an ex-officio member of the Rogers Public Education Foundation board and a lifetime member of the parent-teacher association. She is an active member of Central United Methodist Church in Rogers, where she is a trustee and former staff-parish relations and education committee chair, as well as a former Sunday school teacher and youth counselor.

I congratulate Dr. Janie Darr for her outstanding commitment to education, the Rogers School District, and our community as a whole. As a member of the Rogers School Board for many years, I had the privilege of working closely with Dr. Darr and have greatly appreciated her friendship and leadership. I enjoyed supporting her efforts to continue making the school district a positive experience for students, faculty, and staff. I wish her continued success in retirement. Rogers School District is much improved thanks to the dedicated leadership of Dr. Darr.●

RECOGNIZING FORT SMITH NATIONAL HISTORIC SITE

● Mr. COTTON. Mr. President, in honor of the National Park Service's 100th birthday year, I want to recognize Fort Smith National Historic Site in Fort Smith, AR. Situated along the Arkansas River, Fort Smith was officially recognized as a historic site in 1961 to preserve two frontier forts from the 19th century, as well as the courtroom of the U.S. District Court for the Western District of Arkansas. These sites are a wonderful representation of the history of the Arkansas River Valley.

The first fort was first established to resolve disputes between the Osage and Cherokee in 1817. But as frontier settlement continued further west, the fort was eventually abandoned in 1824. The remnants of its foundation were later uncovered by archeologists and are visible on site today.

The second fort was built in 1838, just 2 years after Arkansas officially became a State. It served a variety of functions for over three decades. Two of the fort's original buildings are still intact today and are open for tours. Visitors to Fort Smith can make a stop in the fort's original commissary building and experience firsthand what it was like when it functioned as supply warehouse for provisions waiting to be sent to troops out west.

Fort Smith is also home to the jail and courtroom where the infamous Judge Isaac Parker—also called the hanging judge for the number of death sentences he handed down—presided for two decades in the late 19th century. Although jurisdiction of this particular court has since shifted, at the time, Judge Parker and the court wielded vast influence over an expansive area.

The Fort Smith National Historic Site is just another example of Arkansas' rich American history. I encourage Arkansans and all Americans to stop by and learn about some of the prominent figures and characters in 19th century Arkansas—including U.S. marshals, outlaws, and judges. In honor of the National Park Service's 100th year, I encourage you to find your park.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on May 27, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 184. An act to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on May 27, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CASSIDY).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on June 3, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs. COMSTOCK) has signed the following enrolled bills:

H.R. 136. An act to designate the facility of the United States Postal Service located at 1103 USPS Building 1103 in Camp Pendleton, California, as the ''Camp Pendleton Medal of Honor Post Office''.

H.R. 433. An act to designate the facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, as the ''Specialist Ross A. McGinnis Memorial Post Office''.

H.R. 1132. An act to designate the facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton, California, as the ''W. Ronald Coale Memorial Post Office Building''.

H.R. 2458. An act to designate the facility of the United States Postal Service located at 5351 Lapalco Boulevard in Marrero, Louisiana, as the ''Lionel R. Collins, Sr. Post Office Building''.

H.R. 2928. An act to designate the facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, as the ''Harold George Bennett Post Office''.

H.R. 3082. An act to designate the facility of the United States Postal Service located at 5919 Chef Menteur Highway in New Orleans, Louisiana, as the ''Daryle Holloway Post Office Building''.

H.R. 3274. An act to designate the facility of the United States Postal Service located at 4567 Rockbridge Road in Pine Lake, Georgia, as the ''Francis Manuel Ortega Post Office''.

H.R. 3601. An act to designate the facility of the United States Postal Service located at 7715 Post Road, North Kingstown, Rhode Island, as the ''Melvoid J. Benson Post Office Building''.

H.R. 3735. An act to designate the facility of the United States Postal Service located at 200 Town Run Lane in Winston Salem, North Carolina, as the ''Maya Angelou Memorial Post Office''.

H.R. 3866. An act to designate the facility of the United States Postal Service located at 1265 Hurffville Road in Deptford Township, New Jersey, as the ''First Lieutenant Salvatore S. Corma II Post Office Building''.

H.R. 4046. An act to designate the facility of the United States Postal Service located at 220 East Oak Street, Glenwood City, Wisconsin, as the Second Lt. Ellen Ainsworth Memorial Post Office.

H.R. 4605. An act to designate the facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa as the ''Sgt. 1st Class Terryl L. Pasker Post Office Building''.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on June 3, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. MCCONNELL).

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on June 3, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following joint resolution:

H.J. Res. 88. Joint resolution disapproving the rule submitted by the Department of Labor relating to the definition of the term ''Fiduciary''.

Under the authority of the order of the Senate of January 6, 2015, the enrolled joint resolution was signed on

June 3, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. MCCONNELL).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3011. A bill to improve the accountability, efficiency, transparency, and overall effectiveness of the Federal Government.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 27, 2016, she had presented to the President of the United States the following enrolled bill:

S. 184. An act to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURR, from the Select Committee on Intelligence, without amendment:

S. 3017. An original bill to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR:

S. 3017. An original bill to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. KING (for himself, Mr. RISCH, Ms. COLLINS, and Mr. HEINRICH):

S. 3018. A bill to provide for the establishment of a pilot program to identify security vulnerabilities of certain entities in the energy sector; to the Committee on Energy and Natural Resources.

By Mr. ROUNDS:

S. 3019. A bill to require the Secretary of Defense to implement processes and procedures to provide expedited evaluation and treatment for prenatal surgery under the TRICARE program; to the Committee on Armed Services.

By Mr. GARDNER:

S. 3020. A bill to update the map of, and modify the acreage available for inclusion in, the Florissant Fossil Beds National Monument; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Mr. LANKFORD):

S. 3021. A bill to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE (for himself, Mrs. BOXER, Mr. DURBIN, Mr. MARKEY, Mr. MENENDEZ, Mr. REID, Mr. SCHUMER, and Mrs. SHAHEEN):

S. 3022. A bill to designate certain National Forest System land and certain public land under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, wildland recovery areas, and biological connecting corridors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL:

S. 3023. A bill to provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VITTER (for himself and Mr. PETERS):

S. 3024. A bill to improve cyber security for small businesses; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself, Mr. RUBIO, Mr. MARKEY, Ms. AYOTTE, Mr. COONS, and Mr. KIRK):

S. Res. 482. A resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself and Mr. DURBIN):

S. Res. 483. A resolution designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 484. A resolution authorizing the taking of a photograph in the Senate Chamber; considered and agreed to.

ADDITIONAL COSPONSORS

S. 271

At the request of Mr. REID, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 356

At the request of Mr. LEE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 356, a bill to improve the provisions relating to the privacy of electronic communications.

S. 366

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 366, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 386

At the request of Mr. THUNE, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 579

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 579, a bill to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

S. 591

At the request of Mr. BLUNT, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 698

At the request of Mr. ENZI, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 698, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 979

At the request of Mr. NELSON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 979, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1062

At the request of Ms. HIRONO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1062, a bill to improve the Federal Pell Grant program, and for other purposes.

S. 1473

At the request of Mr. MARKEY, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1473, a bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

S. 1479

At the request of Mr. MARKEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1479, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to

modify provisions relating to grants, and for other purposes.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1566

At the request of Mr. FRANKEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1566, a bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider.

S. 2175

At the request of Mr. TESTER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2175, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 2200

At the request of Mrs. FISCHER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2200, a bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

S. 2301

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2301, a bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen requirements related to nutrient information on food labels, and for other purposes.

S. 2424

At the request of Mr. PORTMAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2424, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 2487

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2487, a bill to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2487, supra.

S. 2595

At the request of Mr. CRAPO, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2596

At the request of Mr. HELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2596, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 2598

At the request of Ms. WARREN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2598, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 2655

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2655, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 2659

At the request of Mr. BURR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2717

At the request of Mr. BARRASSO, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2717, a bill to improve the safety and address the deferred maintenance needs of Indian dams to prevent flooding on Indian reservations, and for other purposes.

S. 2773

At the request of Ms. AYOTTE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2773, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 2800

At the request of Mr. COONS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Maine (Ms. COLLINS), and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2800, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 2854

At the request of Mr. BURR, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2854, a bill to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

S. 2882

At the request of Mrs. CAPITO, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2882, a bill to facilitate efficient State implementation of ground-level ozone standards, and for other purposes.

S. 2904

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2904, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 2944

At the request of Mr. GRASSLEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 2944, a bill to require adequate reporting on the Public Safety Officers' Benefit program, and for other purposes.

S. 2993

At the request of Mrs. FISCHER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2993, a bill to direct the Administrator of the Environmental Protection Agency to change the spill prevention, control, and countermeasure rule with respect to certain farms.

S. 3007

At the request of Mr. COTTON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3007, a bill to prohibit funds from being obligated or expended to aid, support, permit, or facilitate the certification or approval of any new sensor for use by the Russian Federation on observation flights under the Open Skies Treaty unless the President submits a certification related to such sensor to Congress and for other purposes.

S. 3012

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3012, a bill to amend the Federal Power Act to establish an Office of Public Participation and Consumer Advocacy.

S. CON. RES. 35

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that the United States should continue to exercise its veto in the United Nations Security Council on resolutions regarding the Israeli-Palestinian peace process.

S. RES. 462

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. Res. 462, a resolution urging the United States Soccer Federation to immediately eliminate gender pay inequity and treat all athletes with the same respect and dignity.

S. RES. 478

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 478, a resolution expressing support for the designation of June 2, 2016, as ''National Gun Violence Awareness Day'' and June 2016 as ''National Gun Violence Awareness Month'' .

AMENDMENT NO. 4067

At the request of Mr. WARNER, the names of the Senator from Montana (Mr. DAINES) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4067 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4112

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4112 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4120

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of amendment No. 4120 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4138

At the request of Mr. PETERS, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Montana (Mr. TESTER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4138 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4175

At the request of Mr. REID, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 4175 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4215

At the request of Mr. REID, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 4215 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4227

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4227 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4235

At the request of Mr. HELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4235 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4250

At the request of Mrs. SHAHEEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of amendment No. 4250 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4252

At the request of Mr. TESTER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 4252 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4295

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 4295 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4334

At the request of Mr. UDALL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4334 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4346

At the request of Mr. PORTMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4346 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4356

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 4356 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4369

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. MARKEY), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Ms. HIRONO), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Montana (Mr. TESTER), the Senator from Delaware (Mr. COONS), the Senator from Illinois (Mr. KIRK), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Mexico (Mr. UDALL), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. SCHATZ), the Senator from Kansas (Mr. MORAN), the Senator from Vermont (Mr. SANDERS), the Senator

from Massachusetts (Ms. WARREN), the Senator from Maryland (Mr. CARDIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4369 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 482—URGING THE EUROPEAN UNION TO DESIGNATE HIZBALLAH IN ITS ENTIRETY AS A TERRORIST ORGANIZATION AND TO INCREASE PRESSURE ON THE ORGANIZATION AND ITS MEMBERS TO THE FULLEST EXTENT POSSIBLE

Mrs. SHAHEEN (for herself, Mr. RUBIO, Mr. MARKEY, Ms. AYOTTE, Mr. COONS, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 482

Whereas in July 2012, a Hizballah terror attack in Bulgaria killed 5 Israeli tourists and 1 Bulgarian;

Whereas in March 2013, a Hizballah operative in Cyprus was convicted of planning terror attacks after admitting that he was a member of Hizballah, had been trained in the use of weapons, and used a dual Swedish-Lebanese passport to travel around Europe on missions as a courier and scout for Hizballah;

Whereas although that Hizballah operative was convicted on criminal-related charges, authorities had to drop terrorism charges against him because Hizballah was not listed as a terrorist organization;

Whereas in July 2013, the European Union (referred to in this Resolution as the ''EU'') designated Hizballah's so-called ''military wing'', but not the organization as a whole, as a terrorist organization;

Whereas the EU designation of Hizballah's military wing has enabled substantial and important cooperation between United States and European authorities aimed at uncovering and thwarting Hizballah's international criminal activities, such as drug trafficking and money laundering, the proceeds of which are used to purchase weapons and advance Hizballah's terrorist aims;

Whereas the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102) was signed into law in December 2015, broadening financial sector sanctions against Hizballah to compel foreign financial institutions to refrain from supporting the terrorist group;

Whereas in February 2016, the United States Drug Enforcement Administration and U.S. Customs and Border Protection partnered with counterparts in France, Germany, Italy, and Belgium to arrest top leaders of the European cell of Hizballah's External Security Organization Business Affairs Component, which engages in international money laundering and drug trafficking to support Hizballah's terror activities;

Whereas for many years, Iran and Syria have been the prime sponsors of Hizballah, by harboring, financing, training, and arming the terrorist group;

Whereas according to the Department of State's Country Reports on Terrorism, Iran has armed Hizballah, provided hundreds of millions of dollars in support of Hizballah, and trained thousands of its fighters;

Whereas Hizballah now has an arsenal of approximately 150,000 missiles and rockets, many of which can reach deep into Israel, at a time when Hizballah Secretary General Hassan Nasrallah is threatening to invade Galilee or attack civilian Israeli chemical plants to generate mass destruction;

Whereas while the EU confronts the migrant crisis sparked by violence in Syria, 6,000 to 8,000 Hizballah fighters have been on the ground in Syria aiding the Assad regime in its slaughter of innocent Syrians;

Whereas the Lebanese Armed Forces, the legitimate security establishment of the country as set forth in United Nations Security Council Resolution 1701 (2006), are struggling to control the flow of weapons and Hizballah fighters at its borders;

Whereas Hizballah trains and provides weapons for armed groups in Iraq and Yemen, further destabilizing the region and perpetuating violence in those countries;

Whereas in October 2012, Hizballah Deputy Secretary General Naim Qassem stated that Hizballah does not ''have a military wing and a political one . . . Every element of Hizballah, from commanders to members as well as our various capabilities, are in the service of the resistance'';

Whereas the United States, Canada, Israel, and the Netherlands have designated Hizballah in its entirety as a terrorist organization, while Australia and New Zealand have applied the designation to the organization's military wing;

Whereas in March 2016, the Gulf Cooperation Council, composed of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, formally branded Hizballah, in its entirety, a terrorist organization, and the League of Arab States shortly thereafter adopted the same designation; and

Whereas in April 2016, the Organization of Islamic Cooperation, denounced Hizballah's ''terrorist acts'' in the Middle East:

Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation to the EU for the progress made in countering Hizballah since the EU designated Hizballah's military wing as a terrorist organization;

(2) expresses support for the continued, increased cooperation between the United States and the EU in thwarting Hizballah's criminal and terrorist activities; and

(3) urges the EU to designate Hizballah in its entirety as a terrorist organization and increase pressure on the group, including through—

(A) facilitating better cross-border cooperation between EU members in combating Hizballah;

(B) issuing arrest warrants against members and active supporters of Hizballah;

(C) freezing Hizballah's assets in Europe, including those masquerading as charities; and

(D) prohibiting fundraising activities in support of Hizballah.

SENATE RESOLUTION 483—DESIGNATING JUNE 20, 2016, AS ''AMERICAN EAGLE DAY'' AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 483

Whereas the bald eagle was chosen as the central image of the Great Seal of the United States on June 20, 1782, by the Founding Fathers at the Congress of the Confederation;

Whereas the bald eagle is widely known as the living national symbol of the United States and for many generations has represented values such as—

(1) freedom;
(2) democracy;
(3) courage;
(4) strength;
(5) spirit;
(6) independence;
(7) justice; and
(8) excellence;

Whereas the bald eagle is unique only to North America and cannot be found naturally in any other part of the world, which was one of the primary reasons the Founding Fathers selected the bald eagle to symbolize the Government of the United States;

Whereas the bald eagle is the central image used in the official logos of many branches and departments of the Federal Government, including—

(1) the Office of the President;
(2) Congress;
(3) the Supreme Court;
(4) the Department of Defense;
(5) the Department of the Treasury;
(6) the Department of Justice;
(7) the Department of State;
(8) the Department of Commerce;
(9) the Department of Homeland Security;
(10) the Department of Veterans Affairs;
(11) the Department of Labor;
(12) the Department of Health and Human Services;
(13) the Department of Energy;
(14) the Department of Housing and Urban Development;
(15) the Central Intelligence Agency; and
(16) the United States Postal Service;

Whereas the bald eagle is an inspiring symbol of the spirit of freedom and the sovereignty of the United States;

Whereas the image and symbolism of the bald eagle has played a significant role in art, music, literature, architecture, commerce, education, and culture in the United States, and on United States stamps, currency, and coinage;

Whereas the bald eagle was once endangered and facing possible extinction in the lower 48 States, but has made a gradual and encouraging comeback to the lands, waterways, and skies of the United States;

Whereas the dramatic recovery of the national bird of the United States is an endangered species success story and an inspirational example to other environmental, natural resource, and wildlife conservation efforts worldwide;

Whereas, in 1940, noting that the species was ''threatened with extinction'', Congress passed the Bald Eagle Protection Act (16 U.S.C. 668 et seq.), which prohibited killing, selling, or possessing the species, and a 1962 amendment expanded protection to the golden eagle, thereby establishing the Bald and Golden Eagle Protection Act;

Whereas, by 1963, there were only an estimated 417 nesting pairs of bald eagles remaining in the lower 48 States, with loss of habitat, poaching, and the use of pesticides and other environmental contaminants contributing to the near demise of the national bird of the United States;

Whereas the bald eagle was officially declared an endangered species in 1967 under the Endangered Species Preservation Act of 1966 (Public Law 89–669; 80 Stat. 926) in all areas of the United States south of the 40th parallel due to the dramatic decline in the population of the bald eagle in the lower 48 States;

Whereas the Endangered Species Act (16 U.S.C. 1531 et seq.) was signed into law in 1973 and, in 1978, the bald eagle was listed as ''endangered'' throughout the lower 48 states, except in Michigan, Minnesota, Oregon, Washington, and Wisconsin, where it was designated as ''threatened'';

Whereas, in July 1995, the United States Fish and Wildlife Service announced that bald eagles in the lower 48 States had recovered to the point where populations of bald eagles previously considered ''endangered'' were now considered ''threatened'';

Whereas, by 2007, bald eagles residing in the lower 48 States had rebounded to approximately 11,000 pairs;

Whereas the United States Department of the Interior and the United States Fish and Wildlife Service removed the bald eagle from Endangered Species Act protection on June 28, 2007, but the species continues to be protected under the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.), and the Lacey Act and the amendments thereto (16 U.S.C. 3371 et seq.);

Whereas the trained, educational bald eagle ''Challenger'' of the American Eagle Foundation in Pigeon Forge, Tennessee, was invited by the United States Department of the Interior to perform a free-flight demonstration during the official bald eagle delisting ceremony held at the Jefferson Memorial in Washington, DC;

Whereas experts and population growth charts estimate that the bald eagle population could reach 15,000 pairs, even though a physical count has not been conducted by State and Federal wildlife agencies since 2007;

Whereas caring and concerned agencies, corporations, organizations, and people of the United States representing the Federal, State, and private sectors passionately and resourcefully banded together, determined to save and protect the national bird of the United States;

Whereas the recovery of the bald eagle population in the United States was largely accomplished due to the dedicated and vigilant efforts of Federal and State wildlife agencies and non-profit organizations, such as the American Eagle Foundation, through public education, captive breeding and release programs, hacking and release programs, and the translocation of bald eagles from places in the United States with dense bald eagle populations to suitable locations in the lower 48 States which had suffered a decrease in bald eagle populations;

Whereas various non-profit organizations, such as the Southeastern Raptor Center at Auburn University in the State of Alabama, contribute to the continuing recovery of the bald eagle through rehabilitation and educational efforts;

Whereas the bald eagle might have been lost permanently if not for dedicated conservation efforts and strict protection laws like the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.), and the Lacey Act and the amendments thereto (16 U.S.C. 3371 et seq.); and

Whereas the sustained recovery of the bald eagle population will require the continuation of recovery, management, education, and public awareness programs to ensure that the population numbers and habitat of the bald eagle will remain healthy and secure for generations to come: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2016, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a way to generate critical funds for the protection of the bald eagle; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

SENATE RESOLUTION 484—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 484

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the Senate in actual session on Tuesday, June 14, 2016, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4372. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4373. Mr. MARKEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4374. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4375. Mrs. ERNST (for herself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4376. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4377. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4378. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4379. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4380. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4381. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4382. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4383. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4384. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4385. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4386. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4387. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4388. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4389. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4390. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4391. Mrs. GILLIBRAND (for herself, Mr. BOOKER, and Mrs . BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4392. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4393. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4394. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4395. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4396. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4397. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4398. Mr. MCCAIN (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4399. Mr. DAINES (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4400. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4401. Mr. REID (for Mr. BOOKER (for himself and Mr. BROWN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4402. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4403. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4404. Mr. PAUL (for himself, Mr. MURPHY, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4405. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4406. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4407. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4408. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4409. Mr. WYDEN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4410. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4411. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4412. Ms. AYOTTE (for herself and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4413. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4414. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4415. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4416. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4417. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4418. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4419. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4420. Mr. CORKER (for himself and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4421. Mr. WARNER (for himself, Mr. CARPER, Mr. COONS, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4422. Mr. BENNET (for himself, Mr. HATCH, Mr. BLUMENTHAL, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4423. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4424. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4425. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4426. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4427. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4428. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4429. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4430. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4431. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4432. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4433. Mr. WYDEN (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4434. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4435. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4436. Mr. RUBIO (for himself, Mr. SULLIVAN, Mr. CASSIDY, Mr. VITTER, Mr. BLUNT, Mrs. CAPITO, Mr. WICKER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4437. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4438. Mr. SCHATZ (for himself, Mr. BROWN, Ms. MIKULSKI, Mr. INHOFE, Mr. HATCH, Mr. KAINE, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4439. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4440. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4441. Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4442. Mr. CRUZ (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4443. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4444. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4445. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4446. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4447. Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4372. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 926. REPORT ON SERVICE-COMMON SUPPORT AND ENABLING CAPABILITIES CONTRIBUTED BY THE ARMED FORCES TO UNITED STATES SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a written report on service-common support and enabling capabilities contributed by each of the Armed Forces to special operations forces.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A definition of the terms ''service-common'' and ''special operations-peculiar''.

(B) A description of the factors and process used by the Department of Defense to determine whether combat support, combat service support, base operating support, and enabling capabilities are service-common or special operations-peculiar.

(C) A detailed accounting of the resources allocated by each Armed Force to provide combat support, combat service support, base operating support, and enabling capabilities for special operations forces.

(D) An identification of any change in the level or type of service-common support and enabling capabilities provided by each of the Armed Forces to special operations forces in fiscal year 2017 when compared with fiscal year 2016, including the rationale for any such change and any mitigating actions.

(E) An assessment of the specific effects that the budget of the President for fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code), and any anticipated future manpower and force structure changes, are likely to have on the ability of each of the Armed Forces to provide service-common support and enabling capabilities to special operations forces.

(F) Any other matters the Secretary considers appropriate.

(b) ANNUAL UPDATES.—For each of fiscal years 2018 through 2020, the Secretary shall submit to the congressional defense committees an update of the report under subsection (a) at the same time as the budget of the President for such fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code.

(c) FORM.—The report under subsection (a) and each update under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SA 4373. Mr. MARKEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 221. MICRO-PURCHASE THRESHOLD FOR UNIVERSITIES, INDEPENDENT RESEARCH INSTITUTES, AND NONPROFIT RESEARCH ORGANIZATIONS.

Section 1902 of title 41, United States Code, is amended—

(1) in subsection (a), as amended by section 215(b)—

(A) by inserting ''(1)'' before ''Except as provided'';

(B) by inserting ''and paragraph (2)'' after ''section 2338 of title 10''; and

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

''(2) For purposes of this section, the micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31, United States Code, by institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or related or affiliated nonprofit entities, or by nonprofit research organizations or independent research institutes is—

''(A) $10,000; or

''(B) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under chapter 75 of title 31, United States Code, internal institutional risk assessment, or State law.''; and

(2) in subsections (d) and (e), by striking ''not greater than $3,000'' and inserting ''with a price not greater than the micro-purchase threshold''.

SA 4374. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 597. MILITARY APPRENTICESHIP PROGRAMS.

(a) PROMOTION REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Labor, promote the enhancement and implementation of military apprenticeship programs that provide an opportunity for members of the Armed Forces to improve their job skills and obtain certificates of completion for registered apprenticeship programs while on active duty. The Secretary of Defense also shall promote connections between military training, education, and transition activities and registered apprenticeship programs in order to improve employment outcomes for veterans and help ready-to-hire employers connect to this skilled workforce.

(b) VOLUNTARY GOALS.—In carrying out subsection (a), the Secretary of Defense shall establish voluntary goals for each Armed Force relating to—

(1) the number of members participating in activities relating to registered apprenticeships prior to separation from active duty;

(2) the establishment of partnerships with registered apprenticeship programs through the United Services Military Apprenticeship Program, Skill Bridge programs, Transition Assistance Program, tuition assistance programs, and other appropriate mechanisms; and

(3) the number of veterans entering registered apprenticeship programs upon separation from active duty.

(c) BIENNIAL REPORT.—Not later than two years after the date of the enactment of this Act, and every two years thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report describing the activities undertaken pursuant to this section during the two-year period ending on the date of such report, including a description and assessment of the progress made in achieving the voluntary goals established under subsection (b).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) the Committee on Armed Services and the Committee on Education and the Workforce of the House of Representatives.

SA 4375. Mrs. ERNST (for herself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. ARSENAL INSTALLATION REUTILIZATION AUTHORITY.

(a) MODIFIED AUTHORITY.—In the case of a military manufacturing arsenal, the Secretary concerned may authorize leases and contracts under section 2667 of title 10, United States Code, for a term of up to 25 years, notwithstanding subsection (b)(1) of such section, if the Secretary determines that a lease or contract of that duration will promote the national defense or be in the public interest for the purpose of—

(1) helping to maintain the viability of the military manufacturing arsenal and any military installations on which it is located;

(2) eliminating, or at least reducing, the cost of Government ownership of the military manufacturing arsenal, including the costs of operations and maintenance, the costs of environmental remediation, and other costs; and

(3) leveraging private investment at the military manufacturing arsenal through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the preceding purposes.

(b) DELEGATION.—The Secretary concerned may delegate the authority provided by this section to the commander of the major subordinate command of the Army that has responsibility for the military manufacturing arsenal or, if part of a larger military installation, the installation as a whole. The commander may approve such an arrangement on a case-by-case basis or a class basis.

(c) MILITARY MANUFACTURING ARSENAL DEFINED.—In this section, the term ''military manufacturing arsenal'' means a Government-owned, Government-operated defense plant of the Department of the Defense that manufactures weapons, weapon components, or both.

(d) SUNSET.—The authority under this section shall terminate at the close of September 30, 2019.

SA 4376. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 215.

On page 476, line 6, strike ''is amended'' and insert '', as amended by section 811(b)(1), is further amended''.

On page 476, strike lines 8 through the matter following line 14 and insert the following:

''§ 2339. Micro-purchase threshold

''Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000, except that for purposes of basic research programs and for the activities of the Department of Defense science and technology reinvention laboratories, the micro-purchase threshold for the Department for purposes of such section is $10,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 811(b)(2), is further amended by adding at the end the following new item:

''2339. Micro-purchase threshold.''.

On page 484, line 22, strike ''is amended'' and insert ''as amended by section 812(a)(1), is further amended''.

On page 485, line 1, strike ''**2338**'' and insert ''**2340**''.

On page 490, line 7, strike ''is amended'' and insert '', as amended by section 812(a)(2), is further amended''.

On page 490, strike the matter following line 8 and insert the following:

''2340. Comprehensive small business contracting plans.''.

On page 492, line 9, strike ''is amended'' and insert ''as amended by section 818(a)(1), is further amended''.

On page 492, line 11, strike ''**2338**'' and insert ''**2341**''.

On page 495, line 2, strike ''is amended'' and insert '', as amended by section 818(a)(2), is further amended''.

On page 495, strike the matter following line 3 and insert the following:

''2341. Government Accountability Office bid protests.''.

On page 508, strike lines 10 through 20 and insert the following:

Section 2332 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) TRAINING.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on share-in-savings contracts and other contracts to achieve similar goals.''.

On page 509, line 7, strike ''is amended'' and insert ''as amended by section 821(a), is further amended''.

On page 509, line 9, strike ''**2338**'' and insert ''**2342**''.

On page 511, line 16, strike ''is amended'' and insert ''as amended by section 821(b), is further amended''.

On page 511, strike the matter following line 17 and insert the following:

''2342. Special emergency procurement authority.''.

On page 519, line 6, strike ''For purposes'' and insert ''Except as provided in paragraph (2), for purposes''.

On page 521, line 9, strike ''(2) RECOMMENDATIONS.—'' and insert the following:

(2) EXCEPTION.—The limitation under paragraph (1) does not apply to contracts with the Central Nonprofit Agency designated to serve agencies for the blind pursuant to section 8503(C) of title 41, United States Code, National Industries for the Blind, or to a qualified nonprofit agency for the blind, as that term is defined in section 8501(7) of title 41, United States Code.

(3) RECOMMENDATIONS.—

On page 529, strike lines 12 through 15 and insert the following:

(c) CONFORMING AMENDMENTS.—(1) Section 2334(a) of title 10, United States Code, is amended—

(A) in paragraph (2), by striking ''or a major automated information system under chapter 144A of this title''; and

(B) in paragraph (6)—

(i) in clause (ii), by striking the semicolon and inserting ''; and''; and

(ii) by striking clause (iv).

(2) Section 1706(c)(2) of title 10, United States Code, is amended by striking ''has the meaning given such term in section 2445a of this title.'' and inserting the following: ''means a Department of Defense program for the acquisition of an automated information system (either as a product or a service) if—

''(A) the program is designated by the Secretary of Defense, or a designee of the Secretary, as a major automated information system program; or

''(B) the dollar value of the program is estimated to exceed—

''(i) $ 32,000,000 in fiscal year 2000 constant dollars for all program costs in a single fiscal year;

''(ii) $ 126,000,000 in fiscal year 2000 constant dollars for all program acquisition costs for the entire program; or

''(iii) $ 378,000,000 in fiscal year 2000 constant dollars for the total life-cycle costs of the program (including operation and maintenance costs).''.

(3) Section 2505(b)(6) of title 10, United States Code, is amended by striking ''as defined in section 2445a'' and inserting ''as defined in section 1706(c)(2)''.

On page 541, line 16, strike ''is amended'' and insert ''as amended by section 829B(a), is further amended''.

On page 541, line 18, strike ''**2338**'' and insert ''**2343**''.

On page 542, line 20, strike ''is amended'' and insert '', as amended by section 829B(b), is further amended''.

On page 542, strike the matter following line 21 and insert the following:

''2343. Counting of major defense acquisition program subcontracts toward small business goals.''.

On page 585, lines 2 and 3, strike ''**TECHNICAL**'' and insert ''**TECHNOLOGY**''.

On page 585, line 8, strike ''Technical'' and insert ''Technology''.

On page 585, line 12, strike ''Technical'' and insert ''Technology''.

On page 585, line 23, strike ''Technical'' and insert ''Technology''.

On page 586, line 1, strike ''Technical'' and insert ''Technology''.

On page 586, line 8, strike ''Technical'' and insert ''Technology''.

On page 587, line 11, strike ''Technical'' and insert ''Technology''.

On page 599, line 20, strike ''is amended'' and insert ''as amended by section 838(a), is further amended''.

On page 599, line 22, strike ''**2338**'' and insert ''**2344**''.

On page 600, line 13, strike ''is amended'' and insert '', as amended by section 838(b), is further amended''.

On page 600, strike the matter following line 14 and insert the following:

''2344. Clarification of treatment of contracts performed outside the United States.''.

On page 605, line 12, strike ''is amended'' and insert ''as amended by section 884(a), is further amended''.

On page 605, line 14, strike ''**2338**'' and insert ''**2345**''.

On page 606, line 22, strike ''not'' and insert ''only''.

On page 610, line 6, strike ''is amended'' and insert '', as amended by section 884(b), is further amended''.

On page 610, strike the matter following line 7 and insert the following:

''2345. Contractor business system requirements.''.

On page 614, strike lines 1 and 2 and insert the following:

SEC. 894. ADDITIONAL DUTIES OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

On page 1018, strike line 13 and all that follows through ''(e)'' on line 24 and insert ''(d)''.

On page 1064, line 23, strike ''conducting'' and insert ''building the capacity of such country or countries to conduct''.

On page 1129, line 20, insert ''available'' before ''unobligated''.

SA 4377. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

SEC. 1613. SENSE OF CONGRESS ON PROCUREMENT OF VEHICLES FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

It is the sense of Congress that the Secretary of the Air Force should assess whether there could be benefits from maintaining three providers of vehicles for the evolved expendable launch vehicle program for next-generation launch to mitigate risk in the program and to increase competition in and lower the cost of the program.

SA 4378. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1032, after line 23, add the following:

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

(1) it should be the policy of the United States to support, within the framework of the Iraq Constitution, the Kurdish Peshmerga in Iraq, Iraq Security Forces, Sunni tribal forces, and other local security forces, including ethnic and religious minority groups such as Iraqi Christian militias, in the campaign against the Islamic State of Iraq and the Levant;

(2) recognizing the important role of the Kurdish Peshmerga in Iraq in the military campaign against the Islamic State of Iraq and the Levant in Iraq, the United States should provide arms, training, and appropriate equipment to the Kurdistan Regional Government;

(3) efforts should be made to ensure transparency and oversight mechanisms are in place for oversight of United States assistance under section 1236 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 in order to combat waste, fraud, and abuse; and

(4) securing safe areas, including the Nineveh Plain, for purposes of resettling and reintegrating ethnic and religious minorities, including victims of genocide, into their homelands in Iraq is a critical component toward achieving a safe, secure, and sovereign Iraq.

SA 4379. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 2701 and 2702 and insert the following:

Subtitle A—Authorization of Appropriations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

Subtitle B—Defense Base Closure and Realignment

SEC. 2711. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Defense Base Closure and Realignment Act of 2016''.

(b) PURPOSE.—The purpose of this subtitle is to provide a fair process that will result in

the timely closure and realignment of military installations in the United States.

SEC. 2712. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the ''Defense Base Closure and Realignment Commission''.

(b) DUTIES.—The Commission shall carry out the duties specified for the Commission in this subtitle.

(c) APPOINTMENT.—(1)(A) The Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate.

(B) Subject to the certifications required under section 2713(b), the President may commence a round for the selection of military installations for closure and realignment under this subtitle in 2019 by transmitting to the Senate nominations for appointment to the Commission by not later than February 1, 2019.

(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before February 1, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

(2) In selecting individuals for nominations for appointments to the Commission, the President should consult with—

(A) the Speaker of the House of Representatives concerning the appointment of two members;

(B) the majority leader of the Senate concerning the appointment of two members;

(C) the minority leader of the House of Representatives concerning the appointment of one member; and

(D) the minority leader of the Senate concerning the appointment of one member.

(3) At the time the President nominates individuals for appointment to the Commission, the President shall designate one such individual who shall serve as Chairman of the Commission.

(d) TERMS.—(1) Except as provided in paragraph (2), each member of the Commission shall serve until December 31, 2019.

(2) The Chairman of the Commission shall serve until the confirmation of a successor.

(e) MEETINGS.—(1) The Commission shall meet only during calendar year 2019.

(2)(A) Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(B) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(i) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(ii) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(iii) The Chairmen and ranking minority party members of the subcommittees with jurisdiction for military construction of the Committees on Appropriations of the Senate and of the House of Representatives, or such other members of the subcommittees designated by such Chairmen or ranking minority party members.

(iv) The Chairmen and ranking minority party members of the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives, or such other members of the subcommittees designated by such Chairmen or ranking minority party members.

(C) A member of the Commission shall be recused from consideration of matters before the Commission in accordance with section 208 of title 18, United States Code. A member of the Commission shall not participate in the deliberations on, or vote regarding any matter from which the member is recused.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code.

(2) Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311 of title 5, United States Code, appoint a Director who has not served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment.

(2) The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS–15 of the General Schedule.

(3)(A) Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be persons detailed from the Department of Defense to the Commission.

(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead professional analyst with respect to a military department or defense agency.

(C) A person may not be detailed from the Department of Defense to the Commission if, within one year before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for closures or realignments of military installations.

(D) No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from the Department of Defense to that staff;

(ii) review the preparation of such a report; or

(iii) approve or disapprove such a report.

(4) Upon request of the Director, the head of any Federal agency may detail any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(5) The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(6) Not later than April 1, 2019, the Chairman of the Commission shall certify to the congressional defense committees regarding whether the Commission and its staff have adequate capacity to review the recommendations to be submitted by the Secretary of Defense pursuant to section 2713.

(7) The following restrictions relating to the personnel of the Commission shall apply during the period beginning on January 1, 2020, and ending on April 15, 2020:

(A) There may not be more than 15 persons on the staff at any one time.

(B) The staff may perform only such functions as are necessary—

(i) to prepare for the termination of the Commission; and

(ii) to transfer all records of the Commission to the Secretary of Defense or national archives.

(C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.

(j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this subtitle. Such funds shall remain available until expended.

(2) If no funds are appropriated to the Commission by the end of the second session of the 115th Congress, the Secretary of Defense may transfer to the Commission for purposes of its activities under this subtitle such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.

(l) TERMINATION.—The Commission shall terminate on April 15, 2020.

(m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10, United States Code, shall apply with respect to communications with the Commission.

SEC. 2713. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE CLOSURES AND REALIGNMENTS.

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2019, the Secretary shall submit to Congress the following:

(A) A force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force

units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(2) Using the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(3) In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(4) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than February 15, 2019. For purposes of selecting military installations for closure or realignment under this subtitle, no revision of the force-structure plan or infrastructure inventory is authorized after February 15, 2019.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—(1) On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) if such need exists—

(i) a certification that the additional round of closures and realignments would result in annual net savings for each of the military departments beginning not later than six years following the commencement of such closures and realignments; and

(ii) a certification that the additional round of closures and realignments will have the primary objective of eliminating excess infrastructure capacity within the Department of Defense and reconfiguring the infrastructure of the Department to maximize efficiency and reduce costs.

(2) If the Secretary does not include the certifications referred to in paragraph (1) as part of the submission of the force-structure plan and infrastructure inventory prepared under subsection (a), the President may not commence a round for the selection of military installations for closure and realignment under this subtitle in the year following submission of the force-structure plan and infrastructure inventory.

(c) COMPTROLLER GENERAL EVALUATION.—(1) If the certification is provided under subsection (b), the Comptroller General of the United States shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria specified in paragraph (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) The need for the closure or realignment of additional military installations.

(2) The Comptroller General shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in paragraph (2) and additional criteria specified in paragraph (3).

(2) The military value criteria specified in this paragraph are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(3) The additional criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations in the United States under this subtitle are as follows:

(A) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

(B) The economic impact on existing communities in the vicinity of military installations.

(C) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(D) The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (d)(2) in the making of recommendations for the closure or realignment of military installations.

(f) DETERMINING COSTS.—When determining the costs associated with a closure or realignment of a military installation under this subtitle, the Secretary shall consider the costs associated with military construction, information technology, termination of public-private contracts, guarantees, the costs of any other activity of the Department of Defense or another Federal agency that may be required to assume responsibility for activities at the military installation, and such other factors as the Secretary determines as contributing to the cost of a closure or realignment.

(g) EMPHASIS GIVEN TO SAVINGS.—(1) Subject to subsection (e), the Secretary shall emphasize recommendations for the closure or realignment of a military installation that yield net savings within five years of completing such closure or realignment.

(2) The Secretary shall not consider any recommendation that does not yield net savings within 20 years unless the Secretary determines that the military value of such recommendation supports or enhances a critical national security interest of the United States.

(h) RELATION TO OTHER MATERIALS.—Except as provided in subsection (g), the final selection criteria specified in subsection (d) shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in subsection (a), in making recommendations for the closure or realignment of military installations in the United States under this subtitle.

(i) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—(1) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by no later than April 15, 2019, publish in the Federal Register and transmit to the congressional defense committees and to the Commission a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

(2) The Secretary shall include, with the list of recommendations published and transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation. The Secretary shall transmit the matters referred to in the preceding sentence not later than seven days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).

(3)(A) In considering military installations for closure or realignment, the Secretary shall consider all military installations in the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning—

(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment.

(D) In making recommendations to the Commission, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

(E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make

the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

(F) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (D) that is received with respect to a military installation covered by such recommendations. The statement shall set forth the reasons for the result.

(4) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Commission and the Comptroller General of the United States.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that persons knowledge and belief.

(B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations that the Secretary of Defense shall prescribe, regulations that the Secretary of each military department shall prescribe for personnel within that military department, or regulations that the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Commission.

(j) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the recommendations from the Secretary pursuant to subsection (i), the Commission shall conduct public hearings on the recommendations. All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.

(2)(A) The Commission shall, by no later than October 1, 2019, transmit to the President a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary pursuant to subsection (i), together with the Commission's recommendations for closures and realignments of military installations in the United States.

(B) Subject to subparagraphs (C) and (E), in making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary deviated substantially from the force-structure plan and final criteria referred to in subsection (d)(1) in making recommendations.

(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if—

(i) the Commission—

(I) makes the determination required by subparagraph (B);

(II) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (d)(1);

(III) publishes a notice of the proposed change in the Federal Register not less than 45 days before transmitting its recommendations to the President pursuant to subparagraph (A); and

(IV) conducts public hearings on the proposed change;

(ii) at least two members of the Commission visit the military installation before the date of the transmittal of the report; and

(iii) the decision of the Commission to make the change is supported by at least seven members of the Commission.

(D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's recommendations that would—

(i) add a military installation to the list of military installations recommended by the Secretary for closure;

(ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or

(iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.

(E) The Commission may not consider making a change in the recommendations of the Secretary that would add a military installation to the Secretary's list of installations recommended for closure or realignment unless, in addition to the requirements of subparagraph (C)—

(i) the Commission provides the Secretary with at least a 15-day period, before making the change, in which to submit an explanation of the reasons why the installation was not included on the closure or realignment list by the Secretary; and

(ii) the decision to add the installation for Commission consideration is supported by at least seven members of the Commission.

(F) In making recommendations under this paragraph, the Commission may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of a military installation.

(3) The Commission shall explain and justify in its report submitted to the President pursuant to paragraph (2) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (i). The Commission shall transmit a copy of such report to the congressional defense committees on the same date on which it transmits its recommendations to the President under paragraph (2).

(4) After October 1, 2019, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

(5) The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission's review and analysis of the recommendations made by the Secretary pursuant to subsection (i); and

(B) by not later than June 3, 2019, transmit to Congress and to the Commission a report containing a detailed analysis of the Secretary's recommendations and selection process.

(k) REVIEW BY THE PRESIDENT.—(1) The President shall, by not later than October 15, 2019, transmit to the Commission and to Congress a report containing the President's approval or disapproval of the Commission's recommendations under subsection (j).

(2) If the President approves all the recommendations of the Commission, the President shall transmit a copy of such recommendations to Congress, together with a certification of such approval.

(3) If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and Congress the reasons for that disapproval. The Commission shall then transmit to the President, by not later than November 18, 2019, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Commission transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to Congress, together with a certification of such approval.

(5) If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) by December 2, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

SEC. 2714. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall—

(1) close all military installations recommended for closure by the Commission in each report transmitted to Congress by the President pursuant to section 2713(k);

(2) realign all military installations recommended for realignment by such Commission in each such report;

(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations of the Commission in such report and is determined by the Commission to be the most cost-effective method of implementation of the recommendation;

(4) initiate all such closures and realignments not later than two years after the date on which the President transmits a report to Congress pursuant to section 2713(k) containing the recommendations for such closures or realignments; and

(5) complete all such closures and realignments not later than the end of the six-year period beginning on the date on which the President transmits the report pursuant to section 2713(k) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or realignment recommended by the Commission in a report transmitted from the President pursuant to section 2713(k) if a joint resolution is enacted, in accordance with the provisions of section 2718, disapproving such recommendations of the Commission before the earlier of—

(A) the end of the 45-day period beginning on the date on which the President transmits such report; or

(B) the adjournment of Congress sine die for the session during which such report is transmitted.

(2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section 2718, the days on which either House of Congress is not in session because of adjournment of more than three days to a day certain shall be excluded in the computation of a period.

SEC. 2715. IMPLEMENTATION.

(a) IN GENERAL.—(1) In closing or realigning any military installation under this subtitle, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design

as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B)(i) provide—

(I) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(II) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account.

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

(2) In carrying out any closure or realignment under this subtitle, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this subtitle—

(A) the authority of the Administrator to utilize excess property under subchapter II of chapter 5 of title 40, United States Code;

(B) the authority of the Administrator to dispose of surplus property under subchapter III of chapter 5 of title 40, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code; and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with all regulations governing the utilization of excess property and the disposal of surplus property under subtitle I of title 40, United States Code.

(B) The Secretary may, with the concurrence of the Administrator of General Services—

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.

(C) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this subtitle, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subtitle, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) If a military installation to be closed, realigned, or placed in an inactive status under this subtitle includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 180 days after the date of approval of the closure or realignment of a military installation under this subtitle, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities specified in clause (ii) with respect to an installation referred to in that clause until the earlier of—

(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

(III) two years after the date of approval of the closure or realignment of the installation; or

(IV) 90 days before the date of the closure or realignment of the installation.

(ii) The activities specified in this clause are activities relating to the closure or realignment of an installation to be closed or realigned under this subtitle as follows:

(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed or realigned under this subtitle to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation. In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation.

(E) This paragraph shall not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property—

(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

(v)(I) meets known requirements of an authorized program of another Federal agency for which expenditures for similar property would be necessary; and

(II) is the subject of a written request by the head of the agency.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.

(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this subtitle to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date

of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvements.

(xii) Planning for or the marketing of the development and reuse of the installation.

(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this subtitle (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another Federal agency. Subparagraph (B) shall apply to a transfer under this subparagraph.

(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the agency concerned.

(iii) A lease under clause (i) may not require rental payments by the United States.

(iv) A lease under clause (i) shall include a provision specifying that if the agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another Federal agency using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

(G) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under paragraph (1) regarding whether another Federal agency has identified a use for any portion of a military installation to be closed or realigned under this subtitle, or will accept transfer of any portion of such installation, are made not later than180 days after the date of approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this subtitle shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another Federal agency has identified a use, or of which another Federal agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of such final determinations) information on any building or property that is identified under subclause (II); and

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—

(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as practicable after the date of approval of closure or realignment of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 90 days and not later than 180 days after the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 90 days and

not later than 180 days after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

(IV) A description of the buildings and property at the installation that are necessary in order to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 270 days after the date specified by the redevelopment authority for the installation under subparagraph (D).

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

(iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

(v) If the Secretary of Housing and Urban Development determines as a result of such a review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

(I) an explanation of that determination; and

(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall submit a revised plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless.

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure or realignment of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

(O) For purposes of this paragraph, the term ''communities in the vicinity of the installation'', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.

(P) For purposes of this paragraph, the term ''other interested parties'', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.

(7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this subtitle, or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this subtitle, if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.

(c) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President, the Commission, and, except as provided in paragraph (2), the Department of Defense in carrying out this subtitle.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation which has been recommended for closure or realignment by the Commission;

(ii) the need for transferring functions to any military installation which has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(d) WAIVER.—The Secretary of Defense may close or realign military installations under this subtitle without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection. The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this subtitle that are available for purposes other than to assist the homeless.

(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

(5) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330, except in the case of releases or threatened releases not disclosed pursuant to paragraph (4) of this subsection.

SEC. 2716. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2016.

(a) IN GENERAL.—(1) If the Secretary makes the certifications required under section 2713(b), there shall be established on the books of the Treasury an account to be known as the ''Department of Defense Base Closure Account 2016'' (in this section referred to as the ''Account''). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this subtitle.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2715 with respect to military installations approved for closure or realignment under this subtitle.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2715(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

(c) REPORTS.—(1)(A) Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this subtitle using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of—

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

(ii) the amount and nature of other expenditures made pursuant to section 2715(a) during such fiscal year;

(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2715(a) during the first fiscal year commencing after the submission of the report.

(B) The report for a fiscal year shall include the following:

(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2717(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

(I) any failure to carry out military construction projects that were so proposed; and

(II) any expenditures for military construction projects that were not so proposed.

(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations approved for closure or realignment under this subtitle.

(2) Not later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or otherwise expended under this subtitle with respect to such installations; and

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this subtitle, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for nonappropriated fund instrumentalities.

(4) In this subsection:

(A) The term ''commissary store funds'' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term ''nonappropriated funds'' means funds received from a nonappropriated fund instrumentality.

(C) The term ''nonappropriated fund instrumentality'' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2715(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Act of Congress authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2805 of title 10, United States Code.

(3) The limitation on cost or scope variation specified in paragraph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project to be carried out using funds in the Account is required for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determination, the Secretary shall notify the congressional defense committees of the variation in cost or scope not later than 21 days before the date on which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the reasons for the variation in the notification.

SEC. 2717. REPORTS.

As part of the budget request for fiscal year 2021 and for each fiscal year thereafter through fiscal year 2032 for the Department of Defense, the Secretary shall transmit to the congressional defense committees—

(1) a schedule of the closure actions to be carried out under this subtitle in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and of the time period in which these savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions;

(2) a description of the military installations, including those under construction and those planned for construction, to which functions are to be transferred as a result of such closures, together with the Secretary's assessment of the environmental effects of such transfers;

(3) a description of the closure actions already carried out at each military installation since the date of the installation's approval for closure under this subtitle and the current status of the closure of the installation, including whether—

(A) a redevelopment authority has been recognized by the Secretary for the installation;

(B) the screening of property at the installation for other Federal use has been completed; and

(C) a redevelopment plan has been agreed to by the redevelopment authority for the installation;

(4) a description of redevelopment plans for military installations approved for closure under this subtitle, the quantity of property remaining to be disposed of at each installation as part of its closure, and the quantity of property already disposed of at each installation;

(5) a list of the Federal agencies that have requested property during the screening process for each military installation approved for closure under this subtitle, including the date of transfer or anticipated transfer of the property to such agencies, the acreage involved in such transfers, and an explanation for any delays in such transfers;

(6) a list of known environmental remediation issues at each military installation approved for closure under this subtitle, including the acreage affected by those issues, an estimate of the cost to complete such environmental remediation, and the plans (and timelines) to address such environmental remediation; and

(7) an estimate of the date for the completion of all closure actions at each military installation approved for closure or realignment under this subtitle.

SEC. 2718. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 2714(b), the term ''joint resolution'' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the report to Congress under section 2713(k), and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: ''That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on _____'', the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: ''Joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.''.

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such a resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to Congress under section 2713(k), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2719. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act, and ending on April 15, 2020, this subtitle shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this subtitle, during the period specified in subsection (a)—

(1) to identify, through any transmittal to Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this subtitle affects the authority of the Secretary to carry out closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency described in subsection (d) of such section.

SEC. 2720. DEFINITIONS.

In this subtitle:

(1) The term ''Account'' means the Department of Defense Base Closure Account established by section 2716(a)(1).

(2) The term ''congressional defense committees'' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''Commission'' means the Commission established by section 2712.

(4) The term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

(5) The term ''realignment'' includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(6) The term ''Secretary'' means the Secretary of Defense.

(7) The term ''United States'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(8) The term ''date of approval'', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this subtitle expires.

(9) The term ''redevelopment authority'', in the case of an installation to be closed or realigned under this subtitle, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.

(10) The term ''redevelopment plan'' in the case of an installation to be closed or realigned under this subtitle, means a plan that—

(A) is agreed to by the local redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure or realignment of the installation.

(11) The term ''representative of the homeless'' has the meaning given such term in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

SEC. 2721. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER PROVISIONS OF LAW.

(a) DEFINITION OF ''BASE CLOSURE LAW'' IN TITLE 10.—Section 101(a)(17) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The Defense Base Closure and Realignment Act of 2016.''.

(b) DEFINITION OF ''BASE CLOSURE LAW'' IN OTHER LAWS.—

(1) Section 131(b) of Public Law 107–249 (10 U.S.C. 221 note) is amended by striking ''means'' and all that follows and inserting ''has the meaning given the term 'base closure law' in section 101(a)(17) of title 10, United States Code.''.

(2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Base Closure and Realignment Act of 2016.''.

(3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Base Closure and Realignment Act of 2016.''.

SEC. 2722. CONFORMING AMENDMENTS.

(a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''on or after January 1, 2005,'' and inserting ''from January 1, 2005 through December 31, 2005,''; and

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

''(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2716 of the Defense Base Closure and Realignment Act of 2016.''.

(b) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking ''the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)'' and inserting ''a base closure law, as that term is defined in section 101(a)(17) of title 10,''.

SA 4380. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 2701 and 2702 and insert the following:

Subtitle A—Authorization of Appropriations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

Subtitle B—Defense Base Closure and Realignment

SEC. 2711. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Defense Base Closure and Realignment Act of 2016''.

(b) PURPOSE.—The purpose of this subtitle is to provide a fair process that will result in the timely closure and realignment of military installations in the United States.

SEC. 2712. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the ''Defense Base Closure and Realignment Commission''.

(b) DUTIES.—The Commission shall carry out the duties specified for the Commission in this subtitle.

(c) APPOINTMENT.—(1)(A) The Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate.

(B) Subject to the certifications required under section 2713(b), the President may commence a round for the selection of military installations for closure and realignment under this subtitle in 2019 by transmitting to the Senate nominations for appointment to the Commission by not later than February 1, 2019.

(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before February 1, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

(2) In selecting individuals for nominations for appointments to the Commission, the President should consult with—

(A) the Speaker of the House of Representatives concerning the appointment of two members;

(B) the majority leader of the Senate concerning the appointment of two members;

(C) the minority leader of the House of Representatives concerning the appointment of one member; and

(D) the minority leader of the Senate concerning the appointment of one member.

(3) At the time the President nominates individuals for appointment to the Commission, the President shall designate one such

individual who shall serve as Chairman of the Commission.

(d) TERMS.—(1) Except as provided in paragraph (2), each member of the Commission shall serve until December 31, 2019.

(2) The Chairman of the Commission shall serve until the confirmation of a successor.

(e) MEETINGS.—(1) The Commission shall meet only during calendar year 2019.

(2)(A) Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(B) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(i) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(ii) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(iii) The Chairmen and ranking minority party members of the subcommittees with jurisdiction for military construction of the Committees on Appropriations of the Senate and of the House of Representatives, or such other members of the subcommittees designated by such Chairmen or ranking minority party members.

(iv) The Chairmen and ranking minority party members of the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives, or such other members of the subcommittees designated by such Chairmen or ranking minority party members.

(C) A member of the Commission shall be recused from consideration of matters before the Commission in accordance with section 208 of title 18, United States Code. A member of the Commission shall not participate in the deliberations on, or vote regarding any matter from which the member is recused.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code.

(2) Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311 of title 5, United States Code, appoint a Director who has not served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment.

(2) The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS–15 of the General Schedule.

(3)(A) Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be persons detailed from the Department of Defense to the Commission.

(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead professional analyst with respect to a military department or defense agency.

(C) A person may not be detailed from the Department of Defense to the Commission if, within one year before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for closures or realignments of military installations.

(D) No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from the Department of Defense to that staff;

(ii) review the preparation of such a report; or

(iii) approve or disapprove such a report.

(4) Upon request of the Director, the head of any Federal agency may detail any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(5) The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(6) Not later than April 1, 2019, the Chairman of the Commission shall certify to the congressional defense committees regarding whether the Commission and its staff have adequate capacity to review the recommendations to be submitted by the Secretary of Defense pursuant to section 2713.

(7) The following restrictions relating to the personnel of the Commission shall apply during the period beginning on January 1, 2020, and ending on April 15, 2020:

(A) There may not be more than 15 persons on the staff at any one time.

(B) The staff may perform only such functions as are necessary—

(i) to prepare for the termination of the Commission; and

(ii) to transfer all records of the Commission to the Secretary of Defense or national archives.

(C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.

(j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this subtitle. Such funds shall remain available until expended.

(2) If no funds are appropriated to the Commission by the end of the second session of the 115th Congress, the Secretary of Defense may transfer to the Commission for purposes of its activities under this subtitle such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.

(l) TERMINATION.—The Commission shall terminate on April 15, 2020.

(m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10, United States Code, shall apply with respect to communications with the Commission.

SEC. 2713. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE CLOSURES AND REALIGNMENTS.

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2019, the Secretary shall submit to Congress the following:

(A) A force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(2) Using the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(3) In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(4) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than February 15, 2019.

For purposes of selecting military installations for closure or realignment under this subtitle, no revision of the force-structure plan or infrastructure inventory is authorized after February 15, 2019.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—(1) On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) if such need exists—

(i) a certification that the additional round of closures and realignments would result in annual net savings for each of the military departments beginning not later than six years following the commencement of such closures and realignments; and

(ii) a certification that the additional round of closures and realignments will have the primary objective of eliminating excess infrastructure capacity within the Department of Defense and reconfiguring the infrastructure of the Department to maximize efficiency and reduce costs.

(2) If the Secretary does not include the certifications referred to in paragraph (1) as part of the submission of the force-structure plan and infrastructure inventory prepared under subsection (a), the President may not commence a round for the selection of military installations for closure and realignment under this subtitle in the year following submission of the force-structure plan and infrastructure inventory.

(c) COMPTROLLER GENERAL EVALUATION.—(1) If the certification is provided under subsection (b), the Comptroller General of the United States shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria specified in paragraph (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) The need for the closure or realignment of additional military installations.

(2) The Comptroller General shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in paragraph (2) and additional criteria specified in paragraph (3).

(2) The military value criteria specified in this paragraph are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(3) The additional criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations in the United States under this subtitle are as follows:

(A) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

(B) The economic impact on existing communities in the vicinity of military installations.

(C) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(D) The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (d)(2) in the making of recommendations for the closure or realignment of military installations.

(f) DETERMINING COSTS.—When determining the costs associated with a closure or realignment of a military installation under this subtitle, the Secretary shall consider the costs associated with military construction, information technology, termination of public-private contracts, guarantees, the costs of any other activity of the Department of Defense or another Federal agency that may be required to assume responsibility for activities at the military installation, and such other factors as the Secretary determines as contributing to the cost of a closure or realignment.

(g) EMPHASIS GIVEN TO SAVINGS.—(1) Subject to subsection (e), the Secretary shall emphasize recommendations for the closure or realignment of a military installation that yield net savings within five years of completing such closure or realignment.

(2) The Secretary shall not consider any recommendation that does not yield net savings within 20 years unless the Secretary determines that the military value of such recommendation supports or enhances a critical national security interest of the United States.

(h) RELATION TO OTHER MATERIALS.—Except as provided in subsection (g), the final selection criteria specified in subsection (d) shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in subsection (a), in making recommendations for the closure or realignment of military installations in the United States under this subtitle.

(i) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—(1) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by no later than April 15, 2019, publish in the Federal Register and transmit to the congressional defense committees and to the Commission a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

(2) The Secretary shall include, with the list of recommendations published and transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation. The Secretary shall transmit the matters referred to in the preceding sentence not later than seven days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).

(3)(A) In considering military installations for closure or realignment, the Secretary shall consider all military installations in the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning—

(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment.

(D) In making recommendations to the Commission, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation,

(E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

(F) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (D) that is received with respect to a military installation covered by such recommendations. The statement shall set forth the reasons for the result.

(4) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Commission and the Comptroller General of the United States.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that persons knowledge and belief.

(B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations that the Secretary of Defense shall prescribe, regulations that the Secretary of each military department shall prescribe for personnel within that military department, or regulations that the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Commission.

(j) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the recommendations from the Secretary pursuant to subsection (i), the Commission shall conduct public hearings on the recommendations. All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.

(2)(A) The Commission shall, by no later than October 1, 2019, transmit to the President a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary pursuant to subsection (i), together with the Commission's recommendations for closures and realignments of military installations in the United States.

(B) Subject to subparagraphs (C) and (E), in making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary deviated substantially from the force-structure plan and final criteria referred to in subsection (d)(1) in making recommendations.

(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if—

(i) the Commission—

(I) makes the determination required by subparagraph (B);

(II) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (d)(1);

(III) publishes a notice of the proposed change in the Federal Register not less than 45 days before transmitting its recommendations to the President pursuant to subparagraph (A); and

(IV) conducts public hearings on the proposed change;

(ii) at least two members of the Commission visit the military installation before the date of the transmittal of the report; and

(iii) the decision of the Commission to make the change is supported by at least seven members of the Commission.

(D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's recommendations that would—

(i) add a military installation to the list of military installations recommended by the Secretary for closure;

(ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or

(iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.

(E) The Commission may not consider making a change in the recommendations of the Secretary that would add a military installation to the Secretary's list of installations recommended for closure or realignment unless, in addition to the requirements of subparagraph (C)—

(i) the Commission provides the Secretary with at least a 15-day period, before making the change, in which to submit an explanation of the reasons why the installation was not included on the closure or realignment list by the Secretary; and

(ii) the decision to add the installation for Commission consideration is supported by at least seven members of the Commission.

(F) In making recommendations under this paragraph, the Commission may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of a military installation.

(3) The Commission shall explain and justify in its report submitted to the President pursuant to paragraph (2) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (i). The Commission shall transmit a copy of such report to the congressional defense committees on the same date on which it transmits its recommendations to the President under paragraph (2).

(4) After October 1, 2019, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

(5) The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission's review and analysis of the recommendations made by the Secretary pursuant to subsection (i); and

(B) by not later than June 3, 2019, transmit to Congress and to the Commission a report containing a detailed analysis of the Secretary's recommendations and selection process.

(k) REVIEW BY THE PRESIDENT.—(1) The President shall, by not later than October 15, 2019, transmit to the Commission and to Congress a report containing the President's approval or disapproval of the Commission's recommendations under subsection (j).

(2) If the President approves all the recommendations of the Commission, the President shall transmit a copy of such recommendations to Congress, together with a certification of such approval.

(3) If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and Congress the reasons for that disapproval. The Commission shall then transmit to the President, by not later than November 18, 2019, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Commission transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to Congress, together with a certification of such approval.

(5) If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) by December 2, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

SEC. 2714. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall—

(1) close all military installations recommended for closure by the Commission in each report transmitted to Congress by the President pursuant to section 2713(k);

(2) realign all military installations recommended for realignment by such Commission in each such report;

(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations of the Commission in such report and is determined by the Commission to be the most cost-effective method of implementation of the recommendation;

(4) initiate all such closures and realignments not later than two years after the date on which the President transmits a report to Congress pursuant to section 2713(k) containing the recommendations for such closures or realignments; and

(5) complete all such closures and realignments not later than the end of the six-year period beginning on the date on which the President transmits the report pursuant to section 2713(k) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or realignment recommended by the Commission in a report transmitted from the President pursuant to section 2713(k) if a joint resolution is enacted, in accordance with the provisions of section 2718, disapproving such recommendations of the Commission before the earlier of—

(A) the end of the 45-day period beginning on the date on which the President transmits such report; or

(B) the adjournment of Congress sine die for the session during which such report is transmitted.

(2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section 2718, the days on which either House of Congress is not in session because of adjournment of more than three days to a day certain shall be excluded in the computation of a period.

SEC. 2715. IMPLEMENTATION.

(a) IN GENERAL.—(1) In closing or realigning any military installation under this subtitle, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B)(i) provide—

(I) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(II) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account.

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

(2) In carrying out any closure or realignment under this subtitle, the Secretary shall

ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this subtitle—

(A) the authority of the Administrator to utilize excess property under subchapter II of chapter 5 of title 40, United States Code;

(B) the authority of the Administrator to dispose of surplus property under subchapter III of chapter 5 of title 40, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code; and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with all regulations governing the utilization of excess property and the disposal of surplus property under subtitle I of title 40, United States Code.

(B) The Secretary may, with the concurrence of the Administrator of General Services—

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.

(C) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this subtitle, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subtitle, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) If a military installation to be closed, realigned, or placed in an inactive status under this subtitle includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 180 days after the date of approval of the closure or realignment of a military installation under this subtitle, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities specified in clause (ii) with respect to an installation referred to in that clause until the earlier of—

(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

(III) two years after the date of approval of the closure or realignment of the installation; or

(IV) 90 days before the date of the closure or realignment of the installation.

(ii) The activities specified in this clause are activities relating to the closure or realignment of an installation to be closed or realigned under this subtitle as follows:

(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed or realigned under this subtitle to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation. In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation.

(E) This paragraph shall not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property—

(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

(v)(I) meets known requirements of an authorized program of another Federal agency for which expenditures for similar property would be necessary; and

(II) is the subject of a written request by the head of the agency.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.

(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this subtitle to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvements.

(xii) Planning for or the marketing of the development and reuse of the installation.

(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this subtitle (including property at an installation approved for realignment which will be retained by

the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another Federal agency. Subparagraph (B) shall apply to a transfer under this subparagraph.

(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the agency concerned.

(iii) A lease under clause (i) may not require rental payments by the United States.

(iv) A lease under clause (i) shall include a provision specifying that if the agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another Federal agency using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

(G) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under paragraph (1) regarding whether another Federal agency has identified a use for any portion of a military installation to be closed or realigned under this subtitle, or will accept transfer of any portion of such installation, are made not later than180 days after the date of approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this subtitle shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another Federal agency has identified a use, or of which another Federal agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of such final determinations) information on any building or property that is identified under subclause (II); and

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—

(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as practicable after the date of approval of closure or realignment of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 90 days and not later than 180 days after the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 90 days and not later than 180 days after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

(IV) A description of the buildings and property at the installation that are necessary in order to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law

and under the law of the State and communities in which the installation concerned is located.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 270 days after the date specified by the redevelopment authority for the installation under subparagraph (D).

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

(iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

(v) If the Secretary of Housing and Urban Development determines as a result of such a review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

(I) an explanation of that determination; and

(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall submit a revised plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development may request under clause

(i)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless.

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure or realignment of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

(O) For purposes of this paragraph, the term ''communities in the vicinity of the installation'', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.

(P) For purposes of this paragraph, the term ''other interested parties'', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.

(7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this subtitle, or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this subtitle, if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.

(c) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President, the Commission, and, except as provided in paragraph (2), the Department of Defense in carrying out this subtitle.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation which has been recommended for closure or realignment by the Commission;

(ii) the need for transferring functions to any military installation which has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(d) WAIVER.—The Secretary of Defense may close or realign military installations under this subtitle without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection. The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this subtitle that are available for purposes other than to assist the homeless.

(C) The Secretary may require any additional terms and conditions in connection

with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

(5) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330, except in the case of releases or threatened releases not disclosed pursuant to paragraph (4) of this subsection.

SEC. 2716. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2016.

(a) IN GENERAL.—(1) If the Secretary makes the certifications required under section 2713(b), there shall be established on the books of the Treasury an account to be known as the ''Department of Defense Base Closure Account 2016'' (in this section referred to as the ''Account''). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this subtitle.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2715 with respect to military installations approved for closure or realignment under this subtitle.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2715(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

(c) REPORTS.—(1)(A) Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this subtitle using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of—

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

(ii) the amount and nature of other expenditures made pursuant to section 2715(a) during such fiscal year;

(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2715(a) during the first fiscal year commencing after the submission of the report.

(B) The report for a fiscal year shall include the following:

(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2717(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

(I) any failure to carry out military construction projects that were so proposed; and

(II) any expenditures for military construction projects that were not so proposed.

(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations approved for closure or realignment under this subtitle.

(2) Not later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or otherwise expended under this subtitle with respect to such installations; and

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this subtitle, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for nonappropriated fund instrumentalities.

(4) In this subsection:

(A) The term ''commissary store funds'' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term ''nonappropriated funds'' means funds received from a nonappropriated fund instrumentality.

(C) The term ''nonappropriated fund instrumentality'' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2715(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Act of Congress authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less

than $5,000,000, unless the project has not been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2805 of title 10, United States Code.

(3) The limitation on cost or scope variation specified in paragraph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project to be carried out using funds in the Account is required for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determination, the Secretary shall notify the congressional defense committees of the variation in cost or scope not later than 21 days before the date on which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the reasons for the variation in the notification.

SEC. 2717. REPORTS.

As part of the budget request for fiscal year 2021 and for each fiscal year thereafter through fiscal year 2032 for the Department of Defense, the Secretary shall transmit to the congressional defense committees—

(1) a schedule of the closure actions to be carried out under this subtitle in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and of the time period in which these savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions;

(2) a description of the military installations, including those under construction and those planned for construction, to which functions are to be transferred as a result of such closures, together with the Secretary's assessment of the environmental effects of such transfers;

(3) a description of the closure actions already carried out at each military installation since the date of the installation's approval for closure under this subtitle and the current status of the closure of the installation, including whether—

(A) a redevelopment authority has been recognized by the Secretary for the installation;

(B) the screening of property at the installation for other Federal use has been completed; and

(C) a redevelopment plan has been agreed to by the redevelopment authority for the installation;

(4) a description of redevelopment plans for military installations approved for closure under this subtitle, the quantity of property remaining to be disposed of at each installation as part of its closure, and the quantity of property already disposed of at each installation;

(5) a list of the Federal agencies that have requested property during the screening process for each military installation approved for closure under this subtitle, including the date of transfer or anticipated transfer of the property to such agencies, the acreage involved in such transfers, and an explanation for any delays in such transfers;

(6) a list of known environmental remediation issues at each military installation approved for closure under this subtitle, including the acreage affected by those issues, an estimate of the cost to complete such environmental remediation, and the plans (and timelines) to address such environmental remediation; and

(7) an estimate of the date for the completion of all closure actions at each military installation approved for closure or realignment under this subtitle.

SEC. 2718. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 2714(b), the term ''joint resolution'' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the report to Congress under section 2713(k), and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: ''That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on _____'', the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: ''Joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.''.

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such a resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to Congress under section 2713(k), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2719. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act, and ending on April 15, 2020, this subtitle shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this subtitle, during the period specified in subsection (a)—

(1) to identify, through any transmittal to Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this subtitle affects the authority of the Secretary to carry

out closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency described in subsection (d) of such section.

SEC. 2720. DEFINITIONS.

In this subtitle:

(1) The term ''Account'' means the Department of Defense Base Closure Account established by section 2716(a)(1).

(2) The term ''congressional defense committees'' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''Commission'' means the Commission established by section 2712.

(4) The term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

(5) The term ''realignment'' includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(6) The term ''Secretary'' means the Secretary of Defense.

(7) The term ''United States'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(8) The term ''date of approval'', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this subtitle expires.

(9) The term ''redevelopment authority'', in the case of an installation to be closed or realigned under this subtitle, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.

(10) The term ''redevelopment plan'' in the case of an installation to be closed or realigned under this subtitle, means a plan that—

(A) is agreed to by the local redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure or realignment of the installation.

(11) The term ''representative of the homeless'' has the meaning given such term in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

SEC. 2721. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER PROVISIONS OF LAW.

(a) DEFINITION OF ''BASE CLOSURE LAW'' IN TITLE 10.—Section 101(a)(17) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The Defense Base Closure and Realignment Act of 2016.''.

(b) DEFINITION OF ''BASE CLOSURE LAW'' IN OTHER LAWS.—

(1) Section 131(b) of Public Law 107–249 (10 U.S.C. 221 note) is amended by striking ''means'' and all that follows and inserting ''has the meaning given the term 'base closure law' in section 101(a)(17) of title 10, United States Code.''.

(2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Base Closure and Realignment Act of 2016.''.

(3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Base Closure and Realignment Act of 2016.''.

SEC. 2722. CONFORMING AMENDMENTS.

(a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''on or after January 1, 2005,'' and inserting ''from January 1, 2005 through December 31, 2005,''; and

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

''(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2716 of the Defense Base Closure and Realignment Act of 2016.''.

(b) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking ''the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)'' and inserting ''a base closure law, as that term is defined in section 101(a)(17) of title 10,''.

SA 4381. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XXVIII, insert the following:

SEC. 28____. ENVIRONMENTAL REMEDIATION, EXPLOSIVES CLEANUP, AND SITE RESTORATION.

(a) IN GENERAL.—As part of any land conveyance by the Army to a public or private entity under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Secretary of the Army shall carry out the activities described in subsection (b).

(b) ENVIRONMENTAL REMEDIATION, EXPLOSIVES CLEANUP, AND SITE RESTORATION ACTIVITIES.—The activities described in this subsection are—

(1) environmental remediation activities, including—

(A) any corrective action required under a permit issued by the State in which the property is located pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) relating to the property;

(B) any activity to be carried out by the entity pursuant to a consent agreement (including any amendments) between the entity and the State in which the property is located regarding Army activities at the property;

(C) the abatement of any potential explosive and ordnance conditions on the property;

(D) the demolition, abatement, removal, and disposal of any structure containing asbestos and lead-based paint, including the foundations, footing, and slabs of the structure, together with backfilling and seeding;

(E) the removal and disposal of any soil that contains a quantity of pesticide in excess of the standard of the State in which the property is located, together with backfilling and seeding;

(F) the design, construction, closure, and post-closure of any solid waste landfill facility permitted by the State in which the property is located pursuant to the delegated authority of the State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) to accommodate the consolidation of any existing landfills on the property and future requirements;

(G) lime sludge removal, disposal, and backfilling relating to any water treatment plant;

(H) the closure of any septic tank on the property; and

(I) any financial assurance required in connection with the activities described in this paragraph; and

(2) site restoration activities, including—

(A) the collection and disposal of any solid waste that was present on the property before the date on which the Army conveys the land to the entity;

(B) the removal of any improvement to the property that was present on the property before the date on which the Army conveys the land to the entity, including roads, sewers, gas lines, poles, ballast, structures, slabs, footings, and foundations, together with backfilling and seeding;

(C) any impediments to redevelopment of the property arising from the use of the property by, or on behalf of, the Army or any contractor of the Army;

(D) any financial assurance required in connection with the activities described in this paragraph; and

(E) payment of the legal, environmental, and engineering costs incurred by the entity for the analysis of the work necessary to complete the environmental remediation.

SA 4382. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. CLOSURE OF ST. MARYS AIRPORT, ST. MARYS, GEORGIA.

(a) RELEASE OF RESTRICTIONS.—Subject to subsection (b), the United States, acting through the Administrator of the Federal Aviation Administration, shall release the City of St. Marys, Georgia, from all restrictions, conditions, and limitations on the use, encumbrance, conveyance, and closure of the St. Marys Airport, to the extent such restrictions, conditions, and limitations are enforceable by the Administrator.

(b) REQUIREMENTS FOR RELEASE OF RESTRICTIONS.—The Administrator shall execute the release under subsection (a) once all of the following occurs:

(1) The Secretary of the Navy transfers to the Georgia Department of Transportation the amounts described in subsection (c) and

requires as an enforceable condition on such transfer that all funds transferred shall be used only for airport development (as defined in section 47102 of title 49, United States Code) of a regional airport in Georgia, consistent with planning efforts conducted by the Administrator and the Georgia Department of Transportation.

(2) The City of St. Marys, for consideration as provided for in this section, grants to the United States, under the administrative jurisdiction of the Secretary, a restrictive use easement in the real property used for the St. Marys Airport, as determined acceptable by the Secretary, under such terms and conditions that the Secretary considers necessary to protect the interests of the United States and prohibiting the future use of such property for all aviation-related purposes and any other purposes deemed by the Secretary to be incompatible with the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia.

(3) The Secretary obtains an appraisal to determine the fair market value of the real property used for the St. Marys Airport in the manner described in subsection (c)(1).

(4) The Administrator fulfills the obligations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the release under subsection (a). In carrying out such obligations—

(A) the Administrator shall not assume or consider any potential or proposed future redevelopment of the current St. Marys airport property;

(B) any potential new regional airport in Georgia shall be deemed to be not connected with the release noted in subsection (a) nor the closure of St. Marys Airport; and

(C) any environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a potential regional airport in Georgia shall be considered through an environmental review process separate and apart from the environmental review made a condition of release by this section.

(5) The Administrator fulfills the obligations under sections 47107(h) and 46319 of title 49, United States Code.

(6) Any actions required under part 157 of title 14, Code of Federal Regulations, are carried out to the satisfaction of the Administrator.

(c) TRANSFER OF AMOUNTS DESCRIBED.—The amounts described in this subsection are the following:

(1) An amount equal to the fair market value of the real property of the St. Marys Airport, as determined by the Secretary and concurred in by the Administrator, based on an appraisal report and title documentation that—

(A) is prepared or adopted by the Secretary, and concurred in by the Administrator, not more than 180 days prior to the transfer described in subsection (b)(1); and

(B) meets all requirements of Federal law and the appraisal and documentation standards applicable to the acquisition and disposal of real property interests of the United States.

(2) An amount equal to the unamortized portion of any Federal development grants (including grants available under a State block grant program established pursuant to section 47128 of title 49, United States Code), other than used for the acquisition of land, paid to the City of St. Marys for use as the St. Marys Airport.

(3) An amount equal to the airport revenues remaining in the airport account for the St. Marys Airport as of the date of the enactment of this Act and as otherwise due to or received by the City of St. Marys after such date of enactment pursuant to sections 47107(b) and 47133 of title 49, United States Code.

(d) AUTHORIZATION FOR TRANSFER OF FUNDS.—Using funds available to the Department of the Navy for operation and maintenance, the Secretary may pay the amounts described in subsection (c) to the Georgia Department of Transportation, conditioned as described in subsection (b)(1).

(e) ADDITIONAL REQUIREMENTS.—

(1) SURVEY.—The exact acreage and legal description of St. Marys Airport shall be determined by a survey satisfactory to the Secretary and concurred in by the Administrator.

(2) PLANNING OF REGIONAL AIRPORT.—Any planning effort for the development of a regional airport in southeast Georgia shall be conducted in coordination with the Secretary, and shall ensure that any such regional airport does not interfere with the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia. The determination of the Secretary shall be final as to whether the operations of a new regional airport in southeast Georgia would interfere with such military operations.

SA 4383. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 829K. COMPETITION EXCEPTIONS FOR MULTIPLE AWARD CONTRACTS.

Section 2304c(b) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

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

''(5) the task or delivery order satisfies one of the exceptions in 2304(c) of this title to the requirement to use competitive procedures.''.

SA 4384. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 40, strike line 15 and all that follows through page 42, line 17, and insert the following:

(c) REPEAL OF REPORTING REQUIREMENTS RELATED TO NAVAL VESSELS AND MERCHANT MARINE.—

SA 4385. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title X, strike subtitle G.

SA 4386. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 709. INCLUSION OF COVERAGE OF IN VITRO FERTILIZATION TREATMENTS AS PART OF CONTINUED HEALTH BENEFITS COVERAGE.

The Secretary of Defense shall include coverage of in vitro fertilization treatments at military treatment facilities as a covered health benefit under the program of continued health benefits coverage under section 1078a of title 10, United States Code, for any beneficiary under such section in the same manner in which such treatments were covered for such beneficiary under chapter 55 or section 1145 of such title before the beneficiary became eligible for coverage under section 1078a of such title.

SA 4387. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. PERSONNEL APPOINTMENT AUTHORITY.

(a) IN GENERAL.—Section 306 of the Homeland Security Act of 2002 (6 U.S.C. 186) is amended by adding at the end the following:

''(e) PERSONNEL APPOINTMENT AUTHORITY.—

''(1) IN GENERAL.—In appointing employees to positions in the Directorate of Science and Technology, the Secretary shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261) (referred to in this subsection as 'section 1101').

''(2) TERM OF APPOINTMENTS.—The term of appointments for employees under subsection (c)(1) of section 1101 may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.

''(3) TERMINATION.—The authority under this subsection shall terminate on the date on which the authority to carry out the program under section 1101 terminates under section 1101(e)(1).''.

(b) CONFORMING AMENDMENTS.—Section 307(b) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)) is amended by—

(1) striking paragraph (6); and

(2) redesignating paragraph (7) as paragraph (6).

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority granted under paragraph (6) of section 307(b) of the

Homeland Security Act of 2002 (6 U.S.C. 187(b)), as in effect on the day before the date of enactment of this Act.

SA 4388. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. USE OF FILLMORE CANYON FOR RECREATIONAL ACTIVITIES AND MILITARY TRAINING.

(a) IN GENERAL.—The Secretary of the Army (referred to in this section as the ''Secretary'') shall allow for the conduct of certain recreational activities on the approximately 2,050 acres of land generally depicted as ''Parcel D'' on the map entitled ''Organ Mountains Area'' and dated April 19, 2016 (referred to in this section as the ''parcel''), which is a portion of the public land withdrawn and reserved for military purposes by Public Land Order 833 dated May 21, 1952 (17 Fed. Reg. 4822).

(b) OUTDOOR RECREATION PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for public outdoor recreation on the parcel that is consistent with the primary military mission of the parcel.

(2) REQUIREMENT.—In developing the plan under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that outdoor recreation activities may be conducted on the parcel, including, hunting, hiking, wildlife viewing, and camping.

(c) CLOSURES.—The Secretary may close the parcel or any portion of the parcel to the public as the Secretary determines to be necessary to protect—

(1) public safety; or

(2) the safety of the military members training on the parcel.

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION; WITHDRAWAL.—

(1) IN GENERAL.—On a determination by the Secretary that military training capabilities, personnel safety, and installation security would not be hindered as a result of the transfer to the Secretary of the Interior of administrative jurisdiction over the parcel, the Secretary shall transfer to the Secretary of the Interior administrative jurisdiction over the parcel.

(2) WITHDRAWAL.—On transfer of the parcel under paragraph (1), the parcel shall be—

(A) under the jurisdiction of the Director of the Bureau of Land Management; and

(B) withdrawn from—

(i) entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(3) RESERVATION.—On transfer under paragraph (1), the parcel shall be reserved for management of the resources of, and military training conducted on, the parcel in accordance with a memorandum of understanding entered into under subsection (e).

(e) MEMORANDUM OF UNDERSTANDING RELATING TO MILITARY TRAINING.—

(1) IN GENERAL.—If, after the transfer of the parcel under subsection (d)(1), the Secretary requests that the Secretary of the Interior enter into a memorandum of understanding, the Secretary of the Interior shall enter into a memorandum of understanding with the Secretary providing for the conduct of military training on the parcel.

(2) REQUIREMENTS.—The memorandum of understanding entered into under paragraph (1) shall—

(A) address the location, frequency, and type of training activities to be conducted on the parcel;

(B) provide to the Secretary access to the parcel for the conduct of military training;

(C) authorize the Secretary of the Interior or the Secretary to close the parcel or a portion of the parcel to the public as the Secretary of the Interior or the Secretary determines to be necessary to protect—

(i) public safety; or

(ii) the safety of the military members training; and

(D) to the maximum extent practicable, provide for the protection of natural, historic, and cultural resources in the area of the parcel.

(f) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over the parcel, including military overflights that can be seen or heard within the parcel;

(2) the designation of new units of special airspace over the parcel; or

(3) the use or establishment of military flight training routes over the parcel.

SA 4389. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 596, line 5, strike ''(8) Other systems'' and insert the following:

(8) Secure laser communications systems with high data rates to provide low probability of interception by adversaries.

(9) Other systems

SA 4390. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. DISCONTINUATION BY DEPARTMENT OF VETERANS AFFAIRS OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS TO IDENTIFY VETERANS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than two years after the date of the enactment of this Act.

(2) For all individuals not described in paragraph (1), not later than five years after the date of the enactment of this Act.

(b) EXCEPTION.—The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

SA 4391. Mrs. GILLIBRAND (for herself, Mr. BOOKER, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. RESEARCH BY DEPARTMENT OF VETERANS AFFAIRS ON THERAPEUTIC USES OF CANNABIS PLANT.

(a) IN GENERAL.—The Secretary of Veterans Affairs may, in coordination with the National Center for Posttraumatic Stress Disorder, within the limits of statutory authorities and funding under other provisions of law, conduct clinical research on the potential benefits of therapeutic use of the cannabis plant by veterans—

(1) to treat serious health conditions, such as posttraumatic stress disorder (PTSD), chronic pain and neuropathies, sleep disorders, traumatic brain injury, seizures, Parkinson's disease, cancer, spinal cord injuries, human immunodeficiency virus (HIV), and Crohn's disease; and

(2) as a treatment to achieve and maintain abstinence from opioids and heroin.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing any efforts of the Department of Veterans Affairs to expand the conduct of research described in subsection (a).

SA 4392. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1641. TRAINING FOR MEMBER OF THE ARMED FORCES ON CYBER SKILLS FOR THE PROTECTION OF INDUSTRIAL CONTROL SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program of training for members of the Armed forces on cyber skills for the protection of industrial control systems that utilizes industrial control system cyber assessment expertise and training capabilities within the Department of Defense. The program of training shall include applied hands on training from Department units currently performing industrial control systems assessments. Such training shall be designed to enable members receiving such training to carry out activities to

protect such systems from cyber attacks of significant consequence in situations where such authority already exists.

(b) CONSULTATION.—The Secretary of Defense shall consult with, and as appropriate leverage the expertise and capabilities of the Department of Homeland Security and the Department of Energy national laboratories, and institutions of higher education and other appropriate organizations and entities in the private sector in carrying out the program.

SA 4393. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1151 and insert the following:

SEC. 1151. TERMINATION OF DEPARTMENT OF DEFENSE POLICY ON FLAT RATE PER DIEM FOR LONG-TERM TEMPORARY DUTY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT.

(a) TERMINATION.—The policy of the Department of Defense on flat rate per diem for long-term temporary duty for civilian employees of the Department (MAP/CAP 118–13), effective as of November 1, 2014, is hereby terminated, and the rate of per diem payable for such employees for such duty after the date of the enactment of this Act shall be the rate of per diem that was payable for such employees for such duty as of October 31, 2014.

(b) FUNDING AND OFFSET.—Within the amounts authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 301—

(1) the amount available for Undistributed Operation and Maintenance as specified in the funding table in section 4301 is hereby increased by $52,000,000, with the amount of the increase to be available for payment of per diem for long-term temporary duty for civilian employees of the Department of Defense in connection with the termination of policy made by subsection (a); and

(2) the amount available for the Defense Contract Management Agency as specified in the funding table in section 4301 is hereby reduced by $52,000,000, with the amount of the reduction to be applied to amounts otherwise available for Administration and Servicewide Activities.

SA 4394. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. 554. HAZING IN THE ARMED FORCES.

(a) IDENTIFICATION OF SYSTEM FOR REPORTING AND TRACKING INCIDENTS.—The Secretary of Defense shall identify a data collection system that provides the Department of Defense with the best mechanism for the reporting and tracking of incidents of hazing involving members of the Armed Forces. The system so identified may be a new data collection system or a current data collection system (either as is or as modified).

(b) SURVEYS.—

(1) STATUS OF FORCES SURVEY.—Each annual Status of Forces Survey conducted by the Defense Manpower Data Center (DMDC) after fiscal year 2017 shall include questions on hazing in the Armed Forces, including questions designed to determine the following:

(A) The prevalence of hazing in the Armed Forces.

(B) The effectiveness of training provided members of the Armed Forces on hazing.

(C) The extent to which incidents of hazing in the Armed Forces are reported.

(2) DEVELOPMENT.—The Defense Manpower Data Center shall develop the elements of the Status of Forces Survey required pursuant to paragraph (1) in coordination with the Inter-Service Survey Coordinating Committee (ISSCC).

(c) REPORTS.—

(1) REPORTS TO SECRETARY OF DEFENSE.—Not later than January 31 each year, each Secretary of a military department and the Chief of the National Guard shall submit to the Secretary of Defense a report on hazing in the Armed Forces under the jurisdiction of such Secretary or the National Guard, as applicable, during the preceding year.

(2) REPORTS TO CONGRESS.—Not later than April 30 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a consolidated report on hazing in the Armed Forces during the preceding year.

SA 4395. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title VIII, add the following:

SEC. 899C. REPORT ON DELAY IN ISSUANCE OF FINAL RULE ON ENDING TRAFFICKING IN GOVERNMENT CONTRACTING.

Section 1708(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104d(c)(1)) is amended by adding at the end the following new subparagraph:

''(C)(i) If the final rule on defining 'recruitment fees' (FAR Case 2015-017), which would further amend the amended Federal Acquisition Regulation pursuant to subparagraph (A) (FAR Case 2013-001, final rule issued January 22, 2015), has not been issued by October 31, 2016, the Secretary of Defense, the Administrator for General Services, and the Administrator of National Aeronautics and Space shall, not later than November 30, 2016, jointly submit to the appropriate congressional committees a report on the reasons for the delay.

''(ii) In this subparagraph, the term 'appropriate congressional committees' means—

''(I) the congressional defense committees;

''(II) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(III) the Committee on Foreign Affairs and the Committee on Oversight and Government Reform of the House of Representatives.''.

SA 4396. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 341. MITIGATION OF RISKS POSED BY CERTAIN FURNITURE IN MILITARY HOUSING UNITS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) allow residents of military housing units to anchor furniture, televisions, and large appliances to the wall without incurring a penalty or obligation to repair the wall upon vacating the unit; and

(2) securely anchor to the wall all provided clothing storage units covered by the Standard Safety Specification for Clothing Storage Units (ASTM F2057–14) or any successor standard, bookcases, televisions, and large appliances in each furnished military housing unit in which a child under the age of 6 resides or is a frequent visitor.

(b) ANCHORING FOR ALL UNITS.—The Secretary of Defense shall securely anchor all provided clothing storage units covered by the Standard Safety Specification for Clothing Storage Units (ASTM F2057–14) or any successor standard, bookcases, televisions, and large appliances in each furnished military housing unit not later than 1 year after the date of enactment of this Act.

SA 4397. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. EXPANSION OF ELIGIBILITY FOR VETERANS HIRING PREFERENCES TO INCLUDE CERTAIN FORMER MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 2108(1) of title 5, United States Code, is amended—

(1) by striking ''180 consecutive days'' each place it appears and inserting ''180 cumulative days''; and

(2) in subparagraph (B), by striking ''not including service under section 12103(d) of title 10'' and inserting ''including service''.

SA 4398. Mr. MCCAIN (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 308 strike line 16 and insert the following:

complies with the requirements of this subsection.

''(4) This subsection does not apply to the furnishing of athletic footwear to the members of the Army, the Navy, the Air Force, or the Marine Corps upon their initial entry into the armed forces, or prohibit the provision of a cash allowance to such members for such purpose, if—

''(A) the Secretary of Defense determines that compliance with paragraph (2) would result in a sole source contract for procurement of athletic footwear for the purpose stated in paragraph (1) because there would be limited qualified or approved sources of supply for such footwear; or

''(B) the Secretary of the military department concerned determines, with respect to members in initial entry training under the jurisdiction of such Secretary, that providing athletic footwear as otherwise required by this subsection would have the potential to cause unnecessary harm and risk to the safety and wellbeing of members in initial entry training.''.

SA 4399. Mr. DAINES (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XVI, add the following:

SEC. 1655. UPGRADES TO THE NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that upgrading the nuclear command, control, and communications system is essential to maintaining a secure nuclear stockpile.

(b) AVAILABILITY OF FUNDS.—The Secretary of Defense may use funds authorized to be appropriated by this Act and available for upgrades to the nuclear command, control, and communications system to ensure high quality cybersecurity and to expedite modernization of communications that travel over leased telephone lines.

SA 4400. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1227. SENSE OF CONGRESS ON SAFE RESETTLEMENT OF CAMP LIBERTY RESIDENTS.

It is the sense of Congress that the United States Government should—

(1) work with the Government of Iraq and the United Nations High Commissioner for Refugees (UNHCR) to ensure that all residents of Camp Liberty are safely resettled in Albania;

(2) urge the Government of Iraq to take prompt and appropriate steps in accordance with international agreements to promote the physical security and protection of residents of Camp Liberty during the resettlement process, including steps to ensure that the personnel responsible for providing security at Camp Liberty are adequately vetted to determine that they are not affiliated with the Islamic Revolutionary Guard Corps' Qods Force;

(3) urge the Government of Iraq to ensure continued and reliable access to food, clean water, medical assistance, electricity and other energy needs, and any other equipment and supplies necessary to sustain the residents during periods of attack or siege by external forces during the resettlement process;

(4) work with the Government of Iraq to make all reasonable efforts to facilitate the sale of residents' property and assets remaining at Camp Ashraf and Camp Liberty for the purpose of funding their cost of living and resettlement out of Iraq;

(5) work with the Government of Iraq and the UNHCR to ensure that Camp Liberty residents may exercise full control of all personal assets in Camp Liberty and the former Camp Ashraf as the residents deem necessary;

(6) assist, and maintain close and regular communication with, the UNHCR for the purpose of expediting the ongoing resettlement of all residents of Camp Liberty to Albania;

(7) urge the Government of Albania, and the UNHCR to ensure the continued recognition of the resettled residents as ''persons of concern'' entitled to international protections according to principles and standards in the 1951 Geneva Convention relating to the Status of Refugees, and the International Bill of Human Rights; and

(8) work with the Government of Albania and the UNHCR to facilitate and provide suitable locations for housing of the remaining Camp Liberty residents in Albania until such time as the residents become self-sufficient in meeting their residential needs in Albania.

SA 4401. Mr. REID (for Mr. BOOKER (for himself and Mr. BROWN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. PROHIBITION ON ESTABLISHMENT, MAINTENANCE, OR SUPPORT OF SENIOR RESERVE OFFICERS' TRAINING CORPS UNITS AT PUBLIC EDUCATIONAL INSTITUTIONS THAT DISPLAY CONFEDERATE BATTLE FLAG.

(a) PROHIBITION.—Section 2102 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) PROHIBITION RELATED TO DISPLAY OF CONFEDERATE BATTLE FLAG.—(1) The Secretary of a military department may not establish, maintain, or support a unit of the program at any public educational institution, including any senior military college specified in section 2111a of this title, that displays, in a location other than in a museum exhibit, the Confederate battle flag.

''(2)(A) Upon making a determination under paragraph (1) that an educational institution displays, in a location other than in a museum exhibit, the Confederate battle flag, the Secretary of the military department concerned shall terminate, in accordance with subparagraph (B), any unit of the program at that educational institution in existence as of the date of the determination.

''(B) The termination of a unit of the program at an educational institution pursuant to this paragraph shall take effect on the date on which—

''(i) each member of the program who, as of the date of the determination, is enrolled in the educational institution is no longer so enrolled; and

''(ii) each student who, as of the date of the determination, is enrolled in the educational institution but not yet a member of the program, is no longer so enrolled.

''(3) Not later than January 31, 2017, and each January 31 thereafter through January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report—

''(A) identifying each unit of the program located at an educational institution that displays, in a location other than in a museum exhibit, the Confederate battle flag; and

''(B) describing the implementation of this subsection with respect to that educational institution.

''(4) In this subsection, the term 'Confederate battle flag' means the battle flag of the Army of Northern Virginia, the battle flag of the Army of Tennessee, the battle flag of Forrest's Cavalry Corps, the Second Confederate Navy Jack, the Second Confederate Navy Ensign, or other flag with a like design.''.

(b) CONFORMING AMENDMENTS.—Such title is further amended as follows:

(1) In section 2102(d), striking ''The President'' and inserting ''Subject to subsection (e), the President''.

(2) In section 2111a—

(A) in subsection (d), by striking ''The Secretary'' and inserting ''Except as provided in section 2102(e) of this title, the Secretary''.

(B) in subsection (e)(1), by striking ''The Secretary'' and inserting ''Except in the case of a senior miliary college at which a unit of the program is terminated pursuant to section 2102(e) of this title, the Secretary''.

SA 4402. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. PROTECTING INDIVIDUALS FROM MASS AERIAL SURVEILLANCE.

(a) SHORT TITLE.—This section may be cited as the ''Protecting Individuals From Mass Aerial Surveillance Act of 2015''.

(b) DEFINITIONS.—In this section—

(1) the terms ''mobile aerial-view device'' and ''MAVD'' mean any device that through flight or aerial lift obtains a dynamic, aerial view of property, persons or their effects, including an unmanned aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note));

(2) the term ''law enforcement party'' means a person or entity authorized by law, or funded by the Government of the United States, to investigate or prosecute offenses against the United States;

(3) the term ''Federal entity'' means any person or entity acting under the authority of, or funded in whole or in part by, the Government of the United States, including a

Federal law enforcement party, but excluding State, tribal, or local government agencies or departments;

(4) the term ''non-Federal entity'' means any person or entity that is not a Federal entity;

(5) the term ''surveil'' means to photograph, record, or observe using a sensing device, regardless of whether the photographs, observations, or recordings are stored, and excludes using a sensing device for the purposes of testing or training operations of MAVDs;

(6)(A) the term ''sensing device'' means a device capable of remotely acquiring personal information from its surroundings using any frequency of the electromagnetic spectrum, or a sound detecting system, or a system that detects chemicals in the atmosphere; and

(B) the term ''sensing device'' does not include equipment whose sole function is to provide information directly necessary for safe air navigation or operation of a MAVD;

(7) the term ''public lands'' means lands owned by the Government of the United States; and

(8) the term ''national borders'' refers to any region no more than 25 miles of an external land boundary of the United States.

(c) PROHIBITED USE OF MAVDS.—A Federal entity shall not use a MAVD to surveil property, persons or their effects, or gather evidence or other information pertaining to known or suspected criminal conduct, or conduct that is in violation of a statute or regulation.

(d) EXCEPTIONS.—This section does not prohibit any of the following:

(1) PATROL OF BORDERS.—The use of a MAVD by a Federal entity to surveil national borders to prevent or deter illegal entry of any persons or illegal substances at the borders.

(2) EXIGENT CIRCUMSTANCES.—

(A) The use of a MAVD by a Federal entity when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the Federal entity possesses reasonable suspicion that under particular circumstances, swift action is necessary—

(i) to prevent imminent danger of death or serious bodily harm to a specific individual; or

(ii) to counter an imminent risk of a terrorist attack by a specific individual or organization;

(iii) to prevent imminent destruction of evidence; or

(iv) to counter an imminent or actual escape of a criminal or terrorist suspect.

(B) A Federal entity using a MAVD pursuant to clause (i)(I) must maintain a retrievable record of the facts giving rise to the reasonable suspicion that an exigent circumstance existed.

(3) PUBLIC SAFETY AND RESEARCH.—The use of a MAVD by a Federal entity—

(A) to discover, locate, observe, gather evidence in connection to, or prevent forest fires;

(B) to monitor environmental, geologic, or weather-related catastrophe or damage from such an event;

(C) to research or survey for wildlife management, habitat preservation, or geologic, atmospheric, or environmental damage or conditions;

(D) to survey for the assessment and evaluation of environmental, geologic or weather-related damage, erosion, flood, or contamination; and

(E) to survey public lands for illegal vegetation.

(4) CONSENT.—The use of a MAVD by a Federal entity for the purpose of acquiring information about an individual, or about an individual's property or effects, if such individual has given written consent to the use of a MAVD for such purposes.

(5) WARRANT.—Law enforcement using a MAVD, pursuant to, and in accordance with, a Rule 41 warrant, to surveil specific property, persons or their effects.

(e) BAN ON IDENTIFYING INDIVIDUALS.—

(1) No Federal entity actor may make any intentional effort to identify an individual from, or associate an individual with, the information collected by operations authorized by paragraphs (1) through (3) of subsection(d), nor shall the collected information be disclosed to any entity except another Federal entity or State, tribal, or local government agency or department, or political subdivision thereof, that agrees to be bound by the restrictions in this section.

(2) The restrictions described in paragraph (1) shall not apply if there is probable cause that the information collected is evidence of specific criminal activity.

(f) PROHIBITION ON USE OF EVIDENCE.—No evidence obtained or collected in violation of this Act may be received as evidence against an individual in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof.

(g) PROHIBITION ON SOLICITATION AND PURCHASE.—

(1) A Federal entity shall not solicit to or award contracts to any entity for such entity to surveil by MAVD for the Federal entity, unless the Federal entity has existing authority to surveil the particular property, persons or their effects, or interest.

(2) A Federal entity shall not purchase any information obtained from MAVD surveillance by a non-Federal entity if such information contains personal information, except pursuant to the express consent of all persons whose personal information is to be sold.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any State law regarding the use of MAVDs exclusively within the borders of that State.

SA 4403. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. OUTDOOR RECREATION ACCESS FOR SERVICEMEMBERS AND VETERANS.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior are encouraged to work with the Secretary of Defense and the Secretary of Veterans Affairs on ways to ensure veterans have access to the outdoors and to outdoor programs as a part of the basic services provided to veterans.

(b) INCLUSION OF INFORMATION.—Each branch of the Armed Forces is encouraged to include information about outdoor recreation in the materials and counseling services provided in the Transition Assistance Program, including—

(1) the benefits of outdoor recreation for physical and mental health;

(2) maps of parks, trails, and other recreation sites within 200 miles of military bases;

(3) resources to access guided outdoor trips; and

(4) information regarding the Public Land Corps of the National Park Service.

(c) OUTDOOR RECREATION PROGRAM ATTENDANCE.—Each branch of the Armed Forces is encouraged to permit members of the Armed Forces on active duty status, at the discretion of the commander of the member, to use not more than 7 days of a Permissive Temporary Duty Assignment allotted to the member to attend an outdoor recreation program following deployment.

SA 4404. Mr. PAUL (for himself, Mr. MURPHY, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. SENSE OF CONGRESS ON NEED FOR EXPLICIT AUTHORITY TO CONDUCT MILITARY OPERATIONS AGAINST ISIS.

(a) FINDING.—Congress finds that neither the 2001 Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) authorize the use of military force against the Islamic State in Iraq and al-Sham (ISIS).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, unless acting out of self-defense or to address an imminent threat to the United States, is not authorized to conduct military operations against ISIS without explicit authorization for the use of such force, and Congress should debate and pass such an authorization.

SA 4405. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, strike line 17 and all that follows through page 111, line 4.

On page 844, strike line 8 and all that follows through page 848, the matter following line 2.

On page 848, strike line 15 and all that follows through page 850, line 4.

SA 4406. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 848, strike line 15 and all that follows through page 850, line 4.

SA 4407. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him

to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 844, strike line 8 and all that follows through page 848, the matter following line 2.

SA 4408. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, strike line 17 and all that follows through page 111, line 4.

SA 4409. Mr. WYDEN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X , add the following:

SEC. 1097. INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE.

(a) SHORT TITLE.—This section may be cited as the ''Stop Terrorist Financing and Shell Company Abuse Act''.

(b) TRANSPARENT INCORPORATION PRACTICES.—

(1) TRANSPARENT INCORPORATION PRACTICES.—

(A) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding after section 5332 the following:

''§ 5333. Transparent incorporation practices

''(a) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (3), not later than the beginning of fiscal year 2017, the Secretary of the Treasury shall issue regulations requiring each corporation and limited liability company formed in a State that does not have a formation system described under subsection (b) to file with the Secretary such information as the corporation or limited liability company would be required to provide the State if such State had a formation system described under subsection (b).

''(2) DISCLOSURE OF BENEFICIAL OWNERSHIP INFORMATION.—Beneficial ownership information reported to the Secretary of the Treasury pursuant to paragraph (1) shall be provided by the Secretary of the Treasury upon receipt of—

''(A) a civil or criminal subpoena or summons from a State agency, Federal agency, or congressional committee or subcommittee requesting such information;

''(B) a written request made by a Federal agency on behalf of another country under an international treaty, agreement, or convention, or an order under section 3512 of title 18 or section 1782 of title 28 issued in response to a request for assistance from a foreign country; or

''(C) a written request made by the Financial Crimes Enforcement Network of the Department of the Treasury.

''(3) LIMITATION.—In issuing regulations pursuant to paragraph (1), the Secretary may not require the corporation or limited liability company to file with the Internal Revenue Service the information described in that paragraph.

''(b) FORMATION SYSTEM.—

''(1) IN GENERAL.—With respect to a State, a formation system is described under this subsection if it meets the following requirements:

''(A) IDENTIFICATION OF BENEFICIAL OWNERS.—Except as provided in paragraphs (2) and (4), and subject to paragraph (3), each applicant seeking to form a corporation or limited liability company under the laws of the State is required to provide to the State during the formation process a list of the beneficial owners of the corporation or limited liability company that—

''(i) except as provided in subparagraph (F), identifies each beneficial owner by—

''(I) name;

''(II) current residential or business street address; and

''(III) a unique identifying number from a nonexpired passport issued by the United States or a nonexpired drivers license issued by a State; and

''(ii) if the applicant is not the beneficial owner, provides the identification information described in clause (i) relating to the applicant.

''(B) UPDATED INFORMATION.—For each corporation or limited liability company formed under the laws of the State—

''(i) the corporation or limited liability company is required by the State to update the list of the beneficial owners of the corporation or limited liability company by providing the information described in subparagraph (A) to the State not later than 60 days after the date of any change in the list of beneficial owners or the information required to be provided relating to each beneficial owner;

''(ii) in the case of a corporation or limited liability company formed or acquired by a formation agent and retained by the formation agent as a beneficial owner for transfer to another person, the formation agent is required by the State to submit to the State an updated list of the beneficial owners and the information described in subparagraph (A) for each such beneficial owner not later than 10 days after date on which the formation agent transfers the corporation or limited liability company to another person; and

''(iii) the corporation or limited liability company is required by the State to submit to the State an annual filing containing the list of the beneficial owners of the corporation or limited liability company and the information described in subparagraph (A) for each such beneficial owner.

''(C) RETENTION OF INFORMATION.—Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State is required to be maintained by the State until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates under the laws of the State.

''(D) INFORMATION REQUESTS.—Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State shall be provided by the State upon receipt of—

''(i) a civil or criminal subpoena or summons from a State agency, Federal agency, or congressional committee or subcommittee requesting such information;

''(ii) a written request made by a Federal agency on behalf of another country under an international treaty, agreement, or convention, or section 1782 of title 28, United States Code; or

''(iii) a written request made by the Financial Crimes Enforcement Network.

''(E) NO BEARER SHARE CORPORATIONS OR LIMITED LIABILITY COMPANIES.—A corporation or limited liability company formed under the laws of the State may not issue a certificate in bearer form evidencing either a whole or fractional interest in the corporation or limited liability company.

''(2) STATES THAT LICENSE FORMATION AGENTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a State described in subparagraph (B) may permit an applicant to form a corporation or limited liability company under the laws of the State, or a corporation or limited liability company formed under the laws of the State, to provide the required information to a licensed formation agent residing in the State, instead of to the State directly, if the application under paragraph (1)(A) or the update under paragraph (1)(B) contains—

''(i) the name, current business address, contact information, and licensing number of the licensed formation agent that has agreed to maintain the information required under this subsection; and

''(ii) a certification by the licensed formation agent that the licensed formation agent has possession of the information required under this subsection and will maintain the information in the State licensing the licensed formation agent in accordance with State law.

''(B) STATES DESCRIBED.—A State described in this subparagraph is a State that maintains a formal licensing system for formation agents that requires a formation agent to register with the State, meet standards for fitness and honesty, maintain a physical office and records within the State, undergo regular monitoring, and be subject to sanctions for noncompliance with State requirements.

''(C) LICENSED FORMATION AGENT DUTIES.—A licensed formation agent that receives beneficial ownership information under State law in accordance with this paragraph shall—

''(i) maintain the information in the State in which the corporation or limited liability company is being or has been formed in the same manner as required for States under paragraph (1)(C);

''(ii) provide the information under the same circumstances as required for States under paragraph (1)(D); and

''(iii) perform the duties of a formation agent under paragraph (3).

''(D) TERMINATION OF RELATIONSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), a licensed formation agent that receives beneficial ownership information relating to a corporation or limited liability company under State law in accordance with this paragraph and that resigns, dissolves, or otherwise ends a relationship with the corporation or limited liability company shall promptly—

''(I) notify the State in writing that the licensed formation agent has resigned or ended the relationship; and

''(II) transmit all beneficial ownership information relating to the corporation or limited liability company in the possession of the licensed formation agent to the licensing State.

''(ii) EXCEPTION.—If a licensed formation agent receives written instructions from a corporation or limited liability company, the licensed formation agent may transmit

the beneficial ownership information relating to the corporation or limited liability company to another licensed formation agent that is within the same State and has agreed to maintain the information in accordance with this section.

''(iii) NOTICE TO STATE.—If a licensed formation agent provides beneficial ownership information to another licensed formation agent under clause (ii), the licensed formation agent providing the information shall promptly notify in writing the State under the laws of which the corporation or limited liability company is formed of the identity of the licensed formation agent receiving the information.

''(3) CERTAIN BENEFICIAL OWNERS.—If an applicant to form a corporation or limited liability company or a beneficial owner, officer, director, or similar agent of a corporation or limited liability company who is required to provide identification information under this subsection does not have a nonexpired passport issued by the United States or a nonexpired drivers license or identification card issued by a State, each application described in paragraph (1)(A) and each update described in paragraph (1)(B) shall include a certification by a formation agent residing in the State that the formation agent—

''(A) has obtained for each such person a current residential or business street address and a legible and credible copy of the pages of a nonexpired passport issued by the government of a foreign country bearing a photograph, date of birth, and unique identifying information for the person;

''(B) has verified the name, address, and identity of each such person;

''(C) will provide the information described in subparagraph (A) and the proof of verification described in subparagraph (B) upon request under the same circumstances as required for States under paragraph (1)(D); and

''(D) will retain the information and proof of verification under this paragraph in the State in which the corporation or limited liability company is being or has been formed until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates under the laws of the State.

''(4) EXEMPT ENTITIES.—

''(A) IN GENERAL.—A formation system described in paragraph (1) shall require that an application for an entity described in subparagraph (C) or (D) of subsection (d)(2) that is proposed to be formed under the laws of a State and that will be exempt from the beneficial ownership disclosure requirements under this subsection shall include in the application a certification by the applicant, or a prospective officer, director, or similar agent of the entity—

''(i) identifying the specific provision of subsection (d)(2) under which the entity proposed to be formed would be exempt from the beneficial ownership disclosure requirements under paragraphs (1), (2), and (3);

''(ii) stating that the entity proposed to be formed meets the requirements for an entity described under such provision of subsection (d)(2); and

''(iii) providing identification information for the applicant or prospective officer, director, or similar agent making the certification in the same manner as provided under paragraph (1) or (3).

''(B) EXISTING ENTITIES.—On and after the date that is 2 years after the effective date of the amendments to the formation system of a State made to comply with this section, an entity formed under the laws of the State before such effective date shall be considered to be a corporation or limited liability company for purposes of, and shall be subject to the requirements of, this subsection unless an officer, director, or similar agent of the entity submits to the State a certification—

''(i) identifying the specific provision of subsection (d)(2) under which the entity is exempt from the requirements under paragraphs (1), (2), and (3);

''(ii) stating that the entity meets the requirements for an entity described under such provision of subsection (d)(2); and

''(iii) providing identification information for the officer, director, or similar agent making the certification in the same manner as provided under paragraph (1) or (3).

''(C) EXEMPT ENTITIES HAVING OWNERSHIP INTEREST.—If an entity described in subparagraph (C) or (D) of subsection (d)(2) has or will have an ownership interest in a corporation or limited liability company formed or to be formed under the laws of a State, the applicant, corporation, or limited liability company in which the entity has or will have the ownership interest shall provide the information required under this subsection relating to the entity, except that the entity shall not be required to provide information regarding any natural person who has an ownership interest in, exercises substantial control over, or receives substantial economic benefits from the entity.

''(c) PENALTIES.—

''(1) IN GENERAL.—It shall be unlawful for—

''(A) any person to affect interstate or foreign commerce by—

''(i) knowingly providing, or attempting to provide, false or fraudulent beneficial ownership information, including a false or fraudulent identifying photograph, to a State or licensed formation agent under State law in accordance with this section;

''(ii) intentionally failing to provide complete or updated beneficial ownership information to a State or licensed formation agent under State law in accordance with this section; or

''(iii) knowingly disclosing the existence of a subpoena, summons, or other request for beneficial ownership information, except—

''(I) to the extent necessary to fulfill the authorized request; or

''(II) as authorized by the entity that issued the subpoena, summons, or other request; or

''(B) in the case of a formation agent, knowingly failing to obtain or maintain credible, legible, and updated beneficial ownership information, including any required identifying photograph.

''(2) CIVIL AND CRIMINAL PENALTIES.—In addition to any civil or criminal penalty that may be imposed by a State, any person who violates paragraph (1)—

''(A) shall be liable to the United States for a civil penalty of not more than $10,000; and

''(B) may be fined under title 18, imprisoned for not more than 3 years, or both.

''(d) DEFINITIONS.—For the purposes of this section:

''(1) BENEFICIAL OWNER.—

''(A) IN GENERAL.—The term 'beneficial owner'—

''(i) means an natural person who, directly or indirectly—

''(I) exercises substantial control over a corporation or limited liability company; or

''(II) has a substantial interest in or receives substantial economic benefits from the assets of a corporation or limited liability company; and

''(ii) does not include—

''(I) a minor child;

''(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person; or

''(III) a natural person acting solely as an employee of a corporation or limited liability company and whose control over or economic benefits from the corporation or limited liability company derives solely from the employment status of the natural person.

''(B) ANTI-ABUSE RULE.—The exclusions under clause (ii) shall not apply if the person is acting as a nominee, intermediary, custodian or agent on behalf of another person or solely as an employee of a corporation or limited liability company, as applicable, with the intent to evade the requirements of this subsection or any regulation promulgated under this subsection.

''(2) CORPORATION; LIMITED LIABILITY COMPANY.—The terms 'corporation' and 'limited liability company'—

''(A) have the meanings given such terms under the laws of the applicable State;

''(B) include any non-United States entity eligible for registration or registered to do business as a corporation or limited liability company under the laws of the applicable State;

''(C) do not include any entity that is, and discloses in the application by the entity to form under the laws of the State or, if the entity was formed before the date of the enactment of this section, in a filing with the State under State law—

''(i) a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d));

''(ii) a business concern constituted or sponsored by a State, a political subdivision of a State, under an interstate compact between 2 or more States, by a department or agency of the United States, or under the laws of the United States;

''(iii) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

''(iv) a credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

''(v) a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841));

''(vi) a broker or dealer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)) that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o);

''(vii) an exchange or clearing agency (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)) that is registered under section 6 or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78f and 78q–1);

''(viii) an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3)) or an investment advisor (as defined in section 202 of the Investment Advisors Act of 1940 (15 U.S.C. 80b–2)), if the company or adviser is registered with the Securities and Exchange Commission, or has filed an application for registration which has not been denied, under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or the Investment Advisor Act of 1940 (15 U.S.C. 80b–1 et seq.);

''(ix) an insurance company (as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2));

''(x) a registered entity (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)), or a futures commission merchant, introducing broker, commodity pool operator, or commodity trading advisor (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)) that is registered with the Commodity Futures Trading Commission;

''(xi) a public accounting firm registered in accordance with section 102 of the Sarbanes-Oxley Act (15 U.S.C. 7212);

''(xii) a public utility that provides telecommunications service, electrical power, natural gas, or water and sewer services, within the United States;

''(xiii) a church, charity, or nonprofit entity that is described in section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code of 1986, has not been denied tax exempt status, and has filed the most recently due annual information return with the Internal Revenue Service, if required to file such a return;

''(xiv) any business concern that—

''(I) employs more than 20 employees on a full-time basis in the United States;

''(II) files income tax returns in the United States demonstrating more than $5,000,000 in gross receipts or sales; and

''(III) has an operating presence at a physical office within the United States; or

''(xv) any corporation or limited liability company formed and owned by an entity described in clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), or (xiv); and

''(D) do not include any individual business concern or class of business concerns which the Secretary of the Treasury, with the written concurrence of the Attorney General of the United States, has determined in writing should be exempt from the requirements of subsection (a), because requiring beneficial ownership information from the business concern would not serve the public interest and would not assist law enforcement efforts to detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

''(3) FORMATION AGENT.—The term 'formation agent' means a person who, for compensation—

''(A) acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State; or

''(B) purchases, sells, or transfers the public records that form a corporation or limited liability company.''.

(B) RULEMAKING.—To carry out this Act and the amendments made by this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, may issue guidance or a rule to—

(i) clarify the definitions under section 5333(d) of title 31, United States Code, as added by subparagraph (A); and

(ii) specify how to verify beneficial ownership information or other identification information for purposes of section 5333, including whether the verification procedures specified in section 5333(b)(3) should apply to all applicants under section 5333(b)(1) or whether such verification process should require the notarization of signatures.

(C) CONFORMING AMENDMENTS.—Title 31, United States Code, is amended—

(i) in section 5321(a)—

(I) in paragraph (1), by striking ''sections 5314 and 5315'' each place it appears and inserting ''sections 5314, 5315, and 5333''; and

(II) in paragraph (6), by inserting ''(except section 5333)'' after ''subchapter'' each place it appears; and

(ii) in section 5322, by striking ''section 5315 or 5324'' each place it appears and inserting ''section 5315, 5324, or 5333''.

(D) TABLE OF CONTENTS.—The table of contents for subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''Sec. 5333. Transparent incorporation practices.''.

(E) RESTRICTIONS ON PUBLIC ACCESS.—A State may—

(i) restrict public access to all or any portion of the beneficial ownership information provided to the State as described under section 5332 of title 31, United States Code, as added by this Act; and

(ii) by statute, regulation, order, or interpretation adopted or issued by the State after the date of enactment of this Act, provide for public access to all or any portion of such information.

(F) NO DUTY OF VERIFICATION.—This Act and the amendments made by this Act do not impose any obligation on a State to verify the name, address, or identity of a beneficial owner whose information is submitted to such State under section 5333 of title 31, United States Code, as added by this Act.

(2) FUNDING AUTHORIZATION.—

(A) IN GENERAL.—To carry out section 5333 of title 31, United States Code, as added by this Act, during the 3-year period beginning on the date of enactment of this Act, funds shall be made available to each State to pay reasonable costs relating to compliance with the requirements of such section.

(B) FUNDING SOURCES.—To protect the United States against the misuse of United States corporations and limited liability companies with hidden owners, funds shall be provided to each State to carry out the purposes described in subparagraph (A) from one or more of the following sources:

(i) Upon application by a State, and without further appropriation, the Secretary of the Treasury shall make available to the State unobligated balances described in section 9703(g)(4)(B) of title 31, United States Code, in the Department of the Treasury Forfeiture Fund established under section 9703(a) of title 31, United States Code.

(ii) Upon application by a State, after consultation with the Secretary of the Treasury, and without further appropriation, the Attorney General of the United States shall make available to the State excess unobligated balances (as defined in section 524(c)(8)(D) of title 28, United States Code) in the Department of Justice Assets Forfeiture Fund established under section 524(c) of title 28, United States Code.

(C) MAXIMUM AMOUNTS.—

(i) DEPARTMENT OF THE TREASURY.—The Secretary of the Treasury may not make available to States a total of more than $30,000,000 under subparagraph (B)(i).

(ii) DEPARTMENT OF JUSTICE.—The Attorney General of the United States may not make available to States a total of more than $10,000,000 under subparagraph (B)(ii).

(D) RULEMAKING.—Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury and the Attorney General shall, jointly, issue regulations setting forth the procedures for States to apply for funds under this paragraph, including determining which State measures should be funded to assess, plan, develop, test, or implement relevant policies, procedures, or system modifications.

(3) COMPLIANCE REPORT.—Nothing in this subsection or the amendments made by this subsection authorizes the Secretary of the Treasury to withhold from a State any funding otherwise available to the State because of a failure by that State to comply with section 5333 of title 31, United States Code, as added by this Act. Not later than the end of the 42-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report—

(A) identifying which States obtain beneficial ownership information as described in section 5333;

(B) with respect to each State that does not obtain such information, whether corporations and limited liability companies formed under the laws of such State are in compliance with such section 5333 and providing the specified beneficial ownership information to the Secretary of the Treasury; and

(C) whether the Department of the Treasury is in compliance with section 5333 and, if not, what steps it must take to come into compliance with this subsection.

(4) FEDERAL CONTRACTORS.—Not later than the first day of the first full fiscal year beginning at least 1 year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation maintained under section 1303(a)(1) of title 41, United States Code, to require any contractor who is subject to the requirement to disclose beneficial ownership information under section 5333 of title 31, United States Code, as added by this Act, to provide the information required to be disclosed under such section to the Federal Government as part of any bid or proposal for a contract with a value threshold in excess of the simplified acquisition threshold under section 134 of title 41, United States Code.

(5) ANTI-MONEY LAUNDERING OBLIGATIONS OF FORMATION AGENTS.—

(A) IN GENERAL.—Section 5312(a)(2) of title 31, United States Code, is amended—

(i) in subparagraph (Y), by striking ''or'' at the end;

(ii) by redesignating subparagraph (Z) as subparagraph (AA); and

(iii) by inserting after subparagraph (Y) the following:

''(Z) any person who, for compensation—

''(i) acts on behalf of another person to form, or assist in formation of, a corporation or limited liability company under the laws of a State; or

''(ii) purchases, sells, or transfers the public records that form a corporation or limited liability company; or''.

(B) DEADLINE FOR ANTI-MONEY LAUNDERING RULE FOR FORMATION AGENTS.—

(i) PROPOSED RULE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General of the United States and the Commissioner of the Internal Revenue Service, shall publish a proposed rule in the Federal Register requiring persons described in section 5312(a)(2)(Z) of title 31, United States Code, as amended by this paragraph, to establish anti-money laundering programs under subsection (h) of section 5318 of that title.

(ii) FINAL RULE.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury shall publish the rule described in this paragraph in final form in the Federal Register.

(iii) EXCLUSIONS.—Any rule promulgated under this paragraph shall exclude from the category of persons involved in forming a corporation or limited liability company—

(I) any government agency; and

(II) any attorney or law firm that uses a paid formation agent operating within the United States to form the corporation or limited liability company.

(c) STUDIES AND REPORTS.—

(1) OTHER LEGAL ENTITIES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to Congress a report—

(A) identifying each State that has procedures that enable persons to form or register under the laws of the State partnerships, trusts, or other legal entities, and the nature of those procedures;

(B) identifying each State that requires persons seeking to form or register partnerships, trusts, or other legal entities under the laws of the State to provide information about the beneficial owners (as that term is defined in section 5333(d)(1) of title 31, United States Code, as added by this Act) or beneficiaries of such entities, and the nature of the required information;

(C) evaluating whether the lack of available beneficial ownership information for partnerships, trusts, or other legal entities—

(i) raises concerns about the involvement of such entities in terrorism, money laundering, tax evasion, securities fraud, or other misconduct; and

(ii) has impeded investigations into entities suspected of such misconduct; and

(D) evaluating whether the failure of the United States to require beneficial ownership information for partnerships and trusts formed or registered in the United States has elicited international criticism and what steps, if any, the United States has taken or is planning to take in response.

(2) EFFECTIVENESS OF INCORPORATION PRACTICES.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Congress a report assessing the effectiveness of incorporation practices implemented under this Act and the amendments made by this Act in—

(A) providing law enforcement agencies with prompt access to reliable, useful, and complete beneficial ownership information; and

(B) strengthening the capability of law enforcement agencies to combat incorporation abuses, civil and criminal misconduct, and detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

SA 4410. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.

Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)(24)—

(A) by inserting ''that receives funds provided under this title'' before '', such institution''; and

(B) by striking ''other than funds provided under this title, as calculated in accordance with subsection (d)(1)'' and inserting ''other than Federal educational assistance, as defined in subsection (d)(5) and calculated in accordance with subsection (d)(1)''; and

(2) in subsection (d)—

(A) in the subsection heading, by striking ''NON-TITLE IV'' and inserting ''NON-FEDERAL EDUCATIONAL'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''that receives funds provided under this title'' before ''shall'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''assistance under this title'' and inserting ''Federal educational assistance''; and

(II) in clause (ii)(I), by inserting '', or on a military base if the administering Secretary for a program of Federal educational assistance under clause (ii), (iii), or (iv) of paragraph (5)(B) has authorized such location'' before the semicolon;

(iii) in subparagraph (C), by striking ''program under this title'' and inserting ''program of Federal educational assistance'';

(iv) in subparagraph (E), by striking ''funds received under this title'' and inserting ''Federal educational assistance''; and

(v) in subparagraph (F)—

(I) in clause (iii), by striking ''under this title'' and inserting ''of Federal educational assistance''; and

(II) in clause (iv), by striking ''under this title'' and inserting ''of Federal educational assistance'';

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) INELIGIBILITY.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a proprietary institution of higher education receiving funds provided under this title that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in or receive funds under any program of Federal educational assistance for a period of not less than two institutional fiscal years.

''(ii) REGAINING ELIGIBILITY.—To regain eligibility to participate in or receive funds under any program of Federal educational assistance after being ineligible pursuant to clause (i), a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements for the program for a minimum of two consecutive institutional fiscal years after the institutional fiscal year in which the institution became ineligible. In order to regain eligibility to participate in any program of Federal educational assistance under this title, such compliance shall include meeting the requirements of section 498 for such 2-year period.

''(iii) NOTIFICATION OF INELIGIBILITY.—The Secretary of Education shall determine when a proprietary institution of higher education that receives funds under this title is ineligible under clause (i) and shall notify all other administering Secretaries of the determination.

''(iv) ENFORCEMENT.—Each administering Secretary for a program of Federal educational assistance shall enforce the requirements of this subparagraph for the program concerned upon receiving notification under clause (iii) of a proprietary institution of higher education's ineligibility.''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''In addition'' and all that follows through ''education fails'' and inserting ''Notwithstanding any other provision of law, in addition to such other means of enforcing the requirements of a program of Federal educational assistance as may be available to the administering Secretary, if a proprietary institution of higher education that receives funds provided under this title fails''; and

(bb) by striking ''the programs authorized by this title'' and inserting ''all programs of Federal educational assistance''; and

(II) in clause (i), by inserting ''with respect to a program of Federal educational assistance under this title,'' before ''on the expiration date'';

(D) in paragraph (4)(A), by striking ''sources under this title'' and inserting ''Federal educational assistance''; and

(E) by adding at the end the following:

''(5) DEFINITIONS.—In this subsection:

''(A) ADMINISTERING SECRETARY.—The term 'administering Secretary' means the Secretary of Education, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Homeland Security, or the Secretary of a military department responsible for administering the Federal educational assistance concerned.

''(B) FEDERAL EDUCATIONAL ASSISTANCE.—The term 'Federal educational assistance' means funds provided under any of the following provisions of law:

''(i) This title.

''(ii) Chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code.

''(iii) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.

''(iv) Section 1784a of title 10, United States Code.''.

SEC. 566. DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ACTIONS ON INELIGIBILITY OF CERTAIN PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION FOR PARTICIPATION IN PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2008 the following new section:

''§ 2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance

''(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Defense shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

''(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department of Defense as follows:

''(1) This chapter.

''(2) Chapters 105, 106A, 106A, 1606, 1607, and 1608 of this title.

''(3) Section 1784a of this title.

''(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Defense shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

''(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department of Defense that provides information to persons described in paragraph (1), of the following:

''(A) The name of the institution.

''(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

''(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

''(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2008 the following new item:

''2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting after section 3681 the following new section:

''§ 3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance

''(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Veterans Affairs shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

''(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department under chapters 30, 31, 32, 33, 34, and 35 of this title.

''(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Veterans Affairs shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

''(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department that provides information to persons described in paragraph (1), of the following:

''(A) The name of the institution.

''(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

''(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

''(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3681 the following new item:

''3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance.''.

SA 4411. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 341. REIMBURSEMENT OF STATES FOR CERTAIN FIRE SUPPRESSION SERVICES AS A RESULT OF FIRE CAUSED BY MILITARY TRAINING OR OTHER ACTIONS OF THE ARMED FORCES OR THE DEPARTMENT OF DEFENSE.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense may, upon application by a State, reimburse the State for the reasonable costs of the State for fire suppression services coordinated by the State as a result of a wildland fire caused by military training or other actions of units or members of the Armed Forces in Federal status or employees of the Department of Defense on a military training installation owned by the State.

(2) SERVICES COVERED.—Services reimbursable under this subsection shall be limited to services proximately related to the fire for which reimbursement is sought under this subsection.

(3) LIMITATIONS.—Nothing in this section shall apply to Department-owned military training installations. Nothing in this section shall affect existing memoranda of understanding between Department-owned military training installations and local governments. Reimbursement may not be made under this section for any services for which a claim may be made under the Federal Tort Claims Act.

(b) APPLICATION.—Each application of a State for reimbursement for costs under subsection (a) shall set forth an itemized request of the services covered by the application, including the costs of such services.

(c) FUNDS.—Any reimbursements under subsection (a) shall be made from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

SA 4412. Ms. AYOTTE (for herself and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. SCORE PROGRAM.

(a) REAUTHORIZATION.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by redesignating subsection (j) as subsection (f); and

(2) by adding at the end the following:

''(g) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator to carry out the SCORE program authorized under section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements in a total amount that does not exceed $10,500,000 in each of fiscal years 2017 and 2018.''.

(b) PROGRAM AMENDMENTS.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) in subsection (b)(1)(B), in the first sentence, by striking ''a Service Corps of Retired Executives (SCORE)'' and inserting ''the SCORE program described in subsection (c)''; and

(2) by striking subsection (c) and inserting the following:

''(c)(1) In this subsection—

''(A) the term 'SCORE Association' means any organization that receives a grant from the Administrator to operate the SCORE program under paragraph (2)(A); and

''(B) the term 'SCORE program' means the SCORE program authorized under subsection (b)(1)(B).

''(2)(A) The Administrator shall provide a grant to the SCORE Association to manage the SCORE program.

''(B) A volunteer participating in the SCORE program shall—

''(i) based on the business experience and knowledge of the volunteer—

''(I) provide personal counseling, mentoring, and coaching—

''(aa) at no cost;

''(bb) to individuals who own, or aspire to own, a small business concern; and

''(cc) relating to the process of starting, expanding, managing, buying, and selling a small business concern; and

''(II) facilitate low-cost education workshops for individuals who own, or aspire to own, a small business concern; and

''(ii) as appropriate, use tools, resources, and the expertise of other organizations to carry out the SCORE program.

''(3) The Administrator, in consultation with the SCORE Association, shall ensure that the SCORE program and each chapter of the SCORE program develop and implement plans and goals to more effectively and efficiently provide services—

''(A) to individuals in—

''(i) rural areas;

''(ii) economically disadvantaged communities; and

''(iii) other traditionally underserved communities; and

''(B) that include plans for—

''(i) electronic initiatives;

''(ii) web-based initiatives;

''(iii) chapter expansion;

''(iv) partnerships; and

''(v) the development of new skills by volunteers participating in the SCORE program.

''(4) The SCORE Association shall submit to the Administrator an annual report that contains—

''(A) the number of individuals counseled or trained under the SCORE program;

''(B) the number of hours of counseling provided under the SCORE program; and

''(C) to the extent possible—

''(i) the number of small business concerns formed with assistance from the SCORE program;

''(ii) the number of small business concerns expanded with assistance from the SCORE program; and

''(iii) the number of jobs created with assistance from the SCORE program.

''(5)(A) Neither the Administrator nor the SCORE Association may disclose the name, address, or telephone number of any individual or small business concern receiving assistance from the SCORE Association without the consent of the individual or small business concern, unless—

''(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(ii) the Administrator determines that such a disclosure is necessary to conduct a financial audit of the SCORE program, in which case disclosure shall be limited to the information necessary for the audit.

''(B) This paragraph shall not—

''(i) restrict the access of the Administrator to program activity data; or

''(ii) prevent the Administrator from using client information to conduct client surveys.

''(C)(i) The Administrator shall, after the opportunity for notice and comment, establish standards for—

''(I) disclosures with respect to financial audits under subparagraph (A)(ii); and

''(II) conducting client surveys, including standards for oversight of the surveys and for dissemination and use of client information.

''(ii) The standards issued under this subparagraph shall, to the extent practicable, provide for the maximum amount of privacy protection.''.

SA 4413. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Preventing Dirty Bomb Terrorism

SEC. 1097. SHORT TITLE.

This subtitle may be cited as the ''Preventing Dirty Bomb Terrorism Act of 2016''.

SEC. 1098. STRATEGY FOR SECURING HIGH ACTIVITY RADIOLOGICAL SOURCES.

(a) IN GENERAL.—The Administrator for Nuclear Security shall—

(1) not later than 5 years after the date of enactment of this Act, in coordination with the Chairman of the Nuclear Regulatory Commission and the Secretary of Homeland Security, develop a strategy to enhance the security of all risk-significant radiological materials; and

(2) not later than 120 days after the date of the enactment of this Act, submit to the appropriate congressional committees a report describing the strategy required by paragraph (1).

(b) ELEMENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of activities of the National Nuclear Security Administration, ongoing as of the date of the enactment of this Act—

(A) to secure risk-significant radiological materials; and

(B) to secure radiological materials and prevent the illicit trafficking of such materials as part of the Global Nuclear Detection Architecture.

(2) A list of any gaps in the legal authority of United States Government agencies needed to secure all risk-significant radiological materials.

(3) An estimate of the cost of securing all risk-significant radiological materials.

(4) A list, in the classified annex authorized by subsection (c), of all locations where risk-significant radiological material is kept under conditions that fail to meet the enhanced physical security standards promulgated by the Office of Global Material Security of the National Nuclear Security Administration.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

(2) RISK-SIGNIFICANT RADIOLOGICAL MATERIAL.—The term ''risk-significant radiological material'' means category 1 and category 2 radioactive materials, as determined by the Nuclear Regulatory Commission, located within the United States.

(3) SECURE.—The terms ''secure'' and ''security'', with respect to risk-significant radiological materials, refer to all activities to prevent terrorists from acquiring such sources, including enhanced physical security and tracking measures, removal and disposal of such sources that are not used, replacement of such sources with nonradiological technologies where feasible, and detection of illicit trafficking of such sources.

SEC. 1099. PREVENTING TERRORIST ACCESS TO DOMESTIC RADIOLOGICAL SOURCES.

(a) COMMERCIAL LICENSES.—Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection g., or'' after ''within the United States''; and

(2) by adding at the end the following:

''g. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license for risk-significant radiological material to any person that is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''h. The Commission shall suspend any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''i. The Commission may lift the suspension of a license made pursuant to subsection h. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.

''j. Any suspension enacted by the Commission in subsection h. shall only take effect 48 hours after the licensee receives notification from the Commission of an employee that meets the criteria listed in subsection h.''.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2134) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection e., or'' after ''within the United States''; and

(2) by adding at the end the following:

''e. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''f. The Commission shall suspend any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''g. The Commission may lift the suspension of a license made pursuant to subsection f. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.

''h. Any suspension enacted by the Commission in subsection f. shall only take effect 48 hours after the licensee receives notification from the Commission of an employee that meets the criteria listed in subsection f.''.

(c) COOPERATION WITH STATES.—Section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking ''b. Except as'' and inserting the following:

''b. AUTHORIZATION TO ENTER INTO AGREEMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), except as''; and

(3) by adding at the end the following:

''(2) REQUIREMENT.—

''(A) IN GENERAL.—The Commission shall not enter into an agreement with the Governor of a State under paragraph (1) unless the Governor agrees that the State—

''(i) shall not grant a license to any individual who is—

''(I) listed in the terrorist screening database maintained by the Federal Government

Terrorist Screening Center of the Federal Bureau of Investigation; or

''(II) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(aa) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(bb) providing material support or resources for terrorism; or

''(cc) the making of a terrorist threat or terroristic threat; and

''(ii) shall suspend the license of a licensee if the Commission or the State discovers that the licensee is providing unescorted access to any employee who is—

''(I) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(II) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(aa) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(bb) providing material support or resources for terrorism; or

''(cc) the making of a terrorist threat or terroristic threat.

''(B) EXISTING AGREEMENTS.—With respect to a State with an agreement in effect as of the date of enactment of this paragraph, the Commission shall terminate the agreement pursuant to subsection j. unless the Governor of the State agrees that the State shall not grant a license to any individual who is—

''(i) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(ii) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(I) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(II) providing material support or resources for terrorism; or

''(III) the making of a terrorist threat or terroristic threat.

''(C) SUSPENSION OF EXISTING AGREEMENTS.—With respect to a State with an agreement in effect as of the date of enactment of this paragraph, the Governor of the State shall suspend immediately any license granted by the State if the Commission or the State discovers that the licensee is providing unescorted access to any employee who is—

''(i) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(ii) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(I) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(II) providing material support or resources for terrorism; or

''(III) the making of a terrorist threat or terroristic threat.

''(D) LIFTING OF SUSPENSION.—The Governor of the State may lift the suspension of a license made pursuant to subparagraph (A)(ii) or subparagraph (C) if—

''(i) the licensee has revoked unescorted access privileges to the employee;

''(ii) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(iii) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.

''(E) TERMINATION.—If the Governor of a State does not suspend a license under subparagraph (A)(ii) or subparagraph (C), the Commission shall suspend the agreement with the Governor of the State until the Governor of the State suspends the license.''.

SEC. 1099A. OUTREACH TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES ON RADIOLOGICAL THREATS.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by adding at the end the following:

''(26)(A) Not later than every 2 years, the Secretary shall submit a written certification to Congress that field staff of the Department have briefed State and local law enforcement representatives about radiological security threats.

''(B) A briefing conducted under subparagraph (A) shall include information on—

''(i) the presence and current security status of all risk-significant radiological materials housed within the jurisdiction of the law enforcement agency being briefed;

''(ii) the threat that risk-significant radiological materials could pose to their communities and to the national security of the United States if these sources were lost, stolen or subject to sabotage by criminal or terrorist actors; and

''(iii) guidelines and best pest practices for mitigating the impact of emergencies involving risk-significant radiological materials.

''(C) The National Nuclear Security Administration, the Nuclear Regulatory Commission, and Federal law enforcement agencies shall provide information to the Department in order for the Department to submit the written certification described in subparagraph (A).

''(D) A written certification described in subparagraph (A) shall include a report on the activity of the field staff of the Department to brief State and local law enforcement representatives, including, as provided to field staff of the Department by State and local law enforcement agencies—

''(i) an aggregation of incidents regarding radiological material; and

''(ii) information on current activities undertaken to address the vulnerabilities of these risk-significant radiological materials.

''(E) In this paragraph, the term 'risk-significant radiological material' means category 1 and category 2 radioactive materials, as determined by the Nuclear Regulatory Commission, located within the United States.''.

SA 4414. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle F—National Commission on Defense Reform

SEC. 981. NATIONAL COMMISSION ON DEFENSE REFORM.

(a) ESTABLISHMENT.—There is established in the executive branch an independent commission to be known as the National Commission on Defense Reform (in this subtitle referred to as the ''Commission''). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members, of whom—

(A) one shall be appointed by the President;

(B) two shall be appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate;

(C) two shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Member of the Committee on Armed Services of the Senate;

(D) two shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) two shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act (which deadline shall be referred to in this subtitle as the ''Commission establishment date'').

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If an appointment or appointments under a subparagraph of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment or appointments under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(4) EXPERTISE.—In making appointments under this subsection, consideration should be given to individuals with expertise in national and international security policy and strategy, military forces capability, force structure design and employment, and improving the effectiveness of large organizations.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among its members.

(e) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding section 2105 of title 5, United States Code, including the supervision required under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after the Commission establishment date.

(g) MEETINGS.—The Commission shall meet at the call of the Chair.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 982. PURPOSE AND SCOPE OF THE COMMISSION.

(a) PURPOSE.—The purpose of the Commission is to undertake a comprehensive review of the organization and operations of the Department of Defense, in order to make recommendations for reform.

(b) SCOPE OF REVIEW.—In undertaking the review required by subsection (a), the Commission shall give consideration to the following:

(1) The structure and organization of the Department of Defense, including the Office

of the Secretary of Defense, the Office of the Chairman of the Joint Chiefs of Staff, the Joint Staff, and the headquarters of the Armed Forces.

(2) The responsibilities and authorities of the geographic and functional combatant commands.

(3) The organization, responsibilities, and interaction of the combatant commands, subordinate commands, and Joint Task Forces with the Joint Staff and the Office of the Secretary of Defense, including overlap in such matters.

(4) The responsibilities and authorities of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

(5) The development and structure of the defense budget.

(6) The development and promulgation of the Unified Command Plan, military strategy and contingency planning.

(7) The professional education and development of military and civilian defense leaders.

(8) Cost-management and business practices.

(9) Interaction between the Department and industry.

(10) Interaction, including planning and coordination authorities, between the Department of Defense and other departments and agencies of the Federal Government with equities in national security.

(11) Reforms and reorganizations undertaken by the Secretary of Defense, including those directed by this Act.

(c) PRINCIPLES.—The recommendations of the Commission shall sustain and strengthen the following enduring principles:

(1) Preservation of civilian control of the military.

(2) Maximization of the effectiveness of military operations.

(3) Availability of appropriate numbers of members of the Armed Forces for required operations.

(4) Efficient and effective management of the defense establishment.

(5) Maintenance of the all-volunteer joint force.

(6) Innovation and accountability in defense acquisition.

(7) Maintenance of the focus of the activities of the Department on support of the warfighter.

(8) Adequacy and sufficiency in the development of defense policy, strategy, and plans.

SEC. 983. DUTIES OF THE COMMISSION.

(a) SECRETARY OF DEFENSE RECOMMENDATIONS.—

(1) DEADLINE.—Not later than six months after the Commission establishment date, the Secretary of Defense shall transmit to the Commission the recommendations of the Secretary for reform of the organization and operations of the Department of Defense. The Secretary shall concurrently transmit the recommendations to the Committees on Armed Services of the Senate and the House of Representatives.

(2) JUSTIFICATION.—The Secretary shall include with the recommendations under paragraph (1) the justification of the Secretary for each recommendation.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make available to the Commission and to the Committees on Armed Services of the Senate and the House of Representatives the information used by the Secretary to prepare the recommendations of the Secretary under paragraph (1).

(b) INDEPENDENT EFFICIENCY REVIEW.—

(1) IN GENERAL.—The Commission shall work with an appropriate entity outside the Department of Defense to conduct a review of the current structure, organization, and operations of the Department and to make recommendations to reduce fragmentation, overlap, or duplication in such structure, organization, and operations.

(2) ENTITY TO PERFORM REVIEW.—The entity performing the review under paragraph (1) shall have—

(A) a depth of experience in management best practices in the private sector; and

(B) familiarity with the unique requirements of the defense enterprise.

(3) PURPOSE AND SCOPE.—The review under paragraph (1) shall address the following:

(A) Areas of fragmentation, overlap, or duplication in the structure, organization, and operations of the Department.

(B) Opportunities for integrating, streamlining, or otherwise enhancing the efficiency of the structure, organization, and operations of the Department.

(C) Private sector best practices that could be implemented by the Department to improve efficiency and reduce costs within the Department.

(4) PRINCIPLES.—Any recommendations developed pursuant to the review under paragraph (1) shall adhere to the principles specified in section 982(c).

(5) REPORT.—The entity under paragraph (1) shall submit to the Commission and the congressional defense committees a report on the review under paragraph (1) not later than one year after the date of the enactment of this Act.

(c) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to be a majority of Commission members. Such interim reports may include alternate or dissenting views from Commission members.

(d) FINAL REPORT.—Within one year of the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a final report containing a detailed statement of such findings, conclusions, and recommendations for legislative and administrative actions as have been agreed to by a majority of the Commission members. The final report may include alternate or dissenting views from Commission members.

SEC. 984. POWERS OF THE COMMISSION AND RELATED ADMINISTRATIVE MATTERS.

(a) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this subtitle.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services shall, in consultation with the Secretary of Defense, identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(c) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 985. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION.—

(1) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for Level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEE.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure for the Commission temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 986. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report under section 983(d).

SEC. 987. FUNDING.

Amounts for the activities of the Commission under this subtitle shall be derived from amounts authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 301 and available for operation and maintenance, Defense-wide, as specified in the funding table in section 4301.

SA 4415. Mr. KAINE submitted an amendment intended to be proposed by

him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XI, add the following:

SEC. 1114. AUTHORITY FOR NONCOMPETITIVE HIRING FOR CAREER OR TERM POSITIONS IN THE DEPARTMENT OF DEFENSE OF SPOUSES OF MEMBERS OF THE ARMED FORCES RELOCATING DUE TO A PERMANENT OR TEMPORARY CHANGE OF DUTY STATION.

(a) IN GENERAL.—The Secretary of Defense or the head of any other department, agency, or element of the Department of Defense may appoint on a noncompetitive basis to a career or term position in the Department of Defense or such department, agency, or element, as applicable, any current spouse of a member of the Armed Forces who is relocating with the member in connection with the member's permanent or temporary change of duty station and is appropriately qualified for such position.

(b) WAIVER OF APPLICABLE LAW.—In making an appointment pursuant to subsection (a), the official making such appointment may waive any provision of chapter 33 of title 5, United States Code, otherwise applicable to such appointment in order to make such appointment on a noncompetitive basis.

(c) ACQUISITION OF COMPETITIVE STATUS.—A person appointed pursuant to subsection (a) acquires competitive status automatically upon completion of probation.

SA 4416. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 899C. COMPTROLLER GENERAL REPORT ON USE OF SOLE SOURCE CONTRACTS.

(a) IN GENERAL.—Not later than September 30, 2017, the Comptroller General of the United States shall conduct a review and submit to the congressional defense committees a report on the use by the Department of Defense of sole source contracts.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the extent to which the Department of Defense used the various source selection approaches in fiscal year 2015 in comparison to what the Government Accountability Office found in its 2014 report.

(2) A description of the factors considered by Department of Defense personnel when determining which source selection approach to use.

(3) An assessment of the extent to which these approaches resulted in effective competition.

(4) A description of whether the resulting contract awards were protested and the results of those protests.

(5) An analysis of whether the use of a particular source selection approach contributed to successful acquisition outcomes, such as the delivery of timely, high quality, and cost-effective goods and services that met the warfighter's needs or contributed to cost overruns, schedule delays, performance shortfalls, or the need to award follow-on contracts to address these shortfalls.

(6) Any recommendations to improve the Department's source selection procedures.

SA 4417. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 1277. PILOT PROGRAM ON DEPARTMENT OF DEFENSE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT COOPERATION TO COUNTER VIOLENT EXTREMISM.

(a) PILOT PROGRAM.—The Secretary of Defense and the Administrator of the United States Agency for International Development may jointly carry out in accordance with this section a pilot program to assess the feasibility and advisability of cooperation between the Department of Defense and the United States Agency for International Development in projects to prevent support for violent extremism.

(b) COOPERATION THROUGH SUPPORT OF PROJECTS.—In carrying out the pilot program, the Secretary is authorized to provide support for projects of the United States Agency for International Development to prevent support for violent extremism.

(c) FUNDS.—Any support under the pilot program in a fiscal year shall be provided using amounts available for such fiscal year for the Department of Defense for security cooperation programs and activities of the Department of Defense, and shall be subject to the authorities and limitations governing the activities of the Administrator of the United States Agency for International Development.

(d) REQUEST AND CONCURRENCE REQUIRED.—Any support under the pilot program may be provided only at the request of the commander of a combatant command and with the concurrence of the Chairman of the Joint Chiefs of Staff.

(e) JOINT DETERMINATION REQUIRED.—Support may be provided under the pilot program for a project of the United States Agency for International Development only if the Secretary and the Administrator jointly determine that the project—

(1) is in support of, or necessary to the effectiveness of, one or more programs conducted by the Department of Defense; and

(2) cannot be carried out by the Department.

(f) LIMITATION.—The amount of support provided by the Secretary under the pilot program in any fiscal year may not exceed $10,000,000.

(g) NOTICE TO CONGRESS.—Not later than 15 days before providing support for a project under the pilot program, the Secretary shall submit to the congressional defense committees a notice detailing the project to be supported.

(h) SUNSET.—The authority to provide support under the pilot program shall expire on September 30, 2018. The expiration of the authority on that date shall not affect the availability of funds made available to the Administrator of the United States Agency for International Development under the authority before that date.

SA 4418. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 147. SUPPORT FOR E–8C JSTARS FLEET.

The Secretary of Defense shall continue to fully fund all necessary aircraft repairs and modifications and to maintain the existing E–8C JSTARS fleet in a common mission equipment configuration and deployable state, including with respect to supply parts, operational aircrew, maintenance, and combat training instructors to ensure that the fleet can continue worldwide operational missions, avoid degradation of mission performance, and meet combatant commander requirements for operations until the Joint Surveillance Target Attack Radar System (JSTARS) Recapitalization Program achieves Full Operational Capability (FOC).

SA 4419. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 147. ACQUISITION STRATEGY FOR AIR FORCE HELICOPTERS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on an acquisition strategy for replacement of the Air Force UH–1N helicopter program.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a description of the Air Force rotorcraft requirements, and the extent to which program requirements differ among Air Force Global Strike Command, Air Force District of Washington, and other Major Command airlift missions;

(2) a life-cycle cost analysis of alternatives, including mixed-fleet versus single-fleet acquisition program solutions to meet all Air Force requirements; and

(3) consideration of the trade-offs between the capability and affordability of commercial derivative aircraft versus military purpose designed aircraft.

SA 4420. Mr. CORKER (for himself and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 587, line 21, insert before the period the following: ", and shall provide copies of such report to the Committee on Foreign Relations of the Senate and the Committee of Foreign Affairs of the House of Representatives".

On page 1009, between lines 12 and 13, insert the following:

(c) SUBMITTAL OF REPORTS.—Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 2012, as so amended, is further amended by inserting "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives" after "congressional defense committees".

On page 1011, line 11, strike "relevant Chief of Mission" and insert "Secretary of State".

On page 1011, beginning on line 13, strike ", irregular forces, groups, or individuals".

On page 1012, beginning on line 2, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1012, line 16, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1013, line 12, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1015, strike lines 5 through 7.

On page 1015, line 8, strike "(2)" and insert "(1)".

On page 1015, strike lines 12 through 19.

On page 1015, line 20, strike "(5)" and insert "(2)".

On page 1024, beginning on line 13, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1025, line 6, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1026, beginning on line 2, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1026, line 19, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1027, beginning on line 12, insert after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1032, between lines 5 and 6, insert the following:

(c) SECRETARY OF STATE CONCURRENCE.—Subsection (a) of such section is further amended by striking "in coordination with the Secretary of State" and inserting "with the concurrence of the Secretary of State".

On page 1032, strike lines 9 through 13 and insert the following:

(a) IN GENERAL.—Section 1236(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–12 291; 128 Stat. 3559) is amended—

(1) by striking "in coordination with the Secretary of State" and inserting "with the concurrence of the Secretary of State"; and

(2) by striking "December 31, 2016" and inserting "December 31, 2019".

On page 1034, strike lines 19 through 23 and insert the following:

(1) in subsection (a), by striking "Of the amounts" and all that follows through "in coordination with the Secretary of State" and inserting "Amounts available for a fiscal year under subsection (f) shall be available to the Secretary of Defense, with the concurrence of the Secretary of State".

On page 1040, between lines 16 and 17, insert the following:

(g) SUBMITTAL OF REPORTS ON MILITARY ASSISTANCE TO UKRAINE.—Section 1275(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 is amended by inserting after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1041, between lines 12 and 13, insert the following:

(c) SECRETARY OF STATE CONCURRENCE.—Subsection (a) of such section is amended by inserting ", with the concurrence of the Secretary of State," after "The Secretary of Defense".

(d) SUBMITTAL OF REPORT.—Subsection (c)(2) of such section is inserting after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

(e) BRIEFING TO CONGRESS.—Subsection (e) of such section is amended by inserting after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

On page 1045, beginning on line 8, strike "shall present to the congressional defense committees" and insert "shall, in coordination with the Secretary of State, present to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives".

Strike section 1235.

On page 1048, beginning on line 16, strike "the Committees on Armed Services of the Senate and the House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives".

On page 1051, strike lines 6 through 10.

On page 1051, line 11, strike "(5)" and insert "(4)".

On page 1051, line 15, strike "(6)" and insert "(5)".

Strike section 1244.

Strike section 1245.

On page 1055, after line 25, add the following:

(1) United States security sector assistance is a tool to facilitate the achievement of United States foreign policy objectives;

On page 1056, line 1, strike "(1)" and insert "(2)".

On page 1056, line 6, strike "(2)" and insert "(3)".

On page 1056, line 12, strike "(3)" and insert "(4)".

On page 1057, line 4, strike "(4)" and insert "(5)".

On page 1057, line 8, strike "(5)" and insert "(6)".

On page 1057, beginning on line 10, strike ", and conducts critical security cooperation programs of its own".

On page 1057, line 12, strike "(6)" and insert "(7)".

On page 1057, line 19, strike "(7)" and insert "(8)".

On page 1058, line 1, strike "(8)" and insert "(9)".

On page 1060, strike lines 1 through 13 and insert the following:

"(2) The term "defense article" has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

"(3) The term "defense service" has the meaning given that term 47(4) of the Arms Export Control Act (22 U.S.C. 2794(4)).

On page 1061, line 5, insert after "any" the following: "security sector assistance".

On page 1061, between lines 8 and 9, insert the following:

"(A) To complement the strategic long-term security assistance and cooperation programs of the Department of State.

On page 1061, line 9, strike "(A)" and insert "(B)".

On page 1061, line 11, strike "(B)" and insert "(C)".

On page 1061, line 14, strike "(C)" and insert "(D)".

On page 1061, strike line 20 and all that follows through page 1062, line 2, and insert the following:

"(7) The term "training" has the meaning given that term in section 47(5) of the Arms Export Control Act (22 U.S.C. 2974(5)).

On page 1062, between lines 2 and 3, insert the following:

"(8) The term "friendly foreign country" means any country identified annually by the President, by not later than October 1 of a fiscal year, in a submission to the appropriate committees of Congress, as a friendly foreign country that is eligible to receive United States security assistance under this chapter in that fiscal year.

On page 1064, beginning on line 11, strike "(d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP FOREIGN SECURITY FORCES.—" and all that follows through "AUTHORITY.—" on line 19. [*don't understand the purposes of this amendment. the amendatory instruction sought to be stricken is necessary to insert the material that begins on page 1064, line 17, into new chapter 16*]

On page 1065, line 20, insert before the period the following: ", including with regard to identification of the particular recipient country, recipient organization, and content of the assistance provided".

On page 1065, after line 25, add the following:

"(3) JOINT FORMULATION.—The Secretary of Defense and the Secretary of State shall jointly formulate any program authorized by subsection (a).

On page 1070, between lines 13 and 24, insert the following:

"(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) terminates at the close of September 30, 2020. Any program conducted or supported under that authority before that date may be completed, but only using funds available for fiscal years 2017 through 2020.

On page 1070, line 14, strike "(h)" and insert "(i)".

1072, line 1, strike "congressional defense committees" and insert "appropriate committees of Congress".

On page 1072, beginning on line 5, strike "congressional defense committees" and insert "appropriate committees of Congress".

On page 1077, line 8, strike "after consultation with" and insert "with the concurrence of".

On page 1087, line 9, strike "congressional defense committees" and insert "appropriate committees of Congress".

On page 1091, strike line 2 through 17, and insert the following:

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

''(1) An exchange of personnel under an international defense personnel exchange agreement may only be made with the concurrence of the Secretary to State to the extent the exchange is with—

''(A) a non-defense security ministry of a foreign government; or

''(B) an international or regional security organization.''; and

(C) in paragraph (3), as so redesignated, by inserting before the period the following: '', subject to the concurrence of the Secretary of State'';

(3) in subsection (c)—

(A) by striking ''Each government shall be required under'' and inserting ''In the case of''; and

(B) by inserting after ''exchange agreement'' the following: ''that provides for reciprocal exchanges, each government shall be required'';

(4) in subsection (f), by inserting ''defense or security ministry of that'' after ''military personnel of the''; and

(5) by adding at the end the following new subsection:

''(g) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 90 days after the end of a fiscal year in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the use of the authority during such fiscal year.

''(2) ELEMENTS.—The report required under paragraph (1) shall include the number of non-reciprocal international defense personnel exchange agreements, the number of personnel assigned pursuant to such agreements, the Department of Defense component to which the personnel have been assigned, the duty title of each assignment, and the countries with which the agreements have been concluded.''.

On page 1092, line 15, add at the end the following: ''Such expenses may be paid only with the concurrence of the Secretary of State, other than in the case of payment of expenses of defense personnel of a friendly foreign government, for which such concurrence is not required.''.

On page 1096, between lines 16 and 17, insert the following:

''(3) SECRETARY OF STATE CONCURRENCE FOR ASSIGNMENT OF NON-DEFENSE FOREIGN LIAISON OFFICERS.—In the case of a non-defense foreign liaison officer, the authority of the Secretary of Defense under subsection (a) to pay any expenses specified in paragraph (2) or (3) of subsection (b) may be exercised only if the assignment of that liaison officer as a liaison officer with the Department of Defense was accepted by the Secretary of Defense with the concurrence of the Secretary of State.

On page 1098, beginning on line 1, strike ''or other security forces''.

On page 1098, line 3, strike the Secretary determines'' and insert ''the Secretary of Defense and the Secretary of State jointly determine''.

On page 1098, line 4, add at the end the following: ''Any such training with forces of a foreign country may be conducted only with the concurrence of the Secretary of State.''.

On page 1101, beginning on line 6, strike ''congressional defense committees'' and insert ''appropriate committees of Congress''.

Strike section 1258.

On page 1126, beginning on line 13, strike ''congressional defense committees'' and insert ''appropriate committees of Congress''.

On page 1127, beginning on line 2, strike ''the Secretary of Defense shall submit to the congressional defense committees'' and insert ''the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress''.

On page 1127, line 3, strike ''congressional defense committees'' and insert ''appropriate committees of Congress''.

On page 1128, beginning on line 10, strike ''congressional defense committees'' and insert ''appropriate committees of Congress''.

On page 1134, between lines 4 and 5, insert the following:

(e) SUBMITTAL OF REPORTS.—Such section is further amended—

(1) by redesignating subsections (e) and (f), as redesignated by subsection (d) of this section, as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) SUBMITTAL OF REPORTS.—Each report under this section that is submitted to the congressional defense committees shall also be submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.''.

On page 1134, line 5, strike ''(e)'' and insert ''(f)''.

On page 1134, line 10, strike ''(f)'' and insert ''(g)''.

On page 1135, between lines 5 and 6, insert the following:

SEC. 1261A. CONCURRENCE OF SECRETARY OF STATE IN SECURITY COOPERATION WITH FOREIGN NON-MILITARY PERSONNEL.

Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 384, as added by section 1261 of this Act, the following new section:

''§ 385. Security cooperation with foreign non-military personnel: concurrence of Secretary of State

''Any security cooperation program or activity of the Department of Defense undertaken under this chapter that engages foreign personnel not under the authority of a ministry of defense of a foreign country shall require the concurrence of the Secretary of State.''.

On page 1142, line 5, add at the end the following: ''Until the joint regulations are so prescribed, no activities shall be undertaken under section 333 of title 10, United States Code, as added by section 1252(d) of this Act.''.

On page 1144, strike lines 13 through 16.

On page 1156, beginning on line 6, strike ''the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees'' and insert ''the Chairman of the Joint Chiefs of Staff shall, in coordination with the Secretary of State, submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives''.

SA 4421. Mr. WARNER (for himself, Mr. CARPER, Mr. COONS, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 306. ENERGY PREPAREDNESS FOR THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense and the Armed Forces to ensure the readiness of the Armed Forces for their military missions by pursuing energy preparedness, including resilient sources of electric power and the efficient use of electric power.

(b) AUTHORITIES.—In order to achieve the policy set forth in subsection (a), the Secretary of Defense may take the actions as follows:

(1) ELECTRIC POWER RESILIENCY PLANS FOR MILITARY INSTALLATIONS.—The Secretary may require the service secretaries to establish and maintain electric power resiliency plans that best meet their installations' mission assurance guidelines.

(2) RESILIENCY OF ELECTRIC POWER AND COST OF BACKUP POWER AS FACTORS IN PROCUREMENT.—The Secretary may authorize the use of resiliency and the cost of backup power as factors in the cost-benefit analysis for procurement of electric power.

SA 4422. Mr. BENNET (for himself, Mr. HATCH, Mr. BLUMENTHAL, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Promise for Antibiotics and Therapeutics

SEC. 1097. SHORT TITLE.

This subtitle may be cited as the ''Promise for Antibiotics and Therapeutics for Health Act'' or the ''PATH Act''.

SEC. 1097A. ANTIBACTERIAL RESISTANCE MONITORING.

Section 319E of the Public Health Service Act (42 U.S.C. 247d-5) is amended—

(1) by redesignating subsections (f) and (g) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (e), the following:

''(f) MONITORING AT FEDERAL HEALTH CARE FACILITIES.—The Secretary shall encourage reporting on aggregate antibacterial drug use and bacterial resistance to antibacterial drugs and the implementation of antibiotic stewardship programs by health care facilities of the Department of Defense, the Department of Veterans Affairs, and the Indian Health Service and shall provide technical assistance to the Secretary of Defense and the Secretary of Veterans Affairs, as appropriate and upon request.

''(g) REPORT ON ANTIBACTERIAL RESISTANCE IN HUMANS AND USE OF ANTIBACTERIAL DRUGS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall prepare and make publically available data and information concerning—

''(1) aggregate national and regional trends of bacterial resistance in humans to antibacterial drugs, including those approved under section 506(g) of the Federal Food, Drug, and Cosmetic Act;

''(2) antibacterial stewardship, which may include summaries of State efforts to address bacterial resistance in humans to antibacterial drugs and antibacterial stewardship; and

''(3) coordination between the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs with respect to the monitoring of—

''(A) any applicable resistance under paragraph (1); and

''(B) drugs approved under section 506(g) of the Federal Food, Drug, and Cosmetic Act.

''(h) INFORMATION RELATED TO ANTIBIOTIC STEWARDSHIP PROGRAMS.—The Secretary shall, as appropriate, disseminate guidance, educational materials, or other appropriate materials related to the development and implementation of evidence-based antibiotic stewardship programs or practices at health care facilities, such as nursing homes and other long-term care facilities, ambulatory surgical centers, dialysis centers, and community and rural hospitals.

''(i) SUPPORTING STATE-BASED ACTIVITIES TO COMBAT ANTIBACTERIAL RESISTANCE.—The Secretary shall continue to work with State and local public health departments on statewide or regional programs related to antibacterial resistance. Such efforts may include activities to related to—

''(1) identifying patterns of bacterial resistance in humans to antibacterial drugs;

''(2) preventing the spread of bacterial infections that are resistant to antibacterial drugs; and

''(3) promoting antibiotic stewardship.

''(j) ANTIBACTERIAL RESISTANCE AND STEWARDSHIP ACTIVITIES.—

''(1) IN GENERAL.—For the purposes of supporting stewardship activities, examining changes in bacterial resistance, and evaluating the effectiveness of section 506(g) of the Federal Food, Drug, and Cosmetic Act, the Secretary shall—

''(A) provide a mechanism for facilities to report data related to their antimicrobial stewardship activities (including analyzing the outcomes of such activities); and

''(B) evaluate—

''(i) antimicrobial resistance data using a standardized approach; and

''(ii) trends in the utilization of drugs approved under such section 506(g) with respect to patient populations.

''(2) USE OF SYSTEMS.—The Secretary shall use available systems, including the National Healthcare Safety Network or other systems identified by the Secretary, to fulfill the requirements or conduct activities under this section.

''(3) AVAILABILITY OF DATA.—The Secretary shall make the data collected pursuant to this subsection public. Nothing in this subsection shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.''.

SEC. 1097B. LIMITED POPULATION PATHWAY FOR ANTIBACTERIAL DRUGS.

Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended—

(1) by transferring subsection (e) so that it appears before subsection (f); and

(2) by adding at the end the following:

''(g) LIMITED POPULATION PATHWAY FOR ANTIBACTERIAL DRUGS.—

''(1) IN GENERAL.—The Secretary may approve an antibacterial drug, alone or in combination with one or more other drugs, as a limited population drug pursuant to this subsection only if—

''(A) the drug is intended to treat a serious or life-threatening infection in a limited population of patients with unmet needs;

''(B) the standards for approval under section 505(c) and (d), or the standards for licensure under section 351 of the Public Health Service Act, as applicable, are met; and

''(C) the Secretary receives a written request from the sponsor to approve the drug as a limited population drug pursuant to this subsection.

''(2) BENEFIT-RISK CONSIDERATION.—The Secretary's determination of safety and effectiveness of a limited population antibacterial drug shall reflect the benefit-risk profile of the drug in the intended limited population, taking into account the severity, rarity, or prevalence of the infection the drug is intended to treat and the availability or lack of alternative treatment in such limited population. Such drug may be approved under this subsection notwithstanding a lack of evidence to fully establish a favorable benefit-risk profile in a population that is broader than the intended limited population.

''(3) ADDITIONAL REQUIREMENTS.—A drug approved under this subsection shall be subject to the requirements of this paragraph, in addition to any other applicable requirements of this Act:

''(A) LABELING.—To indicate that the safety and effectiveness of a drug approved under this subsection has been demonstrated only with respect to a limited population—

''(i) all labeling and advertising of an antibacterial drug approved under this subsection shall contain the statement 'Limited Population' in a prominent manner and adjacent to, and not more prominent than—

''(I) the proprietary name of such drug, if any; or

''(II) if there is no proprietary name, the established name of the drug, if any, as defined in section 503(e)(3), or for drugs which are biological products, the proper name, as defined by regulation; and

''(ii) the prescribing information for such antibacterial drug required by section 201.57 of title 21, Code of Federal Regulations (or any successor regulation) shall also include the following statement: 'This drug is indicated for use in a limited and specific population of patients.'.

''(B) PROMOTIONAL MATERIAL.—The sponsor of an antibacterial drug subject to this subsection shall submit to the Secretary copies of all promotional materials related to such drug at least 30 calendar days prior to dissemination of the materials.

''(4) OTHER PROGRAMS.—A sponsor of a drug that seeks approval of a drug under this subsection for antibacterial drugs may also seek designation or approval, as applicable, of such drug under other applicable sections or subsections of this Act of the Public Health Service Act.

''(5) GUIDANCE.—Not later than 18 months after the date of enactment of the Promise for Antibiotics and Therapeutics for Health Act, the Secretary shall issue draft guidance describing criteria, processes, and other general considerations for demonstrating the safety and effectiveness of limited population antibacterial drugs. The Secretary shall publish final guidance within 18 months of the close of the public comment period on such draft guidance. The Secretary may approve antibacterial drugs under this subsection prior to issuing guidance under this paragraph.

''(6) ADVICE.—The Secretary shall provide prompt advice to the sponsor of a drug for which the sponsor seeks approval under this subsection for antibacterial drugs to enable the sponsor to plan a development program to obtain the necessary data for approval of such drug under this subsection for antibacterial drugs and to conduct any additional studies that would be required to gain approval of such drug for use in a broader population.

''(7) TERMINATION OF LIMITATIONS.—If, after approval of a drug under this subsection, the Secretary approves a broader indication for such drug for which the sponsor applies under section 505(b) or section 351(a) of the Public Health Service Act, the Secretary may remove any postmarketing conditions, including requirements with respect to labeling and review of promotional materials under paragraph (3), applicable to the approval of the drug under this subsection.

''(8) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter the authority of the Secretary to approve drugs pursuant to this Act and section 351 of the Public Health Service Act, including the standards of evidence, and applicable conditions, for approval under such Acts, the standards of approval of a drug under this Act or the Public Health Service Act, or to alter the authority of the Secretary to monitor drugs pursuant to this Act or the Public Health Service Act.

''(9) REPORTING AND ACCOUNTABILITY.—

''(A) BIANNUAL REPORTING.—The Secretary shall report to Congress not less often than once every 2 years on the number of requests for approval, and the number of approvals, of an antibacterial drug under this subsection.

''(B) GAO REPORT.—Not later than December 2021, the Comptroller General of the United States shall report on the coordination of activities required under section 319E of the Public Health Service Act, a review of such activities, and the extent to which the use of the pathway established under this subsection has streamlined premarket approval for antibacterial drugs for limited populations, if such pathway has functioned as intended, if such pathway has helped provide for safe and effective treatment for patients, if such premarket approval would be appropriate for other categories of drugs, and if the authorities under this subsection have affected antibiotic resistance.''.

SEC. 1097C. PRESCRIBING AUTHORITY.

Nothing in this subtitle, or an amendment made by this subtitle, shall be construed to restrict the prescribing of antibacterial drugs or other products, including drugs approved under section 506(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(g)), by health care professionals, or to limit the practice of health care.

SA 4423. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 526. PLAN TO MEET DEMAND FOR CYBERSPACE CAREER FIELDS IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a plan for meeting the increased demand for cyberspace career fields in the reserve components of the Armed Forces.

(b) ELEMENTS.—The plan shall take into account the following:

(1) The availability of qualified local workforces.

(2) Potential best practices of private sector companies involved in cyberspace and of educational institutions with established cyberspace-related academic programs.

(3) The potential for Total Force Integration throughout the defense cyber community.

(4) Recruitment strategies to attract individuals with critical cyber training and skills to join the reserve components.

(c) METRICS.—The plan shall include appropriate metrics for use in the evaluation of the implementation of the plan.

SA 4424. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title VIII, add the following:

SEC. 899C. MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS TO SUPPORT DEPARTMENT OF DEFENSE MISSIONS.

(a) IN GENERAL.—The Secretary of Defense shall establish one or more multi-institution task order contracts, consortia, cooperative agreements, or other arrangements to facilitate expedited access to university technical expertise in support of Department of Defense missions in the areas specified in subsection (e). The Secretary may use this arrangement to fund technical analyses and other engineering support as required to address acquisition and operational challenges, including support for classified programs and activities. The Secretary shall ensure that work under task orders awarded through the arrangement is performed primarily by the designated university performer.

(b) LIMITATION.—The arrangement established under subsection (a) may not be used to fund research programs that can be executed through other Department of Defense basic research activities.

(c) COORDINATION WITH OTHER DEPARTMENT OF DEFENSE ACTIVITIES.—The arrangement shall be made in coordination with other Department of Defense activities, including federally funded research and development centers (FFRDCs), university affiliated research centers (UARCs), and Defense laboratories and test centers, for purposes of providing technical expertise and reducing costs and duplicative efforts.

(d) POLICIES AND PROCEDURES.—The Secretary shall establish and implement policies and procedures to govern—

(1) selection of participants in the arrangement;

(2) the awarding of task orders under the arrangement;

(3) maximum award size for tasks under the arrangement;

(4) the appropriate use of competitive awards and sole source awards under the arrangement; and

(5) technical areas under the arrangement.

(e) MISSION AREAS.—The Secretary may establish the arrangement in any of the following technical areas:

(1) Cybersecurity.

(2) Air and ground vehicles.

(3) Shipbuilding.

(4) Explosives detection.

(5) Modeling and simulation.

(6) Undersea warfare.

(7) Trusted microelectronics.

(8) Unmanned systems.

(9) Directed energy.

(10) Energy, power, and propulsion.

(11) Advanced materials.

(12) Other areas as designated by the Secretary.

SA 4425. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. REPORT AND GUIDANCE ON JOB TRAINING, EMPLOYMENT SKILLS TRAINING, APPRENTICESHIPS, AND INTERNSHIPS AND SKILLBRIDGE INITIATIVES FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST-AI) and SkillBridge initiatives, under which civilian businesses and companies make available to members of the Armed Forces who are being separated from the Armed Forces training or internship opportunities that offer a high probability of employment for the members after their separation.

(b) ELEMENTS.—In preparing the report required by subsection (a), the Under Secretary shall use the effectiveness metrics described in Enclosure 5 of Department of Defense Instruction No. 1322.29. The report shall include the following:

(1) An assessment of the successes of the Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives.

(2) Recommendations by the Under Secretary on ways in which the administration of the initiatives could be improved.

(3) Recommendations by civilian companies participating in the initiatives on ways in which the administration of the initiatives could be improved.

SA 4426. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. 544. SUSPENSION OF ADMINISTRATIVE SEPARATION OF MEMBERS OF THE ARMED FORCES WITH MEDICAL CONDITIONS ARISING FROM SEXUAL TRAUMA INCURRED DURING SERVICE IN THE ARMED FORCES.

(a) POLICY ON SUSPENSION REQUIRED.—The Secretary of Defense shall issue a policy under which the Secretaries of the military departments may—

(1) suspend the proposed involuntary separation from the Armed Forces of any member of the Armed Forces described in subsection (b); and

(2) provide for appropriate medical evaluation of such member for purposes of determining the eligibility of such member for retirement or separation for physical disability under chapter 61 of title 10, United States Code.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is a member who is diagnosed by a health care professional specified in the policy under subsection (a) as having a medical condition related to sexual assault or sexual harassment incurred by the member during service in the Armed Forces.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy to be issued pursuant to subsection (a).

(d) EFFECTIVE DATE.—The policy issued pursuant to subsection (a) shall take effect on the date of the submittal of the policy to Congress under subsection (c), and shall apply to members of the Armed Forces described in subsection (b) who are proposed to be involuntarily separated from the Armed Forces on or after that date.

SA 4427. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. 554. REPORT ON IMPLEMENTATION OF REFORM OF ARTICLE 32 OF THE UNIFORM CODE OF MILITARY JUSTICE.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a description and assessment by the Secretary of the implementation of the reform of section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), made by section 1702 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 954).

SA 4428. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1266. ENHANCEMENT OF EFFORTS FOR THE RECRUITMENT AND ADVANCEMENT OF WOMEN IN THE SECURITY SECTOR AS PART OF DEFENSE INSTITUTION BUILDING PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

In carrying out programs and activities for defense institution building of foreign countries under the security cooperation programs and activities of the Department of Defense, the Secretary of Defense shall, in coordination with the Secretary of State, include policies to strengthen and facilitate, to the extent practicable, the efforts of countries participating in such defense institution building programs and activities to recruit, retain, professionalize, and advance women in their security sectors.

SA 4429. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

"§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

"§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t)(3) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

''(37) The term 'material support or resources' has the meaning given the term in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

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

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit

pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

SA 4430. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. RENAMING THE NATIONAL PROTECTION AND PROGRAMS DIRECTORATE.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) UNITED STATES AGENCY FOR CYBER AND INFRASTRUCTURE SECURITY.—The National Protection and Programs Directorate of the Department shall be known and designated as the ''United States Agency for Cyber and Infrastructure Security''. Any reference to the National Protection and Programs Directorate of the Department in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the United States Agency for Cyber and Infrastructure Security of the Department.

(c) STREAMLINING.—

(1) ALLOCATION OF FUNCTIONS.—To support the United States Agency for Cyber and Infrastructure Security and increase efficiency and effectiveness, the Secretary may allocate and reallocate the mission support, Stakeholder Engagement and Cyber Infrastructure Resilience, and sector-specific agency functions, personnel, and assets that

are supporting National Protection and Programs Directorate of the Department on the day before the date of enactment of this Act.

(2) FUNDING.—Notwithstanding section 520 of division F of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2515), funds available to the United States Agency for Cybersecurity and Infrastructure Protection are authorized as necessary to streamline in accordance with this Act.

(3) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan for allocating the functions of the United States Agency for Cyber and Infrastructure Security.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in the table of contents in section 1(b), by striking the item relating to section 201 and inserting the following:

''201. Information and analysis; cyber and infrastructure security.'';

(B) in section 103(a)(1) (6 U.S.C. 113(a)(1)), by striking subparagraph (H) and inserting the following:

''(H) An Under Secretary for Cyber and Infrastructure Security.'';

(C) in section 201 (6 U.S.C. 121)—

(i) in the section heading, by striking ''**AND INFRASTRUCTURE PROTECTION**'' and inserting ''**; CYBER AND INFRASTRUCTURE SECURITY**'';

(ii) in subsection (a)—

(I) in the subsection heading, by striking ''AND INFRASTRUCTURE PROTECTION'' and inserting ''; CYBER AND INFRASTRUCTURE SECURITY''; and

(II) by striking ''an Office of Intelligence and Analysis and an Office of Infrastructure Protection'' and inserting ''the United States Agency for Cyber and Infrastructure Security and an Office of Intelligence and Analysis'';

(iii) in subsection (b)—

(I) in the subsection heading, by inserting '', UNDER SECRETARY FOR CYBER AND INFRASTRUCTURE SECURITY,'' after ''ANALYSIS'';

(II) by striking paragraph (3); and

(III) by inserting after paragraph (2) the following:

''(3) UNITED STATES AGENCY FOR CYBER AND INFRASTRUCTURE SECURITY.—

''(A) IN GENERAL.—The United States Agency for Cyber and Infrastructure Security shall be headed by an Under Secretary for Cyber and Infrastructure Security.

''(B) ASSISTANT SECRETARIES.—Notwithstanding section 103(a)(1)(I), the Secretary may appoint 2 Assistant Secretaries to assist in carrying out the duties of the United States Agency for Cyber and Infrastructure Security.'';

(iv) in subsection (c)—

(I) by striking ''infrastructure protection'' and inserting ''cyber and infrastructure security''; and

(II) by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Under Secretary for Cyber and Infrastructure Security'';

(v) in subsection (d)—

(I) in the subsection heading, by striking ''AND INFRASTRUCTURE PROTECTION'' and inserting ''CYBER AND INFRASTRUCTURE SECURITY'';

(II) in the matter preceding paragraph (1), by striking ''infrastructure protection'' and inserting ''cyber and infrastructure security'';

(III) in paragraph (1)—

(aa) in subparagraph (A), by inserting '', cyber, and other'' after ''terrorist''; and

(bb) in subparagraph (B), by inserting ''and cyber attacks'' after ''terrorism'';

(IV) in paragraph (2), by inserting ''and cyber'' after ''terrorist'';

(V) in paragraph (3)(A), by inserting '', cyber,'' after ''terrorist'';

(VI) in paragraph (8), by inserting '', cyber, and other'' after ''terrorist'';

(VII) in paragraph (9), by striking ''of terrorism'';

(VIII) in paragraph (10), by striking ''of terrorism''; and

(IX) in paragraph (12), by striking ''of terrorism in'' and inserting ''against'';

(vi) in subsection (e)(1), by striking ''the Office of Intelligence and Analysis and the Office of Infrastructure Protection'' and inserting ''the United States Agency for Cyber and Infrastructure Security and the Office of Intelligence and Analysis'';

(vii) in subsection (f)(1), by striking ''the Office of Intelligence and Analysis and the Office of Infrastructure Protection'' and inserting ''the United States Agency for Cyber and Infrastructure Security and the Office of Intelligence and Analysis''; and

(viii) in subsection (g), in the matter preceding paragraph (1), by striking ''the Office of Intelligence and Analysis and the Office of Infrastructure Protection'' and inserting ''the United States Agency for Cyber and Infrastructure Security and the Office of Intelligence and Analysis'';

(D) in section 204 (6 U.S.C. 124a)—

(i) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Under Secretary for Cyber and Infrastructure Security''; and

(ii) in subsection (d)(1), in the matter preceding subparagraph (A), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Under Secretary for Cyber and Infrastructure Security'';

(E) in section 210A(c)(2)(B) (6 U.S.C. 124h(c)(2)(B)), by striking ''Office of Infrastructure Protection'' and inserting ''United States Agency for Cyber and Infrastructure Security'';

(F) in section 223 (6 U.S.C. 143)—

(i) in the matter preceding paragraph (1), by striking ''the Under Secretary appointed under section 103(a)(1)(H)'' and inserting ''the Under Secretary for Cyber and Infrastructure Security'';

(ii) in paragraph (1)(B)—

(I) by striking ''Under Secretary for Emergency Preparedness and Response'' and inserting ''Administrator of the Federal Emergency Management Agency''; and

(II) by striking ''and'' at the end; and

(iii) in paragraph (2), by striking ''Under Secretary for Emergency Preparedness and Response'' and inserting ''Administrator of the Federal Emergency Management Agency'';

(G) in section 224 (6 U.S.C. 144), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Under Secretary for Cyber and Infrastructure Security'';

(H) in section 227 (6 U.S.C. 148)—

(i) in subsection (b), by striking ''the Under Secretary appointed under section 103(a)(1)(H)'' and inserting ''the Under Secretary for Cyber and Infrastructure Security'';

(ii) in subsection (e)(1)(G), by striking the semicolon at the end; and

(iii) in subsection (f)(1), by striking ''the Under Secretary appointed under section 103(a)(1)(H)'' and inserting ''the Under Secretary for Cyber and Infrastructure Security'';

(I) in section 228(c) (6 U.S.C. 149(c)), by striking ''The Under Secretary appointed under section 103(a)(1)(H)'' and inserting ''The Under Secretary for Cyber and Infrastructure Security'';

(J) in section 302 (6 U.S.C. 182)—

(i) in paragraph (2), by striking ''biological,,'' and inserting ''biological''; and

(ii) in paragraph (3), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Under Secretary for Cyber and Infrastructure Security'';

(K) in section 514 (6 U.S.C. 321c)—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b);

(L) in section 523(a) (6 U.S.C. 321l(a)), in the matter preceding paragraph (1), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Under Secretary for Cyber and Infrastructure Security'';

(M) in section 524(a)(2)(B) (6 U.S.C. 321m(a)(2)(B)), by striking ''Assistant Secretary for Infrastructure Protection, based on consideration of the expertise of the Assistant Secretary'' and inserting ''Under Secretary for Cyber and Infrastructure Security, based on consideration of the expertise of the Under Secretary''; and

(N) in section 1801(b) (6 U.S.C. 571(b)), by striking ''Assistant Secretary for Cybersecurity and Communications'' and inserting ''Under Secretary for Cyber and Infrastructure Security''.

(e) OTHER MATTERS.—

(1) RULES OF CONSTRUCTION.—Nothing in this section or any amendments made by this section may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law as in existence on the day before the date of enactment of this Act, and any such rule or regulation shall continue to have full force and effect on and after such date.

(2) CONTINUATION IN OFFICE.—The individual serving as the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department appointed under section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) on the day before the date of enactment of this Act may serve as the Under Secretary for Cyber and Infrastructure Security on and after such date of enactment until an Under Secretary for Cyber and Infrastructure Security is appointed under such section 103(a)(1)(H).

(3) REFERENCE.—On and after the date of the enactment of this Act, any reference in law or regulation to the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department appointed under section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) or the Assistant Secretary for Infrastructure Protection shall be deemed to be a reference to the Under Secretary for Cyber and Infrastructure Security.

SA 4431. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 306. AIR FORCE REPORT ON PERFLUOROOCTANOIC ACID (PFOA) AND PERFLUOROOCTANE SULFONATES (PFOS) CONTAMINATION AT CERTAIN MILITARY INSTALLATIONS.

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

(1) An increasing number of communities across New York have reportedly identified the presence of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonates (PFOS), which can contaminate water and cause adverse health effects.

(2) According to reports, levels of PFOA and PFOS have been detected in the public and private water supplies in the city of Newburgh, New York. Public and private wells in these communities are being tested by the New York Department of Environmental Conservation (DEC) and the New York Department of Health (DOH) .

(3) The Environmental Protection Agency (EPA) has identified PFOA as an ''emerging contaminant,'' and in 2009, the EPA issued an updated provisional health advisory for drinking water of 70 parts per trillion for PFOA and PFOS.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2016, the Secretary of the Air Force, in collaboration with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on perfluorooctanoic acid (PFOA) and perfluorooctane sulfonates (PFOS) contamination at Stewart Air National Guard Base, New York.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An update on the cleanup at Stewart Air National Guard Base.

(B) An update on the Air Force's efforts to identify and notify everyone affected or impacted by the contamination.

(C) An assessment of the Air Force's role, if any, in the new contaminations.

(D) A summary of the Air Force's support, where appropriate, for the EPA with respect to the latest contaminations.

SA 4432. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. WAIVER OF CERTAIN POLYGRAPH EXAMINATION REQUIREMENTS.

The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, may waive the polygraph examination requirement under section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) for any applicant who—

(1) the Commissioner determines is suitable for employment;

(2) holds a current, active Top Secret clearance and is able to access sensitive compartmented information;

(3) has a current single scope background investigation;

(4) was not granted any waivers to obtain the clearance; and

(5) is a veteran (as such term is defined in section 2108 or 2108a of title 5, United States Code).

SA 4433. Mr. WYDEN (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. DISCLOSURE OF RECENT TAX RETURNS OF CERTAIN PRESIDENTIAL CANDIDATES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

''(j) DISCLOSURE OF TAX RETURNS OF CERTAIN PRESIDENTIAL CANDIDATES.—

''(1) IN GENERAL.—Not later than 15 days after the nomination of any candidate of a major party for the office of President, such candidate shall file with the Commission a copy of the income tax returns of such candidate for the 3 most recent taxable years for which such a return has been filed with the Internal Revenue Service as of the date of the nomination.

''(2) PROCEDURE IF NO INFORMATION FILED.—In any case in which the candidate of a major party for the office of President has not filed with the Commission the income tax returns described in paragraph (1) before the date which is 30 days after the date such candidate is nominated, the Chairman of the Commission shall request the Secretary of the Treasury to provide such returns.

''(3) RETURNS MADE PUBLIC.—A tax return provided to the Commission by a candidate under paragraph (1) or by the Secretary of the Treasury pursuant to paragraph (2) shall be treated in the same manner as a report filed by the candidate and, except as provided in paragraph (4), shall be made publicly available at the same time and in the same manner as other reports and statements under this section.

''(4) REDACTION OF CERTAIN INFORMATION.—Before making any return described in paragraph (1) or (2) available to the public, the Commission shall redact such information as the Commission, in consultation with the Secretary of the Treasury (or the Secretary's delegate), determines appropriate.

''(5) DEFINITIONS.—For purposes of this subsection:

''(A) MAJOR PARTY.—The term 'major party' has the meaning given such term by section 9002(6) of the Internal Revenue Code of 1986.

''(B) INCOME TAX RETURN.—The term 'income tax return' means any return (as defined in section 6103(b)(1) of the Internal Revenue Code of 1986) relating to Federal income taxes.''.

(b) AUTHORITY TO DISCLOSE INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION OF CERTAIN PRESIDENTIAL CANDIDATES BY FEDERAL ELECTION COMMISSION.—

''(A) IN GENERAL.—The Federal Election Commission may disclose to the public the applicable returns of any person who has been nominated as a candidate of a major party (as defined in section 9002(6)) for the office of President.

''(B) DISCLOSURE TO FEC IN CASES WHERE CANDIDATE DOES NOT PROVIDE RETURNS.—The Secretary shall, upon written request from the Chairman of the Federal Election Commission pursuant to section 304(j)(2) of the Federal Election Campaign Act of 1971, provide to officers and employees of the Federal Election Commission copies of the applicable returns of any person who has been nominated as a candidate of a major party (as defined in section 9002(6)) for the office of President.

''(C) APPLICABLE RETURNS.—For purposes of this paragraph, the term 'applicable returns' means, with respect to any candidate for the office of President, income tax returns for the 3 most recent taxable years for which a return has been filed as of the date of the nomination.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking ''or (22)'' and inserting ''(22), or (23)'' each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 4434. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 965. INFORMATION ON WHISTLEBLOWER REPRISAL INVESTIGATIONS IN SEMIANNUAL REPORTS TO CONGRESS OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) INFORMATION REQUIRED.—The Inspector General of the Department of Defense shall include in each semiannual report to Congress of the Inspector General pursuant to section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) the information specified in subsection (c) with respect to investigations of prohibited personnel actions against personnel specified in subsection (b) during the period covered by such report.

(b) COVERED PERSONNEL.—The personnel specified in this subsection are personnel of the Department Defense, and of each element of the intelligence community referred to in section 8H(a)(1)(A) of the Inspector General Act of 1978, as follows:

(1) Members of the Armed Forces, including members of the National Guard and the Reserves, on active duty.

(2) Civilian employees.

(3) Non-appropriated fund instrumentality employees.

(4) Employees of contractors.

(5) Employees of subcontractors.

(6) Employees of grantees.

(7) Employees of subgrantees.

(8) Such other personnel as the Inspector General considers appropriate for purposes of this section.

(c) COVERED INFORMATION.—The information specified in this subsection is information on prohibited personnel actions against the personnel specified in subsection (b), set forth by category of personnel enumerated in that subsection, as follows:

(1) The number of allegations received by the Inspector General

(2) The number of allegations investigated by the Inspector General.

(3) The number of allegations dismissed or withdrawn.

(4) The number of allegations closed by the Inspector General, including—

(A) the number of allegations closed by the Inspector General without investigation; and

(B) the number of allegations closed by the Inspector General without the complainant being interviewed.

(5) The number of investigated allegations substantiated by the Inspector General, and the substantiation rate.

(6) The average time for the investigation of allegations.

(7) In the case of personnel of the Department of Defense, the number of allegations pursued by an Inspector General within a military department and subsequently reviewed by the Inspector General of the Department of Defense.

(8) In the case of personnel of the elements of the intelligence community referred to in subsection (b), the number of investigations returned by an Inspector General of the Intelligence Community for additional analysis or investigation.

(9) In the case of allegations received from employees of contractors, subcontrators, grantees, and subgrantees under section 2409 of title 10, United States Code—

(A) the number of allegations received; and

(B) the statutory standards applied in the investigation of such allegations.

(10) In the case of substantiated allegations, the number and percentage of cases in which the department, agency, element, or component concerned took remedial action.

(11) The number and types of disciplinary actions taken against persons determined to have committed a prohibited personnel action.

(d) OUTREACH AND TRAINING.—Each report described in subsection (a) shall also include a description of the telephone hotline outreach and training events conducted for personnel of the Department of Defense by the Inspector General of the Department of Defense during the period covered by such report.

(e) DEFINITIONS.—In this section:

(1) The term ''prohibited personnel action'' means the taking or threatening to take an unfavorable personnel action, or the withholding or threatening to withhold a favorable personnel action, as a reprisal against an individual for making or preparing to make the following:

(A) A lawful communication to a Member of Congress or an Inspector General.

(B) A communication to a covered individual or organization in which the individual complains of, or discloses information that the individual reasonably believes constitutes evidence of, any of the following:

(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(2) The term ''covered individual or organization'' means any recipient of a communication specified in clauses (i) through (v) of section 1034(b)(1)(B) of title 10, United States Code.

(3) The term ''unlawful discrimination'' means discrimination on the basis of race, color, religion, sex, or national origin.

SA 4435. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1216. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.

(a) ALIENS DESCRIBED.—Section 602(b)(2)(A)(ii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended to read as follows:

''(I)(aa) by, or on behalf of, the United States Government, in the case of an alien submitting an application for Chief of Mission approval pursuant to subparagraph (D) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; or

''(bb) in the case of an alien submitting an application for Chief of Mission approval pursuant to subparagraph (D) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, in a capacity that required the alien—

''(AA) to serve as an interpreter or translator for personnel of the Department of State or the United States Agency for International Development in Afghanistan while traveling away from United States embassies or consulates with such personnel;

''(BB) to serve as an interpreter or translator for United States military personnel in Afghanistan while traveling off-base with such personnel; or

''(CC) to perform sensitive and trusted activities for United States military personnel stationed in Afghanistan; or''.

(b) NUMERICAL LIMITATIONS.—Section 602(b)(3)(F) of such Act is amended by striking ''December 31, 2016;'' each place it appears and inserting ''December 31, 2017;''.

(c) REPORT.—Section 602(b)(14) of such Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Not later than 60 days after the date of the enactment of this paragraph,'' and inserting ''Not later than December 31, 2016, and annually thereafter through January 31, 2021,''; and

(2) in subparagraph (A)(i), by striking ''under this section;'' and inserting ''under subclause (I) or (II)(bb) of paragraph (2)(A)(ii);''.

SA 4436. Mr. RUBIO (for himself, Mr. SULLIVAN, Mr. CASSIDY, Mr. VITTER, Mr. BLUNT, Mrs. CAPITO, Mr. WICKER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—VESSEL INCIDENTAL DISCHARGE ACT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Vessel Incidental Discharge Act''.

SEC. __02. FINDINGS; PURPOSE.

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

(1) Since the enactment of the Act to Prevent Pollution from Ships (22 U.S.C. 1901 et seq.) in 1980, the United States Coast Guard has been the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(2) The Coast Guard estimates there are approximately 12,000,000 State-registered recreational vessels, 75,000 commercial fishing vessels, and 33,000 freight and tank barges operating in United States waters.

(3) From 1973 to 2005, certain discharges incidental to the normal operation of a vessel were exempted by regulation from otherwise applicable permitting requirements.

(4) During the 32 years during which this regulatory exemption was in effect, Congress enacted several statutes to deal with the regulation of discharges incidental to the normal operation of a vessel, including—

(A) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in 1980;

(B) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(C) the National Invasive Species Act of 1996 (110 Stat. 4073);

(D) section 415 of the Coast Guard Authorization Act of 1998 (112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(E) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (114 Stat. 2763), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(F) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings;

(G) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001; and

(H) the amendment made by section 2 of the Clean Boating Act of 2008 adding subsection (r) to section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342(r)), which exempts recreational vessels from National Pollutant Discharge Elimination System permit requirements.

(b) PURPOSE.—The purpose of this title is to provide for the establishment of nationally uniform and environmentally sound standards and requirements for the management of discharges incidental to the normal operation of a vessel.

SEC. __03. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term ''aquatic nuisance species'' means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—

(A) IN GENERAL.—The term ''ballast water'' means any water and water-suspended matter taken aboard a vessel—

(i) to control or maintain trim, list, draught, stability, or stresses of the vessel; or

(ii) during the cleaning, maintenance, or other operation of a ballast water treatment technology of the vessel.

(B) EXCLUSIONS.—The term ''ballast water'' does not include any substance that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology under this title.

(4) BALLAST WATER DISCHARGE STANDARD.—The term ''ballast water discharge standard'' means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations or section 151.1511 of title 33, Code of Federal Regulations, as applicable, or a revised numerical ballast water discharge standard established under subsection (a)(1)(B), (b), or (c) of section __05.

(5) BALLAST WATER MANAGEMENT SYSTEM; MANAGEMENT SYSTEM.—The terms ''ballast water management system'' and ''management system'' mean any system, including all ballast water treatment equipment and associated control and monitoring equipment, used to process ballast water to kill, remove, render harmless, or avoid the uptake or discharge of organisms.

(6) BIOCIDE.—The term ''biocide'' means a substance or organism, including a virus or fungus, that is introduced into or produced by a ballast water management system to reduce or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard under this title.

(7) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.—

(A) IN GENERAL.—The term ''discharge incidental to the normal operation of a vessel'' means—

(i) a discharge into navigable waters from a vessel of—

(I)(aa) ballast water, graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a vessel;

(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the vessel is waterborne.

(B) EXCLUSIONS.—The term ''discharge incidental to the normal operation of a vessel'' does not include—

(i) a discharge into navigable waters from a vessel of—

(I) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(II) oil or a hazardous substance as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(III) sewage as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6)); or

(IV) graywater referred to in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6));

(ii) an emission of an air pollutant resulting from the operation onboard a vessel of a vessel propulsion system, motor driven equipment, or incinerator; or

(iii) a discharge into navigable waters from a vessel when the vessel is operating in a capacity other than as a means of transportation on water.

(8) GEOGRAPHICALLY LIMITED AREA.—The term ''geographically limited area'' means an area—

(A) with a physical limitation, including limitation by physical size and limitation by authorized route such as the Great Lakes and St. Lawrence River, that prevents a vessel from operating outside the area, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary, in consultation with the heads of other Federal departments or agencies as the Secretary considers appropriate.

(9) MANUFACTURER.—The term ''manufacturer'' means a person engaged in the manufacture, assemblage, or importation of ballast water treatment technology.

(10) NAVIGABLE WATERS.—The term ''navigable waters'' has the meaning given the term in section 2.36 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(12) VESSEL.—The term ''vessel'' means every description of watercraft or other artificial contrivance used, or practically or otherwise capable of being used, as a means of transportation on water.

SEC. __04. REGULATION AND ENFORCEMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall establish, implement, and enforce uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.

(2) BASIS.—Except as provided under paragraph (3), the standards and requirements established under paragraph (1)—

(A) with respect to ballast water, shall be based upon the best available technology that is economically achievable;

(B) with respect to discharges incidental to the normal operation of a vessel other than ballast water, shall be based on best management practices (including practices, limitations, or concentrations); and

(C) shall supersede any permitting requirement or prohibition on discharges incidental to the normal operation of a vessel under any other provision of law.

(3) RULE OF CONSTRUCTION.—The standards and requirements established under paragraph (1) shall not supersede regulations, in place on the date of the enactment of this Act or established by a rulemaking proceeding after such date of enactment, which cover a discharge in a national marine sanctuary or in a marine national monument.

(b) ADMINISTRATION AND ENFORCEMENT.—The Secretary shall administer and enforce the uniform national standards and requirements under this title. Each State may enforce the uniform national standards and requirements under this title.

(c) SANCTIONS.—

(1) CIVIL PENALTIES.—

(A) BALLAST WATER.—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation.

(B) OTHER DISCHARGE.—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be liable for a civil penalty in an amount not to exceed $10,000. Each day of a continuing violation constitutes a separate violation.

(C) IN REM LIABILITY.—A vessel operated in violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed under this subsection for that violation.

(2) CRIMINAL PENALTIES.—

(A) BALLAST WATER.—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be punished by a fine of not more than $100,000, imprisonment for not more than 2 years, or both.

(B) OTHER DISCHARGE.—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be punished by a fine of not more than $50,000, imprisonment for not more than 1 year, or both.

(3) REVOCATION OF CLEARANCE.—The Secretary is authorized to withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner or operator of the vessel is in violation of a regulation issued pursuant to this Act.

(4) EXCEPTION TO SANCTIONS.—It shall be an affirmative defense to any charge of a violation of this title that compliance with this title would, because of adverse weather, equipment failure, or any other relevant condition, have threatened the safety or stability of a vessel, its crew, or its passengers.

SEC. __05. UNIFORM NATIONAL STANDARDS AND REQUIREMENTS FOR THE REGULATION OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.

(a) REQUIREMENTS.—

(1) BALLAST WATER MANAGEMENT REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the requirements set forth in the final rule, Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (77 Fed. Reg. 17254 (March 23, 2012), as corrected at 77 Fed. Reg. 33969 (June 8, 2012)), shall be the management requirements for a ballast water discharge incidental to the normal operation of a vessel until the Secretary revises the ballast water discharge standard under subsection (b) or adopts a more stringent standard under subparagraph (B).

(B) ADOPTION OF MORE STRINGENT STANDARD.—If the Secretary makes a determination in favor of a State petition under section 610, the Secretary shall adopt the more stringent ballast water discharge standard specified in the statute or regulation that is the subject of that State petition instead of the ballast water discharge standard in the final rule described under subparagraph (A).

(2) INITIAL MANAGEMENT REQUIREMENTS FOR DISCHARGES OTHER THAN BALLAST WATER.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall issue a final rule establishing best management practices for discharges incidental to the normal operation of a vessel other than ballast water.

(b) REVISED BALLAST WATER DISCHARGE STANDARD; 8-YEAR REVIEW.—

(1) IN GENERAL.—Subject to the feasibility review under paragraph (2), not later than January 1, 2024, the Secretary, in consultation with the Administrator, shall issue a final rule revising the ballast water discharge standard under subsection (a)(1) so that a ballast water discharge incidental to the normal operation of a vessel will contain—

(A) less than 1 organism that is living or has not been rendered harmless per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(B) less than 1 organism that is living or has not been rendered harmless per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than—

(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of Escherichia coli per 100 milliliters; and

(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(2) FEASIBILITY REVIEW.—

(A) IN GENERAL.—Not less than 2 years before January 1, 2024, the Secretary, in consultation with the Administrator, shall complete a review to determine the feasibility of achieving the revised ballast water discharge standard under paragraph (1).

(B) CRITERIA FOR REVIEW OF BALLAST WATER DISCHARGE STANDARD.—In conducting a review under subparagraph (A), the Secretary shall consider whether revising the ballast water discharge standard will result in a scientifically demonstrable and substantial reduction in the risk of introduction or establishment of aquatic nuisance species, taking into account—

(i) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(ii) improvements in ballast water management systems, including—

(I) the capability of such management systems to achieve a revised ballast water discharge standard;

(II) the effectiveness and reliability of such management systems in the shipboard environment;

(III) the compatibility of such management systems with the design and operation of a vessel by class, type, and size;

(IV) the commercial availability of such management systems; and

(V) the safety of such management systems;

(iii) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

(iv) the impact of ballast water management systems on water quality; and

(v) the costs, cost-effectiveness, and impacts of—

(I) a revised ballast water discharge standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

(II) maintaining the existing ballast water discharge standard, including the potential impacts on water-related infrastructure, recreation, propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

(C) LOWER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines on the basis of the feasibility review and after an opportunity for a public hearing that no ballast water management system can be certified under section __06 to comply with the revised ballast water discharge standard under paragraph (1), the Secretary shall require the use of the management system that achieves the performance levels of the best available technology that is economically achievable.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) cannot be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall extend the implementation deadline for that class of vessels for not more than 36 months.

(iii) COMPLIANCE.—If the implementation deadline under paragraph (3) is extended, the Secretary shall recommend action to ensure compliance with the extended implementation deadline under clause (ii).

(D) HIGHER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines that a ballast water management system exists that exceeds the revised ballast water discharge standard under paragraph (1) with respect to a class of vessels and is the best available technology that is economically achievable, the Secretary shall revise the ballast water discharge standard for that class of vessels to incorporate the higher discharge standard.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) can be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall accelerate the implementation deadline for that class of vessels. If the implementation deadline under paragraph (3) is accelerated, the Secretary shall provide not less than 24 months notice before the accelerated deadline takes effect.

(3) IMPLEMENTATION DEADLINE.—The revised ballast water discharge standard under paragraph (1) shall apply to a vessel beginning on the date of the first drydocking of the vessel on or after January 1, 2024, but not later than December 31, 2026.

(4) REVISED DISCHARGE STANDARD COMPLIANCE DEADLINES.—

(A) IN GENERAL.—The Secretary may establish a compliance deadline for compliance by a vessel (or a class, type, or size of vessel) with a revised ballast water discharge standard under this subsection.

(B) PROCESS FOR GRANTING EXTENSIONS.—In issuing regulations under this subsection, the Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline with respect to the vessel of the owner or operator.

(C) PERIOD OF EXTENSIONS.—An extension issued under subparagraph (B) may be for a period of not to exceed 18 months from the date of the applicable deadline under subparagraph (A) and may be renewed for additional periods of not to exceed 18 months each, except that the total period of extension may not exceed 5 years.

(D) FACTORS.—In issuing a compliance deadline or reviewing a petition under this paragraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

(i) Whether the management system to be installed is available in sufficient quantities to meet the compliance deadline.

(ii) Whether there is sufficient shipyard or other installation facility capacity.

(iii) Whether there is sufficient availability of engineering and design resources.

(iv) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

(v) Electric power generating capacity aboard the vessel.

(vi) Safety of the vessel and crew.

(vii) Any other factors the Secretary considers appropriate, including the availability of a ballast water reception facility or other means of managing ballast water.

(E) CONSIDERATION OF PETITIONS.—

(i) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this paragraph.

(ii) DEADLINE.—If the Secretary does not approve or deny a petition referred to in clause (i) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(c) FUTURE REVISIONS OF VESSEL INCIDENTAL DISCHARGE STANDARDS; DECENNIAL REVIEWS.—

(1) REVISED BALLAST WATER DISCHARGE STANDARDS.—The Secretary, in consultation with the Administrator, shall complete a review, 10 years after the issuance of a final rule under subsection (b) and every 10 years thereafter, to determine whether further revision of the ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) REVISED STANDARDS FOR DISCHARGES OTHER THAN BALLAST WATER.—The Secretary, in consultation with the Administrator, may include in a decennial review under this subsection best management practices for discharges (including practices, limitations, or concentrations) covered by subsection (a)(2). The Secretary shall initiate a rulemaking to revise 1 or more best management practices for such discharges after a decennial review if the Secretary, in consultation with the Administrator, determines that revising 1 or more of such practices would substantially reduce the impacts on navigable waters of discharges incidental to the normal operation of a vessel other than ballast water.

(3) CONSIDERATIONS.—In conducting a review under paragraph (1), the Secretary, the Administrator, and the heads of other Federal agencies as the Secretary considers appropriate, shall consider the criteria under section __05(b)(2)(B).

(4) REVISION AFTER DECENNIAL REVIEW.—The Secretary shall initiate a rulemaking to revise the current ballast water discharge standard after a decennial review if the Secretary, in consultation with the Administrator, determines that revising the current ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(d) ALTERNATIVE BALLAST WATER MANAGEMENT REQUIREMENTS.—Nothing in this title may be construed to preclude the Secretary from authorizing the use of alternate means or methods of managing ballast water (including flow-through exchange, empty/refill exchange, and transfer to treatment facilities in place of a vessel ballast water management system required under this section) if the Secretary, in consultation with the Administrator, determines that such means or methods would not pose a greater risk of introduction of aquatic nuisance species in navigable waters than the use of a ballast water management system that achieves the applicable ballast water discharge standard.

(e) GREAT LAKES REQUIREMENTS.—In addition to the other standards and requirements imposed by this section, in the case of a vessel that enters the Great Lakes through the St. Lawrence River after operating outside the exclusive economic zone of the United States the Secretary, in consultation with the Administrator, shall establish a requirement that the vessel conduct saltwater flushing of all ballast water tanks onboard prior to entry.

SEC. __06. TREATMENT TECHNOLOGY CERTIFICATION.

(a) CERTIFICATION REQUIRED.—No manufacturer of a ballast water management system shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for

sale or resale, a ballast water management system for a vessel unless it has been certified under this section.

(b) CERTIFICATION PROCESS.—

(1) EVALUATION.—Upon application of a manufacturer, the Secretary shall evaluate a ballast water management system with respect to—

(A) the effectiveness of the management system in achieving the current ballast water discharge standard when installed on a vessel (or a class, type, or size of vessel);

(B) the compatibility with vessel design and operations;

(C) the effect of the management system on vessel safety;

(D) the impact on the environment;

(E) the cost effectiveness; and

(F) any other criteria the Secretary considers appropriate.

(2) APPROVAL.—If after an evaluation under paragraph (1) the Secretary determines that the management system meets the criteria, the Secretary may certify the management system for use on a vessel (or a class, type, or size of vessel).

(3) SUSPENSION AND REVOCATION.—The Secretary shall establish, by regulation, a process to suspend or revoke a certification issued under this section.

(c) CERTIFICATION CONDITIONS.—

(1) IMPOSITION OF CONDITIONS.—In certifying a ballast water management system under this section, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the management system onboard a vessel as is necessary for—

(A) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

(B) the protection of the environment; or

(C) the effective operation of the management system.

(2) FAILURE TO COMPLY.—The failure of an owner or operator to comply with a condition imposed under paragraph (1) shall be considered a violation of this section.

(d) PERIOD FOR USE OF INSTALLED TREATMENT EQUIPMENT.—Notwithstanding anything to the contrary in this title or any other provision of law, the Secretary shall allow a vessel on which a management system is installed and operated to meet a ballast water discharge standard under this title to continue to use that system, notwithstanding any revision of a ballast water discharge standard occurring after the management system is ordered or installed until the expiration of the service life of the management system, as determined by the Secretary, if the management system—

(1) is maintained in proper working condition, as determined by the Secretary; and

(2) continues to meet the discharge standard in effect at the time of installation.

(e) CERTIFICATES OF TYPE APPROVAL FOR THE TREATMENT TECHNOLOGY.—

(1) ISSUANCE.—If the Secretary approves a ballast water management system for certification under subsection (b), the Secretary shall issue a certificate of type approval for the management system to the manufacturer in such form and manner as the Secretary determines appropriate.

(2) CERTIFICATION CONDITIONS.—A certificate of type approval issued under paragraph (1) shall specify each condition imposed by the Secretary under subsection (c).

(3) OWNERS AND OPERATORS.—A manufacturer that receives a certificate of type approval for the management system under this subsection shall provide a copy of the certificate to each owner and operator of a vessel on which the management system is installed.

(f) INSPECTIONS.—An owner or operator who receives a copy of a certificate under subsection (e)(3) shall retain a copy of the certificate onboard the vessel and make the copy of the certificate available for inspection at all times while the owner or operator is utilizing the management system.

(g) BIOCIDES.—The Secretary may not approve a ballast water management system under subsection (b) if—

(1) it uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Secretary, in consultation with Administrator, has approved the use of the biocide in such management system; or

(2) it uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(h) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the use of a ballast water management system by an owner or operator of a vessel shall not satisfy the requirements of this title unless it has been approved by the Secretary under subsection (b).

(2) EXCEPTIONS.—

(A) COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

(B) BALLAST WATER MANAGEMENT SYSTEMS CERTIFIED BY FOREIGN ENTITIES.—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the management system has been certified by a foreign entity and the certification demonstrates performance and safety of the management system equivalent to the requirements of this section, as determined by the Secretary.

(i) TESTING PROTOCOLS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall issue requirements for land-based and shipboard testing protocols or criteria for—

(1) certifying the performance of each ballast water management system under this section; and

(2) certifying laboratories to evaluate such treatment technologies.

SEC. __07. EXEMPTIONS.

(a) IN GENERAL.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) a discharge incidental to the normal operation of a vessel if the vessel is less than 79 feet in length and engaged in commercial service (as such term is defined in section 2101 of title 46, United States Code);

(2) a discharge incidental to the normal operation of a vessel if the vessel is a fishing vessel, including a fish processing vessel and a fish tender vessel (as such term is defined in section 2101 of title 46, United States Code);

(3) a discharge incidental to the normal operation of a vessel if the vessel is a recreational vessel (as defined in section 2101 of title 46, United States Code);

(4) the placement, release, or discharge of equipment, devices, or other material from a vessel for the sole purpose of conducting research on the aquatic environment or its natural resources in accordance with generally recognized scientific methods, principles, or techniques;

(5) any discharge into navigable waters from a vessel authorized by an on-scene coordinator in accordance with part 300 of title 40, Code of Federal Regulations, or part 153 of title 33, Code of Federal Regulations;

(6) any discharge into navigable waters from a vessel that is necessary to secure the safety of the vessel or human life, or to suppress a fire onboard the vessel or at a shoreside facility; or

(7) a vessel of the armed forces of a foreign nation when engaged in noncommercial service.

(b) BALLAST WATER DISCHARGES.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any ballast water discharge standard under this title apply to—

(1) a ballast water discharge incidental to the normal operation of a vessel determined by the Secretary to—

(A) operate exclusively within a geographically limited area;

(B) take up and discharge ballast water exclusively within 1 Captain of the Port Zone established by the Coast Guard unless the Secretary determines such discharge poses a substantial risk of introduction or establishment of an aquatic nuisance species;

(C) operate pursuant to a geographic restriction issued as a condition under section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the vessel; or

(D) continuously take on and discharge ballast water in a flow-through system that does not introduce aquatic nuisance species into navigable waters;

(2) a ballast water discharge incidental to the normal operation of a vessel consisting entirely of water suitable for human consumption; or

(3) a ballast water discharge incidental to the normal operation of a vessel in an alternative compliance program established pursuant to section __08.

(c) VESSELS WITH PERMANENT BALLAST WATER.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any ballast water performance standard under this title apply to, a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge.

(d) VESSELS OF THE ARMED FORCES.—Nothing in this title may be construed to apply to—

(1) a vessel owned or operated by the Department of Defense (other than a time-chartered or voyage-chartered vessel); or

(2) a vessel of the Coast Guard, as designated by the Secretary of the department in which the Coast Guard is operating.

SEC. __08. ALTERNATIVE COMPLIANCE PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator, may promulgate regulations establishing 1 or more compliance programs as an alternative to ballast water management regulations issued under section __05 for a vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the useful life of the vessel, as determined by the Secretary.

(b) RULEMAKING.—

(1) FACILITY STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall promulgate standards for—

(A) the reception of ballast water from a vessel into a reception facility; and

(B) the disposal or treatment of the ballast water under paragraph (1).

(2) TRANSFER STANDARDS.—The Secretary, in consultation with the Administrator, is

authorized to promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

SEC. __09. JUDICIAL REVIEW.

(a) IN GENERAL.—An interested person may file a petition for review of a final regulation promulgated under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—A petition shall be filed not later than 120 days after the date that notice of the promulgation appears in the Federal Register.

(c) EXCEPTION.—Notwithstanding subsection (b), a petition that is based solely on grounds that arise after the deadline to file a petition under subsection (b) has passed may be filed not later than 120 days after the date that the grounds first arise.

SEC. __10. EFFECT ON STATE AUTHORITY.

(a) IN GENERAL.—No State or political subdivision thereof may adopt or enforce any statute or regulation of the State or political subdivision with respect to a discharge incidental to the normal operation of a vessel after the date of enactment of this Act.

(b) SAVINGS CLAUSE.—Notwithstanding subsection (a), the Governor of a State may petition the Secretary to adopt a national ballast water discharge standard that is more stringent than the ballast water performance standard under section ____05(a)(1)(A) upon a showing that—

(1) compliance with the proposed ballast water discharge standard can in fact be achieved and detected by a ballast water management system that is economically achievable and operationally practicable;

(2) the proposed ballast water discharge standard is consistent with obligations under relevant international treaties or agreements to which the United States is a party; and

(3) any other factors that the Secretary, in consultation with the Administrator, deems relevant.

(c) PETITION PROCESS.—

(1) SUBMISSION.—The Governor of a State shall submit a petition to the Secretary requesting the Secretary to review the statute or regulation.

(2) CONTENTS; TIMING.—A petition submitted under paragraph (1) shall be accompanied by the scientific and technical information on which the petition is based.

(3) DETERMINATIONS.—The Secretary shall make a determination on a petition under this subsection not later than 90 days after the date that the Secretary determines that a complete petition has been received.

SEC. __11. APPLICATION WITH OTHER STATUTES.

(a) EXCLUSIVE STATUTORY AUTHORITY.—Except as otherwise provided in this section and notwithstanding any other provision of law, this title shall be the exclusive statutory authority for regulation by the Federal Government of discharges incidental to the normal operation of a vessel to which this title applies.

(b) EFFECT OF EXISTING REGULATIONS.—Except as provided under section __05(a)(1)(A), any regulation in effect on the date immediately preceding the effective date of this Act relating to any permitting requirement for or prohibition on discharges incidental to the normal operation of a vessel to which this title applies—

(1) shall be deemed to be a regulation issued pursuant to the authority of this title; and

(2) shall remain in full force and effect unless or until superseded by new regulations issued under this title.

(c) ACT TO PREVENT POLLUTION FROM SHIPS.—The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any discharge or emission that is covered under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, done at London February 17, 1978. Nothing in this title may be construed to alter or amend such Act or any regulation issued pursuant to the authority of such Act.

(d) TITLE X OF THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2010.—Title X of the Coast Guard and Maritime Transportation Act of 2010 (33 U.S.C. 3801 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any anti-fouling system that is covered under the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001. Nothing in this title may be construed to alter or amend such title X or any regulation issued pursuant to the authority under such title.

SEC. __12. RELATIONSHIP TO OTHER LAWS.

Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended—

(1) by striking ''All actions'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), all actions''; and

(2) by adding at the end the following:

''(b) VESSEL INCIDENTAL DISCHARGES.—Notwithstanding subsection (a), the Vessel Incidental Discharge Act shall be the exclusive statutory authority for the regulation by the Federal Government of discharges incidental to the normal operation of a vessel.''.

SEC. __13. SAVINGS PROVISION.

Any action taken by the Federal Government under this Act shall be in full compliance with its obligations under applicable provisions of international law.

SA 4437. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. RECONSIDERATION OF CLAIMS FOR DISABILITY COMPENSATION FOR VETERANS WHO WERE THE SUBJECTS OF MUSTARD GAS OR LEWISITE EXPERIMENTS DURING WORLD WAR II.

(a) RECONSIDERATION OF CLAIMS FOR DISABILITY COMPENSATION IN CONNECTION WITH EXPOSURE TO MUSTARD GAS OR LEWISITE.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall reconsider all claims for compensation described in paragraph (2) and make a new determination regarding each such claim.

(2) CLAIMS FOR COMPENSATION DESCRIBED.—Claims for compensation described in this paragraph are claims for compensation under chapter 11 of title 38, United States Code, that the Secretary of Veterans Affairs determines are in connection with exposure to mustard gas or lewisite during active military, naval, or air service during World War II and that were denied before the date of the enactment of this Act.

(3) PRESUMPTION OF EXPOSURE.—In carrying out paragraph (1), if the Secretary of Veterans Affairs or the Secretary of Defense makes a determination regarding whether a veteran experienced full-body exposure to mustard gas or lewisite, such Secretary—

(A) shall presume that the veteran experienced full-body exposure to mustard gas or lewisite, as the case may be, unless proven otherwise; and

(B) may not use information contained in the DoD and VA Chemical Biological Warfare Database or any list of known testing sites for mustard gas or lewisite maintained by the Department of Veterans Affairs or the Department of Defense as the sole reason for determining that the veteran did not experience full-body exposure to mustard gas or lewisite.

(4) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report specifying any claims reconsidered under paragraph (1) that were denied during the 90-day period preceding the submittal of the report, including the rationale for each such denial.

(b) DEVELOPMENT OF POLICY.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a policy for processing future claims for compensation under chapter 11 of title 38, United States Code, that the Secretary of Veterans Affairs determines are in connection with exposure to mustard gas or lewisite during active military, naval, or air service during World War II.

(c) INVESTIGATION AND REPORT BY SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) for purposes of determining whether a site should be added to the list of the Department of Defense of sites where mustard gas or lewisite testing occurred, investigate and assess sites where—

(A) the Army Corps of Engineers has uncovered evidence of mustard gas or lewisite testing; or

(B) more than two veterans have submitted claims for compensation under chapter 11 of title 38, United States Code, in connection with exposure to mustard gas or lewisite at such site and such claims were denied; and

(2) submit to the appropriate committees of Congress a report on experiments conducted by the Department of Defense during World War II to assess the effects of mustard gas and lewisite on people, which shall include—

(A) a list of each location where such an experiment occurred, including locations investigated and assessed under paragraph (1);

(B) the dates of each such experiment; and

(C) the number of members of the Armed Forces who were exposed to mustard gas or lewisite in each such experiment.

(d) INVESTIGATION AND REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) investigate and assess—

(A) the actions taken by the Secretary to reach out to individuals who had been exposed to mustard gas or lewisite in the experiments described in subsection (c)(2)(A); and

(B) the claims for disability compensation under laws administered by the Secretary that were filed with the Secretary and the percentage of such claims that were denied by the Secretary; and

(2) submit to the appropriate committees of Congress—

(A) a report on the findings of the Secretary with respect to the investigations and assessments carried out under paragraph (1); and

(B) a comprehensive list of each location where an experiment described in subsection (c)(2)(A) was conducted.

(e) DEFINITIONS.—In this section:

(1) The terms ''active military, naval, or air service'', ''veteran'', and ''World War II'' have the meanings given such terms in section 101 of title 38, United States Code.

(2) The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Special Committee on Aging of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

(3) The term ''full-body exposure'', with respect to mustard gas or lewisite, has the meaning given that term by the Secretary of Defense.

SA 4438. Mr. SCHATZ (for himself, Mr. BROWN, Ms. MIKULSKI, Mr. INHOFE, Mr. HATCH, Mr. KAINE, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title VIII, add the following:

SEC. 899C. TREATMENT OF CERTAIN PROVISIONS RELATED TO PUBLIC-PRIVATE COMPETITIONS FOR CONVERSIONS OF FEDERAL EMPLOYEE FUNCTIONS TO PERFORMANCE BY CONTRACTORS AND MODIFICATION OF DATA COLLECTIONS REQUIREMENTS APPLICABLE TO CONTRACTED SERVICES.

Section 806 (relating to public private competitions) and section 820 (relating to modification of data collection requirements applicable to procurement of services) shall have no force or effect.

SA 4439. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 1277. SUNSET OF AUTHORIZATION FOR USE OF MILITARY FORCE.

The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) shall terminate on December 31, 2017.

SA 4440. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) DEFINITIONS.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''fiscal year 2012 and each fiscal year thereafter'' and inserting ''each of fiscal years 2012 through 2015''; and

(ii) by striking ''year.'' and inserting ''year; and''; and

(C) by adding at the end the following:

''(D) for each of fiscal years 2016 through 2018, the amount that is equal to the full funding amount for fiscal year 2011.''.

(2) CALCULATION OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking ''2015'' each place it appears in subsections (a) and (b) and inserting ''2018''.

(3) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter'' and inserting ''August 1 of each fiscal year (or a later date specified by the Secretary concerned for the fiscal year)''; and

(ii) by adding at the end the following:

''(D) PAYMENT FOR FISCAL YEARS 2016 THROUGH 2018.—A county election otherwise required by subparagraph (A) shall not apply for fiscal years 2016 through 2018 if the county elects to receive a share of the State payment or the county payment in 2013.''; and

(B) in paragraph (2)(B)—

(i) by inserting ''or any subsequent year'' after ''2013''; and

(ii) by striking ''2015'' and inserting ''2018''.

(4) ELECTION AS TO USE OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(A) in subparagraph (B)(ii), by striking ''not more than 7 percent of the total share for the eligible county of the State payment or the county payment'' and inserting ''any portion of the balance''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which $350,000 or more is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return to the Treasury of the United States the portion of the balance not reserved under clauses (i) and (ii).''.

(5) FAILURE TO ELECT.—Section 102(d)(3)(B)(ii) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking ''purpose described in section 202(b)'' and inserting ''purposes described in section 202(b), section 203(c), or section 204(a)(5)''.

(6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2015'' and inserting ''2018''.

(b) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(2) AVAILABILITY OF PROJECT FUNDS.—Section 207(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(d)(2)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraph (B)(i)''.

(3) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking ''2017'' and inserting ''2020''; and

(B) in subsection (b), by striking ''2018'' and inserting ''2021''.

(c) CONTINUATION OF AUTHORITY TO USE COUNTY FUNDS.—

(1) FUNDING FOR SEARCH AND RESCUE.—Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(A) by striking paragraph (2) and inserting the following:

''(2) to reimburse the participating county or sheriff for amounts paid for by the participating county or sheriff, as applicable, for—

''(A) search and rescue and other emergency services, including firefighting and law enforcement patrols, that are performed on Federal land; and

''(B) emergency response vehicles or aircraft but only in the amount attributable to the use of the vehicles or aircraft to provide the services described in subparagraph (A);'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and''.

(2) TERMINATION OF AUTHORITY.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(A) in subsection (a), by striking ''2017'' and inserting ''2020''; and

(B) in subsection (b), by striking ''2018'' and inserting ''2021''.

(d) NO REDUCTION IN PAYMENT.—Title IV of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7151 et seq.) is amended by adding at the end the following:

''SEC. 404. NO REDUCTION IN PAYMENTS.

''Payments under this Act for fiscal years 2016 through 2018 shall be exempt from direct spending reductions under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a).''.

(e) AVAILABILITY OF FUNDS.—

(1) TITLE II FUNDS.—Any funds that were not obligated by September 30, 2014, as required by section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) (as in effect on the day before the date of enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 87)) shall be available for use in accordance with title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.).

(2) TITLE III FUNDS.—Any funds that were not obligated by September 30, 2014, as required by section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) (as in effect on the day before the date of enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 87)) shall be available for use in accordance with title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7141 et seq.).

SEC. 1098. RESTORING MANDATORY FUNDING STATUS TO THE PAYMENT IN LIEU OF TAXES PROGRAM.

Section 6906 of title 31, United States Code, is amended in the matter preceding paragraph (1), by striking ''of fiscal years 2008 through 2014'' and inserting ''fiscal year''.

SA 4441. Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 536, insert the following:

SEC. 536A. INDEXING AND PUBLIC AVAILABILITY OF DECISIONS AND OTHER DOCUMENTS IN CONNECTION WITH ACTIONS OF BOARDS FOR THE CORRECTION OF MILITARY RECORDS.

Section 1552(a) of title 10, United States Code, as amended by section 536(a)(1) of this Act, is further amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) The record of the votes of each board under this section, and all other statements of findings, conclusions, and recommendations made on final determinations of applications by such board, shall be indexed and promptly made available for public inspection. Any such matters after November 1, 1996, shall also be available through an Internet website of the Department or other electronic means.

''(B) Any documents made available for public inspection pursuant to subparagraph (A) shall be indexed in a usable and concise form so as to enable the public to identify cases similar in issue together with the circumstances under or reasons for which the board concerned granted or denied relief. Each index shall be published quarterly, and shall be available for public inspection and distribution by sale through an Internet Reading Room or other Internet website of the Department.

''(C)(i) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, the following shall be deleted from documents made available for public inspection pursuant to subparagraph (A):

''(I) Identifying details of applicants and other persons.

''(II) Names, addresses, social security numbers, and military service numbers.

''(III) Subject to clause (ii), other information that is privileged or classified.

''(ii) Information that is privileged or classified may be deleted pursuant to clause (i) from documents made available for public inspection pursuant to subparagraph (A) only if a written statement of the basis for such deletion is made available for public inspection.

''(D) In a manner consistent with section 552a of title 5 (commonly referred to as the 'Privacy Act of 1974'), a board under this section may not disclosure to a third party any information in or about an application to the board under this section except pursuant to the written authorization of the applicant or as otherwise authorized by law.''.

SA 4442. Mr. CRUZ (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. DESIGNATION OF LIU XIAOBO PLAZA.

(a) DESIGNATION OF PLAZA.—

(1) IN GENERAL.—The area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, shall be known and designated as ''Liu Xiaobo Plaza''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the area referred to in paragraph (1) shall be deemed to be a reference to Liu Xiaobo Plaza.

(b) DESIGNATION OF ADDRESS.—

(1) DESIGNATION.—The address of 3505 International Place, Northwest, Washington, District of Columbia, shall be redesignated as 1 Liu Xiaobo Plaza.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the address referred to in paragraph (1) shall be deemed to be a reference to 1 Liu Xiaobo Plaza.

(c) SIGNS.—The Administrator of General Services shall construct street signs that shall—

(1) contain the phrase ''Liu Xiaobo Plaza'';

(2) be similar in design to the signs used by Washington, District of Columbia, to designate the location of Metro stations; and

(3) be placed on—

(A) the parcel of Federal property that is closest to 1 Liu Xiaobo Plaza (as redesignated by subsection (b)); and

(B) the street corners of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest, Washington, District of Columbia.

SA 4443. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3121 and insert the following:

SEC. 3121. ROUGH ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK WASTE CLEANUP AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees, including the Subcommittee on Energy and Water Development of the Committee on Appropriations of the Senate and the Subcommittee on Energy and Water Development, and Related Agencies of the Committee on Appropriations of the House of Representatives, a rough estimate of the total life cycle cost of the cleanup of tank waste at Hanford Nuclear Reservation, Richland, Washington.

(b) ELEMENTS.—The rough estimate of the total life cycle cost required by subsection (a) shall include cost estimates for the following:

(1) The Waste Treatment and Immobilization Plant, assuming a hot start occurs in 2033 and initial plant operations commence in 2036.

(2) Operations of the Waste Treatment and Immobilization Plant, assuming operations continue through 2061.

(3) Tank waste management and treatment, assuming operations of the Waste Treatment and Immobilization Plant continue through 2061.

(4) Anticipated increases in the volume of waste in the double shell tanks resulting from tank waste management activities.

(5) High-level waste canister temporary storage and preparation for permanent disposal.

(6) Any additional facilities, including additional evaporative capacity, that may be needed to treat tank waste at Hanford Nuclear Reservation.

(c) COST ESTIMATING BEST PRACTICES.—To the maximum extent practicable, the rough estimate of the total life cycle cost required by subsection (a) shall be developed in accordance with the cost estimating best practices of the Government Accountability Office.

(d) SUBMISSION OF ADDITIONAL INDEPENDENT COST ESTIMATES.—The Secretary shall submit to the congressional defense committees described in subsection (a), as part of the rough estimate of the total life cycle cost required by that subsection, any other independent cost estimates for the Waste Treatment and Immobilization Plant or related facilities conducted before the date on which the rough estimate of the total life cycle cost is required to be submitted under that subsection.

SA 4444. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3122 and insert the following:

SEC. 3122. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct an analysis of approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, that, as of such date of enactment, is intended for supplemental treatment.

(b) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following approaches for treating the low-activity waste described in subsection (a):

(A) Further processing of the low-activity waste to remove long-lived radioactive constituents, particularly technetium-99 and iodine-129, for immobilization with high-level waste.

(B) Vitrification, grouting, and steam reforming, and other alternative approaches identified by the Department of Energy for immobilizing the low-activity waste.

(2) An analysis of the following:

(A) The risks of the approaches described in paragraph (1) relating to treatment and final disposition.

(B) The benefits and costs of such approaches.

(C) Anticipated schedules for such approaches, including the time needed to complete necessary construction and to begin treatment operations.

(D) The compliance of such approaches with applicable technical standards associated with and contained in regulations prescribed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the ''Resource Conservation and Recovery Act of 1976''), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''), and the Clean Air Act (42 U.S.C. 7401 et seq.).

(E) Any obstacles that would inhibit the ability of the Department of Energy to pursue such approaches.

(c) REVIEW OF ANALYSIS.—

(1) IN GENERAL.—Concurrent with entering into an arrangement with a federally funded research and development center under subsection (a), the Secretary of Energy shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the analysis conducted by the federally funded research and development center.

(2) METHOD OF REVIEW.—The review required by paragraph (1) shall be conducted concurrent with the analysis required by subsection (a), and in a manner that is parallel to that analysis, so that the results of the review may be used to improve the quality of the analysis.

(3) PUBLIC REVIEW.—The review required paragraph (1) shall include an opportunity for public comment, with sufficient notice, to inform and improve the quality of the review.

(d) CONSULTATION WITH STATE.—Prior to the submission in accordance with subsection (e)(2) of the analysis required by subsection (a) and the review of the analysis required by subsection (c), the federally funded research and development center and the National Academies of Sciences, Engineering, and Medicine shall provide to the State of Washington—

(1) the analysis and review in draft form; and

(2) an opportunity to comment on the analysis and review for a period of not fewer than 60 days.

(e) SUBMISSION TO CONGRESS.—

(1) BRIEFINGS ON PROGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Energy shall provide to the congressional defense committees, including the Subcommittee on Energy and Water Development of the Committee on Appropriations of the Senate and the Subcommittee on Energy and Water Development, and Related Agencies of the Committee on Appropriations of the House of Representatives, a briefing on the progress being made on the analysis required by subsection (a) and the review required by subsection (c).

(2) COMPLETED ANALYSIS AND REVIEW.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees described in paragraph (1) the analysis required by subsection (a), the review of the analysis required by subsection (c), any comments of the State of Washington under subsection (d)(2), and any comments of the Secretary of Energy on the analysis or review of the analysis.

(f) LIMITATIONS.—

(1) SECRETARY OF ENERGY.—This section does not conflict with or impair the obligation of the Secretary of Energy to comply with any requirement of—

(A) the amended consent decree in Washington v. Moniz, No. 2:08-CV-5085-RMP (E.D. Wash.); or

(B) the Hanford Federal Facility Agreement and Consent Order.

(2) STATE OF WASHINGTON.—This section does not conflict with or impair the regulatory authority of the State of Washington under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976'') and any corresponding State law.

SA 4445. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 590. AWARD OF MEDALS OR OTHER COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS AND MILITARY WORKING DOGS.

(a) PROGRAM OF AWARD REQUIRED.—Each Secretary of a military department shall carry out a program to provide for the award of one or more medals or other commendations to handlers of military working dogs, and to military working dogs, under the jurisdiction of such Secretary to recognize valor or meritorious achievement by such handlers and dogs.

(b) MEDAL AND COMMENDATIONS.—Any medal or commendation awarded pursuant to a program under subsection (a) shall be of such design, and include such elements, as the Secretary of the military department concerned shall specify.

(c) REGULATIONS.—Medals and commendations shall be awarded under programs under subsection (a) in accordance with regulations prescribed by the Secretary of Defense for purposes of this section.

SA 4446. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565 PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.

(a) DEFINITION.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) meets the requirements of paragraph (2).'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) REVENUE SOURCES.—

''(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).

''(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

''(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

''(i) use the cash basis of accounting;

''(ii) consider as revenue only those funds generated by the institution from—

''(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

''(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

''(aa) conducted on campus or at a facility under the control of the institution;

''(bb) performed under the supervision of a member of the institution's faculty; and

''(cc) required to be performed by all students in a specific educational program at the institution; and

''(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

''(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(I) grant funds provided by an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(II) institutional scholarships described in clause (v);

''(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans;

''(v) include a scholarship provided by the institution—

''(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

''(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(vi) exclude from revenues—

''(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

''(II) the amount of funds the institution received under subpart 4 of part A of title IV;

''(III) the amount of funds provided by the institution as matching funds for any Federal program;

''(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

''(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

''(D) REPORT TO CONGRESS.—Not later than July 1, 2016, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

''(i) the amount and percentage of such institution's revenues received from Federal funds; and

''(ii) the amount and percentage of such institution's revenues received from other sources.''.

(b) PROGRAM PARTICIPATION AGREEMENTS.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking ''subsection (h)'' and inserting ''subsection (g)'';

(2) by striking subsection (d);

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

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking ''subsection (a)(27)'' in the matter preceding subparagraph (A) and inserting ''subsection (a)(26)''.

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking ''subsections (a)(27) and (h) of section 487'' and inserting ''subsections (a)(26) and (g) of section 487''; and

(B) in subsection (b)(1)(B)(i)(I), by striking ''section 487(e)'' and inserting ''section 487(d)'';

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking ''section 487(a)(25)'' each place the term appears and inserting ''section 487(a)(24)'';

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking ''section 487(f)'' and inserting ''section 487(e)''; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(k)(1)), by striking ''section 487(f)'' and inserting ''section 487(e)''.

SA 4447. Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. CONSEQUENCES FOR SUPPORTING TERRORISM.

(a) SHORT TITLE.—This section may be cited as the ''Expatriate Terrorist Act''.

(b) LOSS OF NATIONALITY DUE TO SUPPORT OF TERRORISM.—Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)) is amended to read as follows:

''(a) IN GENERAL.—A person who is a national of the United States whether by birth or naturalization, shall lose his or her nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality:

''(1) Obtaining naturalization in a foreign state upon his or her own application or upon an application filed by a duly authorized agent, after having attained 18 years of age.

''(2) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219, after having attained 18 years of age.

''(3) Entering, or serving in, the armed forces of a foreign state or a foreign terrorist organization designated under section 219 if—

''(A) such armed forces are engaged in hostilities against the United States; or

''(B) such persons serve as a commissioned or noncommissioned officer.

''(4) Accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219 if, after having attained 18 years of age—

''(A) the person knowingly has or acquires the nationality of such foreign state; or

''(B) an oath, affirmation, or declaration of allegiance to the foreign state, a political subdivision thereof, or a designated foreign terrorist organization is required for such office, post, or employment.

''(5) Making a formal renunciation of United States nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State.

''(6) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

''(7)(A) Committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States;

''(B) violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code;

''(C) willfully performing any act in violation of section 2385 of title 18, United States Code; or

''(D) violating section 2384 of such title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them,

if and when such person is convicted thereof by a court martial or by a court of competent jurisdiction.

''(8) Knowingly providing material support or resources (as defined in section 2339A(b) of title 18, United States Code) to any foreign terrorist organization designated under section 219 if such person knows that such organization is engaged in hostilities against the United States.''.

(c) REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE MEMBERS OF FOREIGN TERRORIST ORGANIZATIONS.—The Act entitled ''An Act to regulate the issue and validity of passports, and for other purposes'', approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the ''Passport Act of 1926'', is amended by adding at the end the following:

''SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

''(a) INELIGIBILITY.—

''(1) ISSUANCE.—The Secretary of State shall not issue a passport or passport card to any individual whom the Secretary has determined, by a preponderance of the evidence—

''(A) is serving in, or is attempting to serve in, an organization designated by the Secretary as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

''(B) is a threat to the national security interest of the United States.

''(2) REVOCATION.—The Secretary of State shall revoke a passport or passport card previously issued to any individual described in paragraph (1).

''(b) RIGHT OF REVIEW.—Any person who, in accordance with this section, is denied issuance of a passport or passport card by the Secretary of State, or whose passport or passport card is revoked or otherwise restricted by the Secretary of State, may request a due process hearing, under regulations prescribed by the Secretary, not later than 60 days after receiving such notice of the nonissuance, revocation, or restriction.

''(c) NATIONAL SECURITY WAIVER.—Notwithstanding subsection (a), the Secretary may—

''(1) issue a passport or passport card to an individual described in subsection (a)(1); or

''(2) refuse to revoke a passport or passport card of an individual described in subsection (a)(1), if the Secretary finds that such issuance or refusal to revoke is in the national security interest of the United States.''.

(d) CONFORMING AMENDMENT.—Section 351(b) of the Immigration and Nationality Act (8 U.S.C. 1483(b)) is amended by striking ''(3) and (5)'' and inserting ''(3), (5), and (8)''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING ON MAY 26, 2016

I, Senator JOHN BOOZMAN, intend to object to proceeding to the nomination of Jane Toshiko Nishida, to be an Assistant Administrator of the Environmental Protection Agency; dated May 25, 2016.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Scott Fletcher, a Government Accountability Office detailee to the Senate Armed Forces Committee, have floor privileges during the consideration of S. 2943, the National Defense Authorization Act for fiscal year 2017.

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

Mr. COONS. Mr. President, I ask unanimous consent that Kimberly Knackstedt, a fellow in Senator MURRAY's Health, Education, Labor, and Pensions Committee office, be granted the privileges of the floor for the remainder of this Congress.

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

Mr. TILLIS. Mr. President, I ask unanimous consent that Beau Diers and Lauren Fish, defense legislative fellows in the office of Senator COTTON, be granted the privilege of the floor during consideration of S. 2943, the National Defense Authorization Act.

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

Mr. TILLIS. Mr. President, I ask unanimous consent that Elizabeth Joseph, a Health Policy Fellow in the office of Senator COCHRAN, be granted the privilege of the floor for the remainder of the 114th Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations: Calendar Nos. 506 and 507 only, with no other executive business in order.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Jennifer Choe Groves, of Virginia, to be a Judge of the United States Court of International Trade; and Gary Stephen Katzmann, of Massachusetts, to be a Judge of the United States Court of International Trade.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. LEAHY. Mr. President, today the Senate is considering the nominations of Gary Katzmann of Massachusetts and Jennifer Choe Groves of Virginia to fill judicial vacancies on the U.S. Court of International Trade. It is a step in the right direction that the majority leader has agreed to take these nominations, but two other nominees to the Court of International Trade remain pending on the Senate floor. There is no good reason we cannot also confirm these nominees today.

I support the confirmation of both highly qualified nominees. Since 2004, Gary Katzmann has served as an Associate Justice of the Massachusetts Appeals Court, the State's second highest court. Before joining the bench, Justice Katzmann served for over 20 years as an Assistant U.S. Attorney for the U.S. Attorney's Office for the District of Massachusetts. In addition to his superb credentials, Justice Katzmann's family is part of our Nation's history of providing refuge to those fleeing persecution. Justice Katzmann's father and grandmother came to the U.S. as refugees from Nazi Germany.

Jennifer Choe Groves has over 20 years of legal experience working in private practice and the government, having served in the New York District Attorney's Office and in the Office of the U.S. Trade Representative. When confirmed, Ms. Groves will be the first Asian American and Pacific Islander judge to serve on the U.S. Court of International Trade.

While the Senate is taking up these nominees today, the majority leader has allowed just 18 judicial nominees to be confirmed since Republicans took over the Senate majority last year. Contrast this dismal record to the last 2 years of George W. Bush's administration, when Democrats were in control. At this same point in the Bush Presidency, Democrats confirmed 68 of President Bush's judicial nominees.

Senate Republicans have allowed only a trickle of judicial confirmations despite the fact that, under their watch, judicial vacancies have nearly doubled from 43 to 85. Of these, 29 have been designated as judicial emergencies where caseloads are unmanageably high and the administration of justice is strained.

The harm that Republican obstruction has wrought on our Federal courts extends from the trial courts across America to our Nation's highest court. Today marks 82 days since Chief Judge Merrick Garland was first nominated to fill a vacancy on the Supreme Court. Under the Senate's recent timeline for considering judicial nominees, Chief Judge Garland should have received a hearing and a vote by now. Instead, Senate Republicans have continued as their party standard bearer has said to ''delay, delay, delay.'' This has resulted in a diminished eight-member Supreme Court that has been repeatedly unable to serve its highest function under our Constitution.

It is the Senate's duty to ensure our independent judiciary can fully function. I hope Senate Republicans understand that obligation and act on Chief Judge Garland's nomination, as well as the 22 judicial nominations that will still remain languishing on the Senate floor after today.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nominations.

The PRESIDING OFFICER. Hearing no further debate, the question is, Will the Senate advise and consent to the Groves and Katzmann nominations en bloc?

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 484, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 484) authorizing the taking of a photograph in the Senate Chamber.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 484) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Narendra Modi into the House Chamber for the joint meeting at 11 a.m. on Wednesday, June 8, 2016.

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

ORDERS FOR TUESDAY, JUNE 7, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader

remarks, the Senate resume consideration of S. 2943; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly conference meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Tuesday, June 7, 2016, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

STATE JUSTICE INSTITUTE

DANIEL J. BECKER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2016. (REAPPOINTMENT)

DEPARTMENT OF VETERANS AFFAIRS

CHRISTOPHER E. O'CONNOR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS), VICE JOAN M. EVANS, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY L. HARRIGIAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TOD D. WOLTERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STAYCE D. HARRIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GWENDOLYN BINGHAM

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL M. GILDAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. COLIN J. KILRAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVY RESERVE AND APPOINTMENT IN THE NAVY RESERVE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. LUKE M. MCCOLLUM

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS IN THE UNITED STATES MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

To be general

LT. GEN. GLENN M. WALTERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY L. THOMAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LEWIS A. CRAPAROTTA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH L. OSTERMAN

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

LISA A. SELTMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ANDREW M. FOSTER
ANTHONY P. GADDI

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RONALD D. HARDIN, JR.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 6, 2016:

THE JUDICIARY

JENNIFER CHOE GROVES, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

GARY STEPHEN KATZMANN, OF MASSACHUSETTS, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 7, 2016 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 8

Time to be announced
Committee on Small Business and Entrepreneurship
Business meeting to consider S. 2992, to amend the Small Business Act to strengthen the Office of Credit Risk Management of the Small Business Administration, and S. 3009, to support entrepreneurs serving in the National Guard and Reserve.
TBA

10 a.m.
Committee on Finance
Business meeting to consider the nominations of Charles P. Blahous, III, and Robert D. Reischauer, both of Maryland, both to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years, a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, and a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.
SD–215

2:15 p.m.
Committee on Foreign Relations
Subcommittee on Africa and Global Health Policy
To hold hearings to examine U.S. sanctions policy in Sub-Saharan Africa; to be immediately followed by a hearing to examine the nominations of Geeta Pasi, of New York, to be Ambassador to the Republic of Chad, Anne S. Casper, of Nevada, to be Ambassador to the Republic of Burundi, and Mary Beth Leonard, of Massachusetts, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador.
SD–419

Committee on Indian Affairs
Business meeting to consider S. 2417, to amend the Indian Health Care Improvement Act to allow the Indian Health Service to cover the cost of a copayment of an Indian or Alaska Native veteran receiving medical care or services from the Department of Veterans Affairs, and S. 2916, to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land; to be immediately followed by an oversight hearing to examine improving interagency forest management to strengthen tribal capabilities for responding to and preventing wildfires, including S. 3014, to improve the management of Indian forest land.
SD–628

2:30 p.m.
Committee on Commerce, Science, and Transportation
To hold hearings to examine implementation of the FAST Act.
SR–253

Committee on the Judiciary
Subcommittee on Immigration and the National Interest
To hold hearings to examine the H–2B Temporary Foreign Worker Program, focusing on examining the effects on Americans' job opportunities and wages.
SD–226

JUNE 9

9:30 a.m.
Committee on Environment and Public Works
To hold hearings to examine implications of the Supreme Court stay of the Clean Power Plan.
SD–406

10 a.m.
Committee on the Judiciary
Business meeting to consider S. 247, to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, S. 356, to improve the provisions relating to the privacy of electronic communications, S. 2944, to require adequate reporting on the Public Safety Officers' Benefit program, and the nominations of Donald Karl Schott, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Stephanie A. Finley, of Louisiana, to be United States District Judge for the Western District of Louisiana, Claude J. Kelly III, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, and Winfield D. Ong, of Indiana, to be United States District Judge for the Southern District of Indiana.
SD–226

10:30 a.m.
Committee on Appropriations
Business meeting to markup an original bill entitled, ''Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2017''.
SD–106

10:45 a.m.
Committee on Homeland Security and Governmental Affairs
Subcommittee on Regulatory Affairs and Federal Management
To hold hearings to examine the use of agency regulatory guidance.
SD–342

2 p.m.
Committee on Rules and Administration
Business meeting to consider the nomination of Carla D. Hayden, of Maryland, to be Librarian of Congress for a term of ten years.
S–219

Select Committee on Intelligence
To receive a closed briefing on certain intelligence matters.
SH–219

JUNE 14

3 p.m.
Committee on Environment and Public Works
Subcommittee on Superfund, Waste Management, and Regulatory Oversight
To hold an oversight hearing to examine the Environmental Protection Agency's progress in implementing Inspector General and Government Accountability Office recommendations.
SD–406

JUNE 15

10 a.m.
Committee on Homeland Security and Governmental Affairs
To hold hearings to examine America's insatiable demand for drugs, focusing on examining solutions.
SD–342

JUNE 21

10 a.m.
Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine the semiannual monetary policy report to the Congress.
SH–216

JULY 13

10:30 a.m.
Committee on Appropriations
Subcommittee on Military Construction and Veterans Affairs, and Related Agencies
To hold hearings to examine a review of the Department of Veterans Affairs' electronic health record (VistA), progress toward interoperability with the Department of Defense's electronic health record, and plans for the future.
SD–124

POSTPONEMENTS

JUNE 9

10:30 a.m.
Committee on Small Business and Entrepreneurship
To hold hearings to examine small business survival amidst flood insurance rate increases.
SR–428A

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S3391–S3471

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 3017–3024, and S. Res. 482–484. **Page S3411**

Measures Reported:

S. 3017, to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. **Page S3411**

Measures Passed:

Authorizing Taking of a Photograph in Senate Chamber: Senate agreed to S. Res. 484, authorizing the taking of a photograph in the Senate Chamber. **Page S3470**

Measures Considered:

National Defense Authorization Act—Agreement: Senate began consideration of S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto: **Page S3397–S3408**

Adopted:

By a unanimous vote of 91 yeas (Vote No. 89), McCain (for Fischer) Amendment No. 4206, to modify the requirement that the Secretary of Defense implement measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces. **Pages S3397–S3405**

Pending:

McCain Amendment No. 4229, to address unfunded priorities of the Armed Forces. **Page S3405**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Tuesday, June 7, 2016. **Pages S3470–71**

Joint Meeting Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Narendra Modi, into the House Chamber for the joint meeting at 11 a.m., on Wednesday, June 8, 2016. **Page S3470**

Nominations Confirmed: Senate confirmed the following nominations:

Jennifer Choe Groves, of Virginia, to be a Judge of the United States Court of International Trade.

Gary Stephen Katzmann, of Massachusetts, to be a Judge of the United States Court of International Trade. **Pages S3470, S3471**

Nominations Received: Senate received the following nominations:

Daniel J. Becker, of Utah, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2016.

Christopher E. O'Connor, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional and Legislative Affairs).

3 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

4 Marine Corps nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Routine lists in the Air Force, and Army. **Page S3471**

Messages from the House: **Pages S3410–11**

Measures Placed on the Calendar: **Page S3411**

Enrolled Bills Presented: **Page S3411**

Additional Cosponsors: **Pages S3411–14**

Statements on Introduced Bills/Resolutions: Pages S3414–15

Additional Statements: Pages S3409–10

Amendments Submitted: Pages S3415–69

Notices of Intent: Page S3469

Privileges of the Floor: Page S3470

Record Votes: One record vote was taken today. (Total—89) Page S3405

Adjournment: Senate convened at 2 p.m. and adjourned at 7:06 p.m., until 10 a.m. on Tuesday, June 7, 2016. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3470–71.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 7, 2016

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, business meeting to markup an original bill entitled, "Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2017", 10:30 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine bank capital and liquidity regulation, 10 a.m., SD–538.

Committee on Environment and Public Works: Subcommittee on Superfund, Waste Management, and Regulatory Oversight, to hold an oversight hearing to examine Environmental Protection Agency's unfunded mandates on state, local, and tribal governments, 2:30 p.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine Russian violations of borders, treaties, and human rights, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine frustrated travelers, focusing on rethinking Transportation Security Administration operations to improve passenger screening and address threats to aviation, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine deadly synthetic drugs, 10 a.m., SD–226.

Subcommittee on the Constitution, with the Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts, to hold hearings to examine S. 2763, to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis, 1 p.m., SD–106.

Select Committee on Intelligence: to hold hearings to examine the nomination of Susan S. Gibson, of Virginia, to be Inspector General of the National Reconnaissance Office, Department of Defense, 2:30 p.m., SH–216.

House

Committee on Energy and Commerce, Subcommittee on Health, markup on H.R. 3299, the "Strengthening Public Health Emergency Response Act of 2015"; and H.R. 921, the "Sports Medicine Licensure Clarity Act of 2015", 5 p.m., 2123 Rayburn.

Committee on the Judiciary, Subcommittee on Regulatory Reform, Commercial and Antitrust Law, hearing entitled "International Antitrust Enforcement: China and Beyond", 4 p.m., 2141 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 4775, the "Ozone Standards Implementation Act of 2016"; H. Con. Res. 89, expressing the sense of Congress that a carbon tax would be detrimental to the United States economy; and H. Con. Res. 112, expressing the sense of Congress opposing the President's proposed $10 tax on every barrel of oil, 5 p.m., H–313 Capitol.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing entitled "VA and Academic Affiliations: Who Benefits?", 4:15 p.m., 334 Cannon.

CONGRESSIONAL PROGRAM AHEAD

Week of June 7 through June 10, 2016

Senate Chamber

On *Tuesday*, at approximately 10 a.m., Senate will continue consideration of S. 2943, National Defense Authorization Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: June 7, Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, business meeting to markup an original bill entitled, ''Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2017'', 10:30 a.m., SD–138.

June 9, Full Committee, business meeting to markup an original bill entitled, ''Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2017'', 10:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: June 7, to hold hearings to examine bank capital and liquidity regulation, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: June 8, to hold hearings to examine implementation of the FAST Act, 2:30 p.m., SR–253.

Committee on Environment and Public Works: June 7, Subcommittee on Superfund, Waste Management, and Regulatory Oversight, to hold an oversight hearing to examine Environmental Protection Agency's unfunded mandates on state, local, and tribal governments, 2:30 p.m., SD–406.

June 9, Full Committee, to hold hearings to examine implications of the Supreme Court stay of the Clean Power Plan, 9:30 a.m., SD–406.

Committee on Finance: June 8, business meeting to consider the nominations of Charles P. Blahous III, and Robert D. Reischauer, both of Maryland, both to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years, a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, and a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years, 10 a.m., SD–215.

Committee on Foreign Relations: June 7, to hold hearings to examine Russian violations of borders, treaties, and human rights, 2:30 p.m., SD–419.

June 8, Subcommittee on Africa and Global Health Policy, to hold hearings to examine U.S. sanctions policy in Sub-Saharan Africa; to be immediately followed by a hearing to examine the nominations of Geeta Pasi, of New York, to be Ambassador to the Republic of Chad, Anne S. Casper, of Nevada, to be Ambassador to the Republic of Burundi, and Mary Beth Leonard, of Massachusetts, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador, 2:15 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: June 7, to hold hearings to examine frustrated travelers, focusing on rethinking Transportation Security Administration operations to improve passenger screening and address threats to aviation, 10 a.m., SD–342.

June 9, Subcommittee on Regulatory Affairs and Federal Management, to hold hearings to examine the use of agency regulatory guidance, 10:45 a.m., SD–342.

Committee on Indian Affairs: June 8, business meeting to consider S. 2417, to amend the Indian Health Care Improvement Act to allow the Indian Health Service to cover the cost of a copayment of an Indian or Alaska Native veteran receiving medical care or services from the Department of Veterans Affairs, and S. 2916, to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land; to be immediately followed by an oversight hearing to examine improving interagency forest management to strengthen tribal capabilities for responding to and preventing wildfires, including S. 3014, to improve the management of Indian forest land, 2:15 p.m., SD–628.

Committee on the Judiciary: June 7, to hold hearings to examine deadly synthetic drugs, 10 a.m., SD–226.

June 7, Subcommittee on the Constitution, with the Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts, to hold hearings to examine S. 2763, to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis, 1 p.m., SD–106.

June 8, Subcommittee on Immigration and the National Interest, to hold hearings to examine the H–2B Temporary Foreign Worker Program, focusing on examining the effects on Americans' job opportunities and wages, 2:30 p.m., SD–226.

June 9, Full Committee, business meeting to consider S. 247, to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, S. 356, to improve the provisions relating to the privacy of electronic communications, S. 2944, to require adequate reporting on the Public Safety Officers' Benefit program, and the nominations of Donald Karl Schott, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Stephanie A. Finley, of Louisiana, to be United States District Judge for the Western District of Louisiana, Claude J. Kelly III, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, and Winfield D. Ong, of Indiana, to be United States District Judge for the Southern District of Indiana, 10 a.m., SD–226.

Committee on Rules and Administration: June 9, business meeting to consider the nomination of Carla D. Hayden, of Maryland, to be Librarian of Congress for a term of ten years, 2 p.m., S–219, Capitol.

Committee on Small Business and Entrepreneurship: June 8, business meeting to consider S. 2992, to amend the Small Business Act to strengthen the Office of Credit Risk Management of the Small Business Administration, and S. 3009, to support entrepreneurs serving in the National

Guard and Reserve, Time to be announced, Room to be announced.

Select Committee on Intelligence: June 7, to hold hearings to examine the nomination of Susan S. Gibson, of Virginia, to be Inspector General of the National Reconnaissance Office, Department of Defense, 2:30 p.m., SH–216.

June 9, Full Committee, to receive a closed briefing on certain intelligence matters, 2 p.m., SH–219.

House Committees

Committee on Appropriations, June 9, Subcommittee on Homeland Security, markup on the Homeland Security Appropriations Bill, FY 2017, 9 a.m., 2358–A Rayburn.

June 9, Full Committee, markup on the Financial Services and General Government Appropriations Bill for FY 2017; and Report on the Revised Interim Suballocation of Budget Allocations for FY 2017, 10 a.m., 2359 Rayburn.

Committee on Armed Services, June 9, Subcommittee on Emerging Threats and Capabilities; and Subcommittee on Terrorism, Nonproliferation, and Trade of the House Committee on Foreign Affairs, joint hearing entitled ''Stopping the Money Flow: The War on Terror Finance'', 2 p.m., 2118 Rayburn.

Committee on the Budget, June 9, Full Committee, hearing entitled ''Congressional Budgeting: The Need To Control Automatic Spending and Unauthorized Programs'', 9:30 a.m., 210 Cannon.

Committee on Education and the Workforce, June 9, Full Committee, hearing entitled ''The Administration's Overtime Rule and Its Consequences for Workers, Students, Nonprofits, and Small Businesses'', 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, June 8, Subcommittee on Health, markup on H.R. 3299, the ''Strengthening Public Health Emergency Response Act of 2015''; and H.R. 921, the ''Sports Medicine Licensure Clarity Act of 2015'' (continued), 2 p.m., 2123 Rayburn.

June 8, Subcommittee on Commerce, Manufacturing, and Trade, markup on the ''FTC Process and Transparency Reform Act of 2016''; H.R. 5111, the ''Consumer Review Fairness Act''; H.R. 5092, the ''Reinforcing American Made Products Act''; and H.R. 5104, the ''Better Online Ticket Sales Act'', 5 p.m., 2123 Rayburn.

June 9, Subcommittee on Commerce, Manufacturing, and Trade, markup on the ''FTC Process and Transparency Reform Act of 2016''; H.R. 5111, the ''Consumer Review Fairness Act''; H.R. 5092, the ''Reinforcing American Made Products Act''; and H.R. 5104, the ''Better Online Ticket Sales Act'' (continued), 10 a.m., 2123 Rayburn.

June 10, Subcommittee on Health, hearing entitled ''Advancing Patient Solutions for Lower Costs and Better Care'', 9:15 a.m., 2322 Rayburn.

June 10, Subcommittee on Energy and Power, hearing entitled ''Home Appliance Energy Efficiency Standards Under the Department of Energy—Stakeholder Perspectives'', 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, June 8, Task Force to Investigate Terrorism Financing, hearing entitled ''The Enemy in Our Backyard: Examining Terror Funding Streams from South America'', 9 a.m., 2128 Rayburn.

Committee on Foreign Affairs, June 9, Subcommittee on the Western Hemisphere, hearing entitled ''The Impact of Low Oil Prices on Energy Security in the Americas'', 10 a.m., 2172 Rayburn.

June 9, Subcommittee on Europe, Eurasia, and Emerging Threats, hearing entitled ''Examining the President's FY 2017 Budget Proposal Europe and Eurasia'', 2 p.m., 2172 Rayburn.

June 9, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, hearing entitled ''Leveraging U.S. Funds: The Stunning Global Impact of Nutrition and Supplements During the First 1,000 Days'', 2 p.m., 2255 Rayburn.

June 9, Subcommittee on Asia and the Pacific, hearing entitled ''Sri Lanka's Democratic Transition: A New Era for the U.S.-Sri Lanka Relationship'', 2 p.m., 2200 Rayburn.

Committee on Homeland Security, June 8, Full Committee, markup on H.R. 5064, the ''Improving Small Business Cyber Security Act of 2016''; H.R. 5253, the ''Strong Visa Integrity Secures America Act''; the ''Cybersecurity and Infrastructure Protection Agency Act of 2016''; the ''Support for Rapid Innovation Act of 2016''; the ''Leveraging Emerging Technologies Act of 2016''; the ''Gains in Global Nuclear Detection Architecture Act''; and the ''Quadrennial Homeland Security Review Technical Correction Act of 2016'', 2 p.m., 311 Cannon.

Committee on the Judiciary, June 8, Full Committee, markup on H.R. 4768, the ''Separation of Powers Restoration Act of 2016'', 10 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, June 9, Full Committee, hearing entitled ''Census 2020: Examining the Readiness of Key Aspects of the Census Bureau's 2020 Census Preparation'', 9 a.m., 2154 Rayburn.

June 9, Subcommittee on Government Operations; and Subcommittee on the Interior, joint hearing entitled ''SNAP: Examining Efforts to Combat Fraud and Improve Program Integrity'', 2 p.m., 2154 Rayburn.

June 10, Subcommittee on Information Technology; and Subcommittee on Government Operations, joint hearing entitled ''18F and U.S. Digital Service Oversight'', 9:30 a.m., 2154 Rayburn.

Committee on Rules, June 8, Full Committee, hearing on H.R. 5278, the ''Puerto Rico Oversight, Management, and Economic Stability Act''; and H.R. 5325, the ''Legislative Branch Appropriations Act, 2017'', 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, June 8, Subcommittee on Environment, hearing entitled ''Private Sector Weather Forecasting: Assessing Products and Technologies'', 9:30 a.m., 2318 Rayburn.

Committee on Small Business, June 9, Subcommittee on Economic Growth, Tax and Capital Access, hearing entitled ''Bearing the Burden: Over-regulation's Impact on Small Banks and Rural Communities'', 10 a.m., 2360 Rayburn.

Committee on Ways and Means, June 8, Subcommittee on Health, hearing on Member proposals to improve and sustain the Medicare program, 2 p.m., 1100 Longworth.

Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 4 through May 31, 2016

	Senate	*House*	*Total*
Days in session	72	66	..
Time in session	411 hrs., 25′	316 hrs., 55′	..
Congressional Record:			
Pages of proceedings	3,387	3,458	..
Extensions of Remarks	..	818	..
Public bills enacted into law	25	23	48
Private bills enacted into law	..	..	..
Bills in conference	3	3	..
Measures passed, total	193	275	468
Senate bills	35	28	..
House bills	36	189	..
Senate joint resolutions	1	1	..
House joint resolutions	1	1	..
Senate concurrent resolutions	4	4	..
House concurrent resolutions	7	11	..
Simple resolutions	109	41	..
Measures reported, total	*142	*216	358
Senate bills	104	3	..
House bills	20	177	..
Senate joint resolutions	..	..	..
House joint resolutions	..	1	..
Senate concurrent resolutions	..	..	..
House concurrent resolutions	..	4	..
Simple resolutions	18	31	..
Special reports	6	..	..
Conference reports	1	..	..
Measures pending on calendar	308	66	..
Measures introduced, total	738	1,301	2,039
Bills	580	1,066	..
Joint resolutions	5	15	..
Concurrent resolutions	14	29	..
Simple resolutions	139	191	..
Quorum calls	..	1	..
Yea-and-nay votes	88	124	..
Recorded votes	..	143	..
Bills vetoed	1	1	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 70 written reports have been filed in the Senate, 216 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 4 through May 31, 2016

Civilian nominations, totaling 280 (including 181 nominations carried over from the First Session), disposed of as follows:	
Confirmed	47
Unconfirmed	223
Withdrawn	10
Other Civilian nominations, totaling 956 (including 97 nominations carried over from the First Session), disposed of as follows:	
Confirmed	668
Unconfirmed	287
Withdrawn	1
Air Force nominations, totaling 3,797 (including 181 nominations carried over from the First Session), disposed of as follows:	
Confirmed	3,725
Unconfirmed	72
Army nominations, totaling 4,256 (including 1,740 nominations carried over from the First Session), disposed of as follows:	
Confirmed	4,127
Unconfirmed	129
Navy nominations, totaling 845 (including 5 nominations carried over from the First Session), disposed of as follows:	
Confirmed	159
Unconfirmed	685
Withdrawn	1
Marine Corps nominations, totaling 1,240 (including 3 nominations carried over from the First Session), disposed of as follows:	
Confirmed	1,228
Unconfirmed	12

Summary

Total nominations carried over from the First Session	2,207
Total nominations received this Session	9,167
Total confirmed	9,954
Total unconfirmed	1,408
Total withdrawn	12
Total returned to the White House	0

Next Meeting of the SENATE

10 a.m., Tuesday, June 7

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 2943, National Defense Authorization Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, June 7

House Chamber

Program for Tuesday: The House is scheduled to meet at 12 noon on Tuesday, June 7, 2016.

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Publishing Office, at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Publishing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.