SA 5172. Mr. BOOZMAN (for Mr. SULLIVAN) proposed an amendment to the bill S. 3086, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

SA 5173. Mr. BOOZMAN (for Mr. MURAN) proposed an amendment to the bill S. 3086, to amend title 38, United States Code, to improve the efficiency of employment at the Department of Veterans Affairs, and for other purposes.

SA 5174. Mr. PORTMAN (for Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 57, honoring in praise and remembrance the extraordinary life, steadfast leadership, and remarkable, 79-year reign of King Bhumibol Adulyadej of Thailand.

SA 5175. Mr. PORTMAN (for Mr. CORRER) proposed an amendment to the bill H.R. 1510, to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations located at different extremities worldwide, and for other purposes.

SA 5176. Mr. PORTMAN (for Mr. CORRER) proposed an amendment to amendment SA 5175. Mr. PORTMAN (for Mr. CORRER) to the bill H.R. 1150, supra.

SA 5177. Mr. PORTMAN (for Mr. CORRER) proposed an amendment to the bill H.R. 4939, to insert with the events of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes.

SA 5178. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill H.R. 6302, to provide an increase in premium pay for United States Secret Service agents performing protective services during 2016, and for other purposes.

SA 5179. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill H.R. 6302, supra.

SA 5180. Mr. PORTMAN (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the bill S. 3146, to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

SA 5181. Mr. PORTMAN (for Mr. KING) proposed an amendment to the bill S. 1168, to amend the Social Security Act to protect access to rehabilitation innovation centers under the Medicare program.

SA 5182. Mr. PORTMAN (for Mr. INOUE (for himself and Mr. BLUMENTHAL)) proposed an amendment to the bill S. 3021, 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.

SA 5183. Mr. PORTMAN (for Mr. TUBU) proposed an amendment to the bill H.R. 710, to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes.

SA 5184. Mr. PORTMAN (for Mr. BARRASSO) proposed an amendment to the bill S. 1776, to enhance tribal road safety, and for other purposes.

SA 5185. Mr. PORTMAN (for Mr. KING) proposed an amendment to the bill H.R. 4245, to exempt speculation of certain echinoderms and mollusks from licensing requirements under the Endangered Species Act of 1973.

SA 5186. Mr. PORTMAN (for Mr. GARDNER (for himself and Mr. SCHUMACHER)) proposed an amendment to the bill S. 3081, to invest in innovation through research and development, and to improve the competitiveness of the United States.

TEXT OF AMENDMENTS

SA 5151. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following.

“This Act shall take effect 2 days after the date of enactment.”

SA 5152. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike “2” and insert “3”

SA 5153. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike “3 days” and insert “4 days”

SA 5154. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following.

“This act shall be effective 6 days after enactment.”

SA 5155. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike “6” and insert “7”

SA 5156. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen Federal Building and United States Courthouse”; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:


(a) Secure Payments for States Containing Federal Land.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking “2015” each place it appears and inserting “2016”.

(b) Payments to States and Counties.—Section 102 of the Secure Rural Schools and
b) Payments to States and Counties.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121) is amended—

(i) in subsection (a), by striking "2017" and inserting "2018"; and
(ii) in subsection (b), by striking "fiscal year 2017" and inserting "fiscal year 2016"; and
(iii) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively, and moving such subclauses 2 ems to the right; and

(c) Transition Payments to States.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121(d)(2)) is amended by striking "2012" and inserting "2016".

(d) Resource Advisory Committees.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking "2012" and inserting "2016".

(e) Termination of Authority.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(i) in subsection (a), by striking "2017" and inserting "2018"; and
(ii) in subsection (b), by striking "2018" and inserting "2019".

(f) County Funds Termination of Authority.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(i) in subsection (a), by striking "2017" and inserting "2018"; and
(ii) in subsection (b), by striking "fiscal year 2017" and inserting "fiscal year 2016".

(g) Offset.—It is the sense of the Senate that the costs of carrying out this section and the amendments made by this section will be offset.

SA 5163. Mr. Wyden (for himself, Mr. Hatch, Mr. Crapo, Mr. Risch, Mr. Merkley, Ms. Baldwin, Mr. Bennet, Mr. Heinrich, and Mr. Udall) submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:


(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and moving such paragraphs 2 ems to the right;

(b) Payments to States and Counties.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121) is amended—

(i) in subsection (a), by striking "2017" and inserting "2018"; and

(ii) in subsection (b), by striking "fiscal year 2017" and inserting "fiscal year 2016"; and

(iii) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively, and moving such subclauses 2 ems to the right; and

(iv) by striking the matter following paragraph (3) and inserting the following:

"'(d) Transition Payments to States.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121(d)(2)) is amended by striking "2012" and inserting "2016".

(e) Resource Advisory Committees.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking "2012" and inserting "2016".

(f) County Funds Termination of Authority.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(i) in subsection (a), by striking "2017" and inserting "2018"; and

(ii) in subsection (b), by striking "2018" and inserting "2019".

(g) Offset.—It is the sense of the Senate that the costs of carrying out this section and the amendments made by this section will be offset.

SA 5164. Mr. Manchin (for himself, Mr. Schumer, Mr. Donnelly, Mrs. McCaskill, Mr. Casey, Mr. Brown, Mr. Warner, Mr. Heitkamp, Mr. Leahy, Mr. King, Ms. Klobuchar, Mr. Wyden, Mrs. Feinstein, Mr. Franken, Mr. Whitehouse, Mrs. Gillibrand, Mr. Menendez, Mr. Booker, Mr. Sanders, Mr. Durbin, Ms. Warren, Ms. Hirono, Mr. Nelson, Mr. Bennet, Mr. Blumenthal, Ms. Baldwin, Mr. Carper, Ms. Stabenow, Mr. Kaine, Mr. Markley, Mr. Merkley, Mr. Murphy, Mr. Heinrich, Mr. Peters, Mrs. Shaheen, Mr. Tester, Mr. Udall, Mr. Reid, Ms. Cantwell, Mrs. Murray, Mr. Capito, Mr. Donnelly, Mr. Coons, Ms. Mikulski, Mr. Reid, Mr. Portman, Mrs. Capito, and Mr. Kirk) submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:


(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and moving such paragraphs 2 ems to the right;

(b) Payments to States and Counties.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121) is amended—

(i) in subsection (a), by striking "2017" and inserting "2018"; and

(ii) in subsection (b), by striking "fiscal year 2017" and inserting "fiscal year 2016"; and

(iii) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively, and moving such subclauses 2 ems to the right; and

(iv) by striking the matter following paragraph (3) and inserting the following:

"'(d) Transition Payments to States.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121(d)(2)) is amended by striking "2012" and inserting "2016".

(e) Resource Advisory Committees.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking "2012" and inserting "2016".

(f) County Funds Termination of Authority.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(i) in subsection (a), by striking "2017" and inserting "2018"; and

(ii) in subsection (b), by striking "2018" and inserting "2019".

(g) Offset.—It is the sense of the Senate that the costs of carrying out this section and the amendments made by this section will be offset.
cease as of the first fiscal year beginning after the first plan year for which the funded percentage (as defined in section 432(i)(2) of the Internal Revenue Code of 1986) of the 1974 UMWA Pension Plan is at least 100 percent.

'(C) PROHIBITION ON BENEFIT INCREASES, ETC.—During a fiscal year in which the 1974 UMWA Pension Plan is receiving transfers under subparagraph (A), no amendment of such plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part 1 of subchapter B of chapter 1 of the Internal Revenue Code of 1986.

'(D) TREATMENT OF TRANSFERS FOR PURPOSES OF WITHDRAWAL LIABILITY UNDER ERISA.—The amount of any transfer made under subparagraph (A) (and any earnings attributable thereto) shall be disregarded in determining the unfunded vested benefits of the 1974 UMWA Pension Plan and the allocation of such unfunded vested benefits to an employer for purposes of determining the employer’s withdrawal liability under section 4201(a).

'(E) REQUIREMENT TO MAINTAIN CONTRIBUTION RATE.—A transfer under subparagraph (A) shall not be made for a fiscal year unless the plan is obligated to continue to the 1974 UMWA Pension Plan the on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date that is 30 days before the date of enactment of the Miners Protection Act of 2016.

'(F) ENHANCED ANNUAL REPORTING.—'(I) IN GENERAL.—Not later than the 90th day of each plan year beginning after the date of enactment of the Miners Protection Act of 2016, the trustees of the 1974 UMWA Pension Plan shall file with the Secretary of the Treasury or the Secretary’s delegate and the Pension Benefit Guaranty Corporation a report (including appropriate documentation and actuarial certifications from the plan actuary, as required by the Secretary of the Treasury or the Secretary’s delegate) that contains—

'(a) whether the plan is in endangered or critical status under section 404 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 as of the first day of such plan year;

'(b) the funded percentage (as defined in section 432(i)(2) of such Code) as of the first day of such plan year and the underlying actuarial value of assets and liabilities taken into account in determining such percentage;

'(c) the market value of the assets of the plan as of the last day of the plan year preceding such plan year;

'(d) the total value of all contributions made during the plan year preceding such plan year;

'(e) the total value of all benefits paid during the plan year preceding such plan year;

'(f) cash flow projections for such plan year and either the 6 or 10 succeeding plan years, at the election of the trustees, and the assumptions relied upon in making such projections;

'(g) funding standard account projections for such plan year and the 9 succeeding plan years, at the election of the trustees, and the assumptions relied upon in making such projections;

'(h) the total value of all investment gains or losses during the plan year preceding such plan year;

'(i) any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction;

'(j) a list of employers that withdrew from the plan in the plan year preceding such plan year and the resulting reduction in contributions;

'(k) a list of employers that paid withdrawal liability to the plan during the plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability;

'(l) any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year;

'(m) any scheduled benefit increase or decrease in the plan year preceding such plan year having a material effect on liabilities of the plan;

'(n) details regarding any funding improvement plan or rehabilitation plan and updates to such plan;

'(o) the number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of terminated beneficiaries who are no longer in pay status, and the number of terminated vested participants and beneficiaries;

'(p) the information contained on the most recent actuarial valuations and reports required under clause (i) shall be submitted by the plan under section 101(f) of the Employee Retirement Income Security Act of 1974;

'(q) the information contained on the most recent Department of Labor Form 5500 of the plan;

'(r) copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census and distribution of benefits, the most recent actuarial valuation report as of the plan year, copies of collective bargaining agreements, and financial reports, and such other information as the Secretary of the Treasury or the Secretary’s delegate, in consultation with the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, may require.

'(II) ELECTRONIC SUBMISSION.—The report required under clause (i) shall be submitted electronically.

'(III) INFORMATION SHARING.—The Secretary of the Treasury or the Secretary’s delegate shall share the information in the report under clause (i) with the Secretary of Labor.

'(IV) PENALTY.—Any failure to file the report required under clause (i) on or before the date described in such clause shall be treated as a failure to file a report required to be submitted by section 6662(a) of the Internal Revenue Code of 1986, except that section 6662(c) of such Code shall be applied with respect to any such failure by substituting ‘‘$1000’’ for ‘‘$100’’ and subsection (b) thereof shall not apply if the Secretary of the Treasury or the Secretary’s delegate determines that reasonable diligence has been exercised by the trustees of such plan in attempting to timely file such report.

'(G) 1974 UMWA PENSION PLAN DEFINED.—For purposes of this paragraph, the term ‘‘1974 UMWA Pension Plan’’ has the meaning given the term in section 9701(a)(3) of the Internal Revenue Code of 1986, but without regard to the limitation on participation to individuals in individual and individual accounts in 1976 and thereafter.

'(H) EFFECTIVE DATES.—'(A) IN GENERAL.—The amendments made by this subsection shall apply to plan years beginning after September 30, 2016.

'(B) REPORTING REQUIREMENTS.—Section 402(1)(4)(F) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(1)(4)(F)), as added by this subsection, shall apply to plan years beginning after the date of the enactment of this Act.

'(I) CLARIFICATION OF FINANCING OBLIGATIONS.—'(1) IN GENERAL.—Subsection (a) of section 9704 of the Internal Revenue Code of 1986 is amended as follows:

'(A) by striking paragraph (3),

'(B) by striking ‘‘three premiums’’ and inserting ‘‘two premiums’’, and

'(C) by striking , plus at the end of paragraph (2) and inserting a period.

'(2) CONFORMING AMENDMENTS.—'(A) Section 9704 of the Internal Revenue Code of 1986 is amended—

'(i) by striking subsection (d), and

'(ii) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively.

'(B) Subsection (d) of section 9704 of such Code, as so redesignated, is amended—

'(i) by striking ‘‘3 separate accounts for each of the premiums described in subsections (b), (c), and (d)’’ in paragraph (1) and inserting ‘‘2 separate accounts for each of the premiums described in subsections (b) and (c)’’ and

'(ii) by striking ‘‘or the unassigned beneficiaries premium account’’ in paragraph (3)(B).

'(C) Subclause (1) of section 9704(b)(2)(C)(i) of such Code is amended by striking ‘‘9704(e)(3)(B)(1)’’ and inserting ‘‘9704(d)(3)(B)(1)’’.

'(D) Paragraph (3) of section 9705(a) of such Code is amended—

'(i) by striking ‘‘the unassigned beneficiaries premium under section 9704(a)(3) and’’ in subparagraph (B), and

'(ii) by striking ‘‘9704(i)(1) and’’ inserting ‘‘9704(h)(1)’’.

'(E) Paragraph (2) of section 9711(c) of such Code is amended—

'(i) by striking ‘‘9704(j)(2)’’ in subparagraph (A)(i) and inserting ‘‘9704(i)(2)’’;

'(ii) by striking ‘‘9704(c)(2)(B)’’ in subparagraph (B) and inserting ‘‘9704(i)(2)(B)’’; and

'(iii) by striking ‘‘9704(j)’’ and inserting ‘‘9704(i)’’.

'(F) Paragraph (4) of section 9712(d) of such Code is amended by striking ‘‘9704(j)’’ and inserting ‘‘9704(i)’’.

'(G) ELIMINATION OF ADDITIONAL HANGSTOP PREMIUM.— '(1) IN GENERAL.—Paragraph (1) of section 9712(d) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C).

'(2) CONFORMING AMENDMENT.—Paragraph (2) of section 9712(d) of such Code is amended—

'(i) by striking subparagraph (B),

'(ii) by striking’, and’’ at the end of subparagraph (A) and inserting a period, and

'(iii) by striking ‘‘shall provide for—’’ and all that follows through ‘‘annual adjustments’’ and inserting ‘‘shall provide for annual adjustments’’.

'(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after September 30, 2016.

'(G) CUSTOMS USER FEES.—'(1) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 3805(j)(3)(A)) is amended by striking ‘‘September 30, 2025’’ and inserting ‘‘May 6, 2026’’.

'(2) RATE FOR MERCHANDISE PROCESSING FEE.—Section 505 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking ‘‘September 30, 2025’’ and inserting ‘‘May 6, 2026’’.

SA 5165. Mr. WYDEN submitted an amendment intended to be proposed by
him to the bill H.R. 2028, making appro-
priations for energy and water de-
v elopment and related agencies for the
fiscal year ending September 30, 2016,
and for other purposes; which was or-
dered to lie on the table; as follows:
At the appropriate place, insert the fol-
lowing:
DIVISION—CHILD AND FAMILY
SERVICES AND SUPPORT

SECTION I. SHORT TITLE.
This division may be cited as the “First
Prevention Services Act of 2016”.

SEC. 2. TABLE OF CONTENTS.
The table of contents for this division is as
follows:
Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—INVESTING IN PREVENTION
AND FAMILY SERVICES

Sec. 101. Purpose.
Subtitle A—Prevention Activities Under
Title IV–E
Sec. 111. Foster care prevention services and
programs.
Sec. 112. Foster care maintenance payments
for children with parents in a
licensed residential family-
based treatment facility for
substance abuse.
Sec. 113. Title IV–E payments for evidence-
based kinship navigator pro-
grams.
Subtitle B—Enhanced Support Under Title
IV–B
Sec. 121. Elimination of time limit for fam-
ily reunification services while in
foster care and permitting
time-limited family reunifica-
tion services when a child re-
turns home from foster care.
Sec. 122. Reducing bureaucracy and unness-
cessary delays when placing chil-
dren in homes across State
lines.
Sec. 123. Enhancements to grants to im-
prove well-being of families af-
fected by substance abuse.
Subtitle C—Miscellaneous
Sec. 131. Reviewing and improving licensing
standards for placement in a
relative foster family home.
Sec. 132. Development of a statewide plan to
prevent child abuse and neglect
fatalities.
Sec. 133. Modernizing the title and purpose of
title IV–E.
Sec. 134. Effective dates.

TITLE II—ENSURING THE NECESSITY
OF A PLACEMENT THAT IS NOT IN A FOS-
TER FAMILY HOME

Sec. 201. Limitation on Federal financial
participation for placements that
are not in foster family homes.
Sec. 202. Assessment and documentation of
the need for placement in a quality
residential treatment program.
Sec. 203. Protocols to prevent inappropriate
diagnoses.
Sec. 204. Additional data and reports regard-
ing children placed in a setting
that is not a foster family home.
Sec. 205. Effective dates; application to waivers.

TITLE III—CONTINUING SUPPORT FOR
CHILD AND FAMILY SERVICES

Sec. 301. Supporting and retaining foster
families for children.
Sec. 302. Extension of child and family serv-
ices programs.
Sec. 303. Improvements to the John H.
Chafee Foster Care Independ-
ence Program and related pro-
visions.

TITLE IV—CONTINUING INCENTIVES TO
STATES TO PROMOTE ADOPTION AND
LEGAL GUARDIANSHIP
Sec. 401. Reauthorizing adoption and legal
guardianship incentive pro-
grams.

TITLE V—TECHNICAL CORRECTIONS
Sec. 501. Technical corrections to data ex-
traction tools to improve
program coordination.
Sec. 502. Technical corrections to State re-
quirement to address the devel-
opmental needs of young chil-
dren.

TITLE VI—ENSURING STATES REINVEST
SAVINGS RESULTING FROM INCREASE
IN ADOPTION ASSISTANCE
Sec. 601. Delay of adoption assistance phase-
in.
Sec. 602. GAO study and report on State re-
investment of savings resulting from
increase in adoption as-

Sec. 111. Foster care prevention services and
programs.
Sec. 112. Foster care maintenance payments
for children with parents in a
licensed residential family-
based treatment facility for
substance abuse.
Sec. 113. Title IV–E payments for evidence-
based kinship navigator pro-
grams.
Subtitle B—Enhanced Support Under Title
IV–B
Sec. 121. Elimination of time limit for fam-
ily reunification services while in
foster care and permitting
time-limited family reunifica-
tion services when a child re-
turns home from foster care.
Sec. 122. Reducing bureaucracy and unnecessary
delays when placing children in homes across State lines.
Sec. 123. Enhancements to grants to improve well-being of families affected by substance abuse.
Subtitle C—Miscellaneous
Sec. 131. Reviewing and improving licensing standards for placement in a relative foster family home.
Sec. 132. Development of a statewide plan to prevent child abuse and neglect fatalities.
Sec. 133. Modernizing the title and purpose of title IV–E.
Sec. 134. Effective dates.

TITLE II—ENSURING THE NECESSITY
OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

Sec. 201. Limitation on Federal financial participation for placements that are not in foster family homes.
Sec. 202. Assessment and documentation of the need for placement in a quality residential treatment program.
Sec. 203. Protocols to prevent inappropriate diagnoses.
Sec. 204. Additional data and reports regarding children placed in a setting that is not a foster family home.
Sec. 205. Effective dates; application to waivers.

TITLE III—CONTINUING SUPPORT FOR
CHILD AND FAMILY SERVICES

Sec. 301. Supporting and retaining foster families for children.
Sec. 302. Extension of child and family services programs.
Sec. 303. Improvements to the John H. Chafee Foster Care Independence Program and related provisions.

TITLE IV—CONTINUING INCENTIVES TO
STATES TO PROMOTE ADOPTION AND
LEGAL GUARDIANSHIP
Sec. 401. Reauthorizing adoption and legal guardianship incentive programs.

TITLE V—TECHNICAL CORRECTIONS
Sec. 501. Technical corrections to data extraction tools to improve program coordination.
Sec. 502. Technical corrections to State requirement to address the developmental needs of young children.

TITLE VI—ENSURING STATES REINVEST
SAVINGS RESULTING FROM INCREASE
IN ADOPTION ASSISTANCE
Sec. 601. Delay of adoption assistance phase-in.
Sec. 602. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.

Sec. 111. Foster care prevention services and programs.
Sec. 112. Foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.
Sec. 113. Title IV–E payments for evidence-based kinship navigator programs.
Subtitle B—Enhanced Support Under Title IV–B
Sec. 121. Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care.
Sec. 122. Reducing bureaucracy and unnecessary delays when placing children in homes across State lines.
Sec. 123. Enhancements to grants to improve well-being of families affected by substance abuse.
Subtitle C—Miscellaneous
Sec. 131. Reviewing and improving licensing standards for placement in a relative foster family home.
Sec. 132. Development of a statewide plan to prevent child abuse and neglect fatalities.
Sec. 133. Modernizing the title and purpose of title IV–E.
Sec. 134. Effective dates.

TITLE II—ENSURING THE NECESSITY
OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

Sec. 201. Limitation on Federal financial participation for placements that are not in foster family homes.
Sec. 202. Assessment and documentation of the need for placement in a quality residential treatment program.
Sec. 203. Protocols to prevent inappropriate diagnoses.
Sec. 204. Additional data and reports regarding children placed in a setting that is not a foster family home.
Sec. 205. Effective dates; application to waivers.

TITLE III—CONTINUING SUPPORT FOR
CHILD AND FAMILY SERVICES

Sec. 301. Supporting and retaining foster families for children.
Sec. 302. Extension of child and family services programs.
Sec. 303. Improvements to the John H. Chafee Foster Care Independence Program and related provisions.

TITLE IV—CONTINUING INCENTIVES TO
STATES TO PROMOTE ADOPTION AND
LEGAL GUARDIANSHIP
Sec. 401. Reauthorizing adoption and legal guardianship incentive programs.

TITLE V—TECHNICAL CORRECTIONS
Sec. 501. Technical corrections to data extraction tools to improve program coordination.
Sec. 502. Technical corrections to State requirement to address the developmental needs of young children.

TITLE VI—ENSURING STATES REINVEST
SAVINGS RESULTING FROM INCREASE
IN ADOPTION ASSISTANCE
Sec. 601. Delay of adoption assistance phase-in.
Sec. 602. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.
(v), respectively, for being a promising, supported, or well-supported practice, shall be eligible for a Federal matching payment under section 74(a)(5)(A).

(ii) GENERAL PRACTICE REQUIREMENTS.—

The general practice requirements specified in this clause are the following:

(I) The practice has a book, manual, or other means of communicating to all components of the practice protocol and describes how to administer the practice.

(II) There is no empirical basis suggesting that, if children and its likely benefits, the practice constitutes a risk of harm to those receiving it.

(III) If multiple outcome studies have been conducted overall weight of evidence supports the benefits of the practice.

(IV) Outcome measures are reliable and valid, and are administered consistently and accurately across all those receiving the practice.

(V) There is no data suggesting a risk of harm that was probably caused by the treatment and that was severe or frequent.

(iii) Promising Practice.—A practice shall be considered to be a promising practice if the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

(I) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

(bb) were rigorous random-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

(cc) were carried out in a usual care or practice setting; and

(ii) at least two studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

(iii) Guidance on Practices Criteria and Pre-approved Services and Programs.—

(I) IN GENERAL.—Not later than October 1, 2018, the Secretary shall issue guidance to States regarding criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidance shall include a pre-approved list of services and programs that satisfy the requirements.

(ii) Updates.—The Secretary shall issue updates to the guidance required by clause (I) as often as the Secretary determines necessary.

(iv) Supported Practice.—A practice shall be considered to be a supported practice if—

(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

(aa) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

(bb) was a rigorous random-controlled trial (or, if not available, a study using a rigorous quasi-experimental research design); and

(cc) was carried out in a usual care or practice setting; and

(ii) the study described in subclause (I) establishes practice has a sustained effect (when compared to a control group) for at least 6 months beyond the end of the treatment.

(v) Well-supported Practice.—A practice shall be considered to be a well-supported practice if—

(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least two studies that—

(aa) were rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

(bb) were rigorous random-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

(cc) were carried out in a usual care or practice setting; and

(ii) at least two studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

(vi) Conformity to State Plan.—In general, the practice shall be considered to be a well-supported practice unless (in accordance with subclause (ii)), a State may not receive a Federal matching payment under this part for a given promising, supported, or well-supported practice unless (in accordance with subparagraph (C)) the practice is well-designed and rigorous evaluation strategy for that practice.
‘(ii) WAIVER OF LIMITATION.—The Secretary may waive the requirement for a well-designed and rigorous evaluation of any well-supported practice if the Secretary deems the evidence of the effectiveness of the practice to be compelling and the State meets the continuous quality improvement requirements included in subparagraph (B)(iii)(II) with respect to the practice.

‘(6) Prevention services measures.—

‘(A) Establishment; annual updates.—Beginning with fiscal year 2021, and annually thereafter, the Secretary shall establish the following prevention services measures based on information and data reported by States that elect to provide services and programs specified in paragraph (1):

‘(i) Percentage of candidates for foster care who do not enter foster care.—The percentage of candidates for foster care for whom, or on whose behalf, the services or programs are provided who do not enter foster care, including those placed with a kin caregiver outside of foster care, during the 12-month period in which the services or programs are provided and through the end of the succeeding 12-month period.

‘(ii) Percent of candidates for foster care prevention expenditures.—The total amount of expenditures made for mental health and substance abuse prevention and treatment services and in-home parent skill-building activities under part A (including from amounts made available for the ochective of any Federal Government program) for the candidates for foster care specified in paragraph (1) shall not be eligible for payment under subparagraph (A), (B), or (B) of section 474(a)(3); and

‘(B) Data.—The Secretary shall establish and annually update the prevention services measures described in subparagraph (ii).

‘(i) based on the median State values of the information reported under each clause of subparagraph (A) for the 3 then most recent years; and

‘(ii) taking into account State differences in the price levels of consumption goods and services based on the most recent regional price parity published by the Bureau of Economic Analysis of the Department of Commerce or such other data as the Secretary determines appropriate.

‘(C) Publication of State prevention services measures.—The Secretary shall annually make available to the public the prevention services measures of each State.

‘(7) Maintenance of rapport for State foster care prevention expenditures.—

‘(A) In general.—If a State elects to provide services and programs specified in paragraph (1) for a fiscal year, the State foster care prevention expenditures for the fiscal year shall not be included in the calculation of the expenditures for fiscal year 2014 for (or, at the option of a State described in subparagraph (E), fiscal year 2015 or fiscal year 2016 (whichever ever the State elects)).

‘(B) State foster care prevention expenditures.—The term ‘State foster care prevention expenditures’ means the following:

‘(i) TANF; IV–E; SSBJ.—State expenditures for foster care prevention services and activities under the State program specified in paragraph (1) for a fiscal year, for the children described in subparagraph (A) of section 474(a)(6)(B), except as determined by the Secretary to be appropriate.

‘(ii) Other State programs.—State expenditures for foster care prevention services and activities under any State program that is not described in clause (i) (other than any State expenditures for foster care prevention services and activities under the State program under paragraph (1) (including under a waiver of the program)).

‘(C) State expenditures.—The term ‘State expenditures for State or local funds that are expended by the State or a local agency including State or local funds that are matched or reimbursed by the Federal Government or State or local funds that are not matched or reimbursed by the Federal Government.

‘(D) Quarterly report of prevention services and activities.—The Secretary shall require each State that elects to provide services and programs specified in paragraph (1) to report the total amount in subparagraph (B) for fiscal year 2014 and for such fiscal years thereafter as are necessary to determine whether the State is complying with the prevention services measures specified in subparagraph (A). The Secretary shall specify the services and activities under each such program or subparagraph that are ‘prevention services and activities’ for purposes of the reports.

‘(E) State expenditures for foster care prevention expenditures and Federal IV–E prevention funds for matching or expenditure requirement.—A State that elects to provide services and programs specified in paragraph (1) shall not use any State foster care prevention expenditures for a fiscal year for the State share of expenditures under part B for the State for that fiscal year.

‘(F) Prohibition against use of State foster care prevention expenditures and Federal IV–E prevention funds for matching or expenditure requirement.—A State that elects to provide services and programs specified in paragraph (1) shall not be eligible for payment under subparagraph (A), (B), or (B) of section 474(a)(6)(B), without regard to whether the services or programs are provided in accordance with well-supported practices.

‘(G) PROHIBITION AGAINST USE OF FEDERAL IV–E FUNDING PAYMENTS UNDER TITLE IV–E.—The Secretary shall not be eligible for payment for services and activities under any State program that are prevention services and activities under paragraph (1) that are ‘prevention services and activities’ for purposes of the reports.

‘(H) Estimation; annual updates.—The Secretary shall annually make available to the public the graph (1) for a fiscal year, the State foster care prevention expenditures for that fiscal year, the State share of expenditures under part B for the State for that fiscal year, and the percentages of the total amount expended in the State in 2014 was less than 200,000 (as determined by the Secretary).

‘(I) APPLICABILITY.—

‘(A) In General.—The provision of services or programs under this subsection to or on behalf of a child described in paragraph (2) shall not be considered to be receipt of aid or assistance under the State plan under this part for purposes of eligibility for any other program established under this Act.

‘(B) CANDIDATES IN KINDSHIP CARE.—A child described in paragraph (2) for whom such services or programs under this subsection are provided shall be treated as if the child were no longer in the home of the caregiver for more than 6 months, is deemed to satisfy that requirement for the provision of services or programs, how to identify and provide appropriate services and programs, and how to oversee and evaluate the ongoing appropriateness of the services and programs.

‘(ii) less than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices.

‘(ii) less than 50 percent of the total amount payable to a State under clause (i) for a fiscal year shall be for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices; plus

‘(B) for each quarter specified in subparagraph (A), an amount equal to the sum of the following:

‘(1) the percentage of the total amount that applies to the States; except that

‘(ii) less than 50 percent of the total amount expended during the quarter:

‘(i) 50 percent of so much of the expenditures as are found necessary by the Secretary to be appropriate for the improvement of the State plan for the provision of services or programs specified in section 471(e)(1), including expenditures for activities approved by the Secretary that promote the development of necessary processes and procedures to establish and implement the provisions of the services and programs for individuals who are eligible for the services and programs and expenditures attributable to data collection and reporting; and

‘(ii) 50 percent of so much of the expenditures as are found necessary by the Secretary to be appropriate for the provision of services and programs specified in section 471(e)(1) as are for training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision for the provision of services and programs for individuals who are eligible for the services and programs.
AND EVALUATIONS.—Section 476 of such Act (42 U.S.C. 676) is amended by adding at the end the following:—

"(d) TECHNICAL ASSISTANCE AND BEST PRACTICES.—The Secretary shall provide for States and, as applicable, to Indian tribes, tribal organizations, and interagency agreements, technical assistance to the provision of services and programs described in section 471(e)(1) and shall disseminate best practices with respect to the provision of the services and programs to plan and implement a well-designed and rigorous evaluation of a promising, supported, or well-supported practice.

"(1) CLEARINGHOUSE OF PROMISING, SUPPORTED, AND WELL-SUPPORTED PRACTICES.—The Secretary shall, directly or through grants, contracts, or interagency agreements, evaluate research on the practices specified in clauses (ii), (iv), and (v), respectively, of section 471(e)(4)(C), and programs that meet the requirements described in section 427(a)(1), including culturally specific, or location- or population-based adaptations of the practices, to identify and establish a public list of the practices that satisfy each category described by such clauses. In addition, the clearinghouse shall include information on the specific outcomes associated with practice, including whether the practice has been shown to prevent child abuse and neglect and reduce the likelihood of foster care placement by supporting birth families and kinship families and improving targeted supports for pregnant and parenting youth and their children.

"(2) DATA COLLECTION AND EVALUATIONS.—The Secretary, directly or through grants, contracts, or interagency agreements, may collect data and conduct evaluations with respect to the provision of services and programs described in section 471(e)(1) for purposes of assessing the extent to which the provision of the services and programs—

"(A) reduces the likelihood of foster care placement; or

"(B) increases use of kinship care arrangements; or

"(C) improves child well-being.

"(3) REPORTS TO CONGRESS.—

"(A) IN GENERAL.—The Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives periodic reports based on the provision of services and programs described in section 471(e)(1) and the activities carried out under this subsection.

"(B) PUBLIC AVAILABILITY.—The Secretary shall make the reports to Congress submitted under this paragraph publicly available.

"(5) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to the Secretary $1,000,000 for each fiscal year 2017 and each fiscal year thereafter to carry out this subsection.

"(e) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

"(1) IN GENERAL.—Section 479B of such Act (42 U.S.C. 679c) is amended—

"(A) by striking subsection (b)(1), (2), and (3) and inserting "(b)"; and

"(B) by adding at the end the following:

"(B) in subsection (d)(1), by striking "and individual and family counseling; and"

"(C) in subsection (d)(2), by striking "and individual and family counseling; and"

"(D) by striking "or 413(f)" and inserting "413(f), or 474(a)(6)".

"(2) IN GENERAL.—Notwithstanding the provisions of this section, a child who is eligible for foster care maintenance payments under this section or under any other provision of law shall be considered to have entered foster care for purposes of section 471(f)(3)(B)."

SECTION 113. TITLE IV-E PAYOUTS FOR EVIDENCE-BASED KINSHIP NAVIGATOR PROGRAMS.

Section 474(a) of the Social Security Act (42 U.S.C. 674a(a)) as amended by section 111(a), is amended—

"(1) in paragraph (6), by striking the period at the end and inserting "plus"; and

"(2) by adding at the end the following:

"(i) the amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for kinship navigator programs that meet the applicable criteria specified for the practices in section 471(e)(4)(C), without regard to whether the expenditures are incurred on behalf of children who are and potentially eligible for foster care maintenance payments under this part.;

Subtitle B—Enhanced Support Under Title IV–B

SECTION 121. ELIMINATION OF TIME LIMIT FOR FAMILY REUNIFICATION SERVICES WHILE IN FOSTER CARE AND PERMITTING TIME-LIMITED FAMILY REUNIFICATION SERVICES WHEN A CHILD RETURNS HOME FROM FOSTER CARE.

"(a) IN GENERAL.—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629a(a)(7)) is amended—

"(1) in the paragraph heading, by striking "time-limited family" and inserting "family"; and

"(2) in subparagraph (A) of paragraph (3), by striking "time-limited family" and inserting "family";

"(b) CONFORMING AMENDMENTS.—

"(1) Section 420 of such Act (42 U.S.C. 620) is amended in the matter preceding paragraph (1), by striking "time-limited";

"(2) Subsections (a)(4), (a)(5), and (b)(1) of section 432 of such Act (42 U.S.C. 620) are amended by striking "time-limited" each place it appears.

SECTION 122. REDUCING BUREAUCRACY AND UNNECESSARY DISPLACEMENT OF CHILDREN IN HOMES ACROSS STATE LINES.

"(a) STARTING A PLAN REQUIREMENT.—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25) is amended—
being, including the time it takes for children to be placed across State lines.

(‘‘E’’) How using the electronic interstate case-processing system has affected administrative costs and caseworker time spent on placing children across State lines.

(‘‘G’’) DATA INTEGRATION.—The Secretary, in consultation with the Secretariat for the Interstate Compact on the Placement of Children and the States, shall assess how the electronic interstate case-processing system developed pursuant to paragraph (4) could be used to better provide and protect children that come to the attention of the child welfare system, by—

(A) improving the system with other data systems (such as systems operated by State law enforcement and judicial agencies, systems operated by the Federal Bureau of Investigation for the purposes of the Innocence Lost National Initiative, and other systems);

(B) simplifying and improving reporting required by paragraphs (34) and (35) of section 471(a) regarding children or youth who have been identified as being a sex trafficking victim or children missing from foster care; and

(C) improving the interstate placement of children to be provided with a safe and appropriate permanent living arrangement across State lines.

(2) Application requirements.—A State that desires a grant under this subsection shall submit to the Secretary an application containing the following:

(A) A description of the goals and outcomes that are to be achieved during the period for which grant funds are sought, which goals and outcomes must result in—

(i) reducing the time it takes for a child to be placed in a safe and appropriate permanent living arrangement across State lines;

(ii) improving administrative processes and reducing costs in the foster care system; and

(iii) the secure exchange of relevant case files of foster children required to be maintained by the State in order to expedite the placements of children in foster care, guardianship, or adoptive homes across State lines.

(D) Other information as the Secretary may require.

(3) Grant authority.—The Secretary may make a grant to a State that complies with paragraph (2).

(4) Use of funds.—A State to which a grant is made under this subsection shall use the grant to support the State in connecting the system with other electronic interstate case-processing systems and in improving the foster care system described in paragraph (1).

(5) Evaluations.—Not later than 1 year after the final year in which grants are awarded under this subsection, the Secretary shall submit to the Congress and make available to the general public by posting on a website, a report that contains the following information:

(A) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

(B) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) Such other information as the Secretary may require.

(6) Grant authority.—The Secretary may make a grant to a State that complies with paragraph (2).

(7) Grant administration.—A grant made under this subsection shall be subject to the limitations and requirements applicable to grants made under part B of title XIX of the Public Health Service Act.

(8) Reporting.—The Secretary shall report to the Congress regarding the implementation and results of the grant.

(9) Report.—The Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

(A) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

(B) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) Such other information as the Secretary may require.

(10) Grant authority.—The Secretary may make a grant to a State that complies with paragraph (2).

(11) Grant administration.—A grant made under this subsection shall be subject to the limitations and requirements applicable to grants made under part B of title XIX of the Public Health Service Act.

(12) Reporting.—The Secretary shall report to the Congress regarding the implementation and results of the grant.

(13) Report.—The Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

(A) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

(B) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) Such other information as the Secretary may require.

(14) Grant authority.—The Secretary may make a grant to a State that complies with paragraph (2).

(15) Grant administration.—A grant made under this subsection shall be subject to the limitations and requirements applicable to grants made under part B of title XIX of the Public Health Service Act.

(16) Reporting.—The Secretary shall report to the Congress regarding the implementation and results of the grant.

(17) Report.—The Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

(A) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

(B) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) Such other information as the Secretary may require.

(18) Grant authority.—The Secretary may make a grant to a State that complies with paragraph (2).

(19) Grant administration.—A grant made under this subsection shall be subject to the limitations and requirements applicable to grants made under part B of title XIX of the Public Health Service Act.

(20) Reporting.—The Secretary shall report to the Congress regarding the implementation and results of the grant.

(21) Report.—The Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

(A) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

(B) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) Such other information as the Secretary may require.

(22) Grant authority.—The Secretary may make a grant to a State that complies with paragraph (2).

(23) Grant administration.—A grant made under this subsection shall be subject to the limitations and requirements applicable to grants made under part B of title XIX of the Public Health Service Act.

(24) Reporting.—The Secretary shall report to the Congress regarding the implementation and results of the grant.

(25) Report.—The Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

(A) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

(B) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) Such other information as the Secretary may require.

(26) Grant authority.—The Secretary may make a grant to a State that complies with paragraph (2).

(27) Grant administration.—A grant made under this subsection shall be subject to the limitations and requirements applicable to grants made under part B of title XIX of the Public Health Service Act.

(28) Reporting.—The Secretary shall report to the Congress regarding the implementation and results of the grant.

(29) Report.—The Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

(A) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

(B) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) Such other information as the Secretary may require.
"(iv) facilitate the implementation, delivery, and effectiveness of prevention services and programs under section 471(e); and"

(2) in subparagraph (D), by striking "where appropriate," and

(3) by striking paragraphs (E) and (F) and inserting the following:

"(E) A description of a plan for sustaining the services provided by or activities funded under such grants, including an estimate of the cost to sustain the services after the conclusion of the grant period, including through the use of prevention services and programs under section 471(e) and other funds provided to the State for child welfare and substance abuse prevention services.

(F) Additional information needed by the Secretary to determine that the proposed activities and implementation will be consistent with research or evaluations showing which practices and approaches are most effective;"

(5) in paragraph (5)(A), by striking "abuse treatment" and inserting "use disorder treatment",

(6) in paragraph (7)—

(A) by striking "and" at the end of subparagraph (A) and

(B) by redesignating subparagraph (B) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D) demonstrate a track record of successful collaboration, including—from the perspective of the child, the family, other relevant organizations, and mental health agencies; and"

(7) in paragraph (8)—

(A) by striking such subsection—

(i) by striking "establish indicators that will be" and inserting "review indicators that are" and

(ii) by striking "in using funds made available under such grants to achieve the purpose of this subsection" and inserting "and establish a set of core indicators related to child safety, parental recovery, parenting capacity, and family well-being. In developing the core indicators, to the extent possible, indicators shall be made consistent with the outcome measures described in section 471(e)(6);" and

(B) by striking paragraph (B)—

(i) in the matter preceding clause (i), by inserting "base the performance measures on lessons learned from prior rounds of regional partnership grants under this subsection, and"

(ii) by striking clauses (iii) and (iv) and inserting the following:

"(iii) Other stakeholders or constituencies as determined by the Secretary;" and

(8) in paragraph (9)(A), by striking clause (1) and inserting the following:

"(1) SEMIANNUAL REPORTS.—Not later than September 30 of each fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and every 6 months thereafter, the grant recipient shall submit to the Secretary a report on the services provided and activities carried out during the reporting period, progress made in achieving the goals of the program, the number of children, adults, and families receiving services, and such additional information as the Secretary determines is necessary. The report due not later than September 30 of the last such fiscal year shall include, at a minimum, data on each of the performance indicators included in the evaluation of the region or state, and in paragraph (10), by striking "2012 through 2016" and inserting "2017 through 2021"."

SUBTITLE C—Miscellaneous

SEC. 131. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2017, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes (as defined in section 472(c)(1) of the Social Security Act).

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (3)(B), by striking "and" after the semicolon;

(2) in paragraph (3)(D), by striking the period at the end and inserting a semicolon and

(3) by adding at the end the following:

"(3B) provides that, not later than April 1, 2018, the State shall submit to the Secretary information addressing—

(A) whether the State licensing standards are in accord with model standards identified by the Secretary under section 471(a)(10) of the Social Security Act, the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standard is not appropriate for the State;

(B) whether the State has elected to waive standards established in 471(a)(10)(A) for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State has chosen to waive and the State has not elected to waive the standards, the reason for not waiving these standards;

(C) if the State has elected to waive standards specified in paragraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in waiving nonsafety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

(D) a description of the steps the State is taking to improve caseworker training or the process, if any, and;"

SEC. 132. DEVELOPMENT OF A STATEWIDE PLAN TO PREVENT CHILD ABUSE AND NEGLECT FATALITIES.

Section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)) is amended to read as follows:

"(19) document steps taken to track and prevent child maltreatment deaths by including—

(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be sent to the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners or coroners; and

(B) a description of the steps the state is taking to develop and implement a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public health, education, and the courts.";

SEC. 133. MODERNIZING THE TITLE AND PURPOSE OF TITLE IV-E.

(a) PART HEADING.—The heading for part E of title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

"PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMANENCY.

(b) PURPOSE.—The first sentence of section 470 of such Act (42 U.S.C. 670) is amended—

(1) by striking "in 1980 and inserting "in 1995;"

(2) by inserting "kinship guardianship assistance, and prevention services or programs specified in section 471(e)(1)," after "needs," and

(3) by striking "commencing with the fiscal year which begins on October 1, 1980.";

SEC. 134. EFFECTIVE DATES.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), subject to subsection (b), the amendments made by this title shall take effect on January 1, 2017.

(2) EXCEPTIONS.—The amendments made by sections 131 and 133 shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

(1) IN GENERAL.—In the case of a State plan under part B or C of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to be implemented, such additional requirements imposed by the amendments made by this title, the State plan shall not be regarded as failing to comply with the requirements of such part or solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a biennial legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

SEC. 201. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 622) is amended by adding at the end the following:

"PART II—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

SEC. 201. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672), as amended by section 112, is amended—

(2) in subsection (a)(2)(C), by inserting "but only to the extent permitted under subsection (k) after "institution"; and

(3) by adding at the end the following:

"(b) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Beginning with the third week for which foster care maintenance payments are made on behalf of a child placed in a child-care institution, no Federal payment shall be made to the
State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child unless—

(1) the child is placed in a child-care institution as defined in paragraph (2) or is placed in a licensed residential family-based treatment facility consistent with subsection (j); and

(B) if the child is placed in a qualified residential treatment program (as defined in paragraph (4)), the requirements specified in paragraph (3) and section 475A(c) are met.

(2) SPECIFIED SETTINGS FOR PLACEMENT.—The settings for placement specified in this paragraph are:

(A) a qualified residential treatment program (as defined in paragraph (4)).

(B) a setting specializing in providing prenatal, post-partum, or parenting supports for youth.

(C) in the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently.

(D) a setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at high risk of becoming, victims of sexual trafficking, in accordance with section 471(a)(9)(C).

(3) ASSESSMENT TO DETERMINE APPROPRIATENESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—

(A) DEADLINE FOR ASSESSMENT.—In the case of a child who is placed in a qualified residential treatment program, if the assessment required under section 475A(c)(1) is not completed within 30 days after the placement is made, no Federal payment shall be made to the State under section 474(a)(1) for any amounts expended for foster care maintenance payments on behalf of the child during the placement.

(B) DEADLINE FOR TRANSITION OUT OF PLACEMENT.—If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court disapproves such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home, Federal payments under section 474(a)(1) shall not be made for foster care maintenance payments on behalf of a child who remains in a qualified residential treatment program only during the period necessary for the child to transition home or to such a placement. In no event shall the Secretary disapprove Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the end of the 30-day period that begins on the date a determination is made that the placement is no longer the recommended or appropriate placement for the child.

(4) QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—For purposes of this part, the term ‘qualified residential treatment program’ means a program that—

(A) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disabilities and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under section 475A(c);

(B) subject to paragraphs (5) and (6), has registered or licensed nursing staff and other licensed or registered clinical staff with clinical staff which include staff licensed to monitor medications and physical and behavioral health and that have demonstrated training in child development and trauma, in lieu of with registered or licensed nursing staff and other licensed clinical staff.

(C) STATE DESCRIBED.—Subject to subparagraph (E), a State is described in this subparagraph if for the most recent fiscal year which for which data are available—

(i) the Secretary determines that the State has submitted an approved certification for the licensing of or other caretakers; and

(ii) is on-site during business hours; and

(iii) is available 24 hours a day and 7 days a week;

(C) to extent appropriate, and in accordance with the child’s clinical needs, facilitates participation of family members in the child’s treatment program;

(D) facilitates outreach to family members, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family members to maintain and how sibling connections are maintained;

(E) provides discharge planning and family-based aftercare support for at least 6 months post-admission; and

(F) is licensed in accordance with section 471(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

(i) The Commission on Accreditation of Rehabilitation Facilities (CARF).

(ii) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(iii) The Council on Accreditation (COA).

(iv) Any other independent, not-for-profit accrediting organization approved by the Secretary.

(5) FLEXIBILITY IN STAFFING REQUIREMENTS FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAMS.—

(A) IN GENERAL.—In the case of a State that the Secretary determines is going to return home, place in foster care, or adoptive parent—

(i) the child is placed in a child-care institution as defined in paragraph (2) or is placed in a licensed residential family-based treatment facility consistent with subsection (j); and

(ii) the State may elect to satisfy the requirement of paragraph (4)(B) that a qualified residential treatment program have registered or licensed clinical staff with clinical staff which include staff licensed to monitor medications and physical and behavioral health and that have demonstrated training in child development and trauma, in lieu of with registered or licensed nursing staff and other licensed clinical staff.

(B) RULE OF CONSTRUCTION.—The requirements in paragraphs (4)(B) and (D) shall not be construed as requiring Federal payments for administrative expenditures incurred on behalf of a child placed in a child-care institution and for the payment is available under section 474(a)(3).

(6) AUTHORITY FOR FRONTIER STATES TO WAIVE OR MODIFY CERTAIN STAFFING REQUIREMENTS FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAMS.—

(A) IN GENERAL.—A frontier State may waive or modify the requirements of clause (ii) or (iii) of paragraph (4)(B) (or both) with respect to any qualified residential treatment program located in the frontier State.

(B) FRONITIER STATE DEFINED.—In this paragraph—

(i) FRONTIER STATE.—The term ‘frontier State’ means a State in which at least 50 percent of the counties in the State are frontier counties.

(ii) FRONTIER COUNTY.—The term ‘frontier county’ means a county in which the population of the square mile is less than six children in foster care.

(7) ADMINISTRATIVE COSTS.—The prohibition in paragraph (1) on Federal payments under section 474(a)(1) shall not be construed as prohibiting Federal payments for administrative expenditures incurred on behalf of a child placed in a child-care institution and for which payment is available under section 474(a)(3).

(8) CONFORMING AMENDMENT.—Section 474(a)(1) of the Social Security Act (42 U.S.C. 672(a)(1)), as amended by section 112(b), is amended by striking ‘‘section 472(c)’’ and inserting ‘‘sections (j) and (k) of section 472.’’

DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.—Section 472(c) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

‘‘(1) DEFINITIONS.—For purposes of this part:

(1) FOSTER FAMILY HOME.—

(A) IN GENERAL.—The term ‘‘foater family home’’ means the home of an individual or family—

(i) that is licensed or approved by the State in which it is situated as a foster family home for children and youth whose treatment plans—

(1) that the State deems capable of adhering to the reasonable and prudent parent standard;

(ii) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(iii) that provides the care for not more than six children in foster care.

(B) STATE FLEXIBILITY.—The number of foster family homes that meet the standards established for the licensing or approving the care for children and youth whose treatment plans—

(1) that the State deems capable of adhering to the reasonable and prudent parent standard;

(ii) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(iii) that provides the care for not more than six children in foster care.
The 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

"(2) Within 60 days of the start of each placement in a qualified residential treatment program, the administrative body under paragraph (1) shall, by a finding by the court that such placement is contrary to their best interest; and

"(3) The written documentation made under paragraph (1) and (2) shall be placed in the child's case at the time of placement in the qualified residential treatment program.
“(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home; that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

“(B) the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or service.

“(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

“(5) In the case of any child who is placed in a qualified residential treatment program for foster care, placements are not inappropriate diagnoses; and

“(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home; that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

“(B) the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or service.

“(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

“(6) In the case of any child who is placed in a qualified residential treatment program for foster care, placements are not inappropriate diagnoses; and

“(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home; that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

“(B) the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or service.

“(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

“Beginning on page 14, strike line 18 and all that follows through page 15, line 9, and insert the following:

“IV. GENERAL FUND TRANSFER.—If the transfer is made for fiscal year 2017 (after any adjustment under paragraph (5)) is insufficient to pay health benefits under the plan for such year, including benefits for group health and life insurance, to or being transferred to or otherwise acquired by or for the use of any person to purposely engage in animal crushing, it shall be unlawful to take any action not otherwise prohibited by Federal law, predator control, or pest control; (D) medical or scientific research; (E) necessary to protect the life or property of a person; or (F) performed as part of euthanizing an animal.

“(2) Good-faith distribution.—This section does not apply to the good-faith distribution of an animal crush video to—

“(A) a law enforcement agency;

“(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

“(C) UNINTENTIONAL.—This section does not apply to unintentional conduct that injures or kills an animal.

“(4) Consistency with EPA.—This section shall be enforced in a manner that is consistent with section 3 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-1).

“(c) PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

“(1) Definitions.—In this section—

“(i) term ‘animal crushing’ means actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 223 of title 18).”

“(2) the term ‘animal crush video’ means any photograph, motion-picture film, video or digital recording, or electronic image that—

“(A) depicts animal crushing; and

“(B) is obscene; and

“(C) the term ‘animal crushing’ means actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 223 of title 18).”

“(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful to knowingly create an animal crush video, if—

“(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

“(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

“(B) EXTRATERRITORIAL APPLICATION.—This section applies to knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

“(i) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions;

“(ii) the animal crush video is transported into the United States or its territories or possessions.

“(c) PENALTIES.—Whoever violates this section shall be fined under this title, imprisoned for not more than 7 years, or both.

“(d) EXCEPTIONS.—

“(1) In general.—This section does not apply with regard to any conduct, or a visual depiction of that conduct, that is—

“(A) a customary and normal veterinary, agricultural husbandry, or other animal management practice;

“(B) the slaughter of animals for food;

“(C) hunting, trapping, fishing, a sporting activity not otherwise prohibited by Federal law, predator control, or pest control;

“(D) medical or scientific research;

“(E) necessary to protect the life or property of a person; or

“(F) performed as part of euthanizing an animal.

“SA 5167. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

“Beginning on page 14, strike line 18 and all that follows through page 15, line 9, and insert the following:

“IV. GENERAL FUND TRANSFER.—If the transfer is made for fiscal year 2017 (after any adjustment under paragraph (5)) is insufficient to pay health benefits under the plan for such year, including benefits for group health and life insurance, to or being transferred to or otherwise acquired by or for the use of
“(3) the term ‘euthanizing an animal’ means the humane destruction of an animal accomplished by a method that—

(A) produces rapid unconsciousness and subsequent death without evidence of pain or distress; or

(B) uses anesthesia produced by an agent that causes painless loss of consciousness and ensures unconsciousness for a period not over 75 percent of the cost of that activity.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by striking the item relating to section 3481 and inserting the following:

“48. Animal crushing.”.

SA 5170. Mr. BOOZMAN (for Mr. PERDUE) proposed an amendment to the bill S. 2781, to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes; as follows:

On page 3, line 15, insert “delegated” after “carry out”.

On page 4, strike lines 1 through 8 and insert the following:

“(B) maximizes opportunities for small business participation:

On page 11, beginning on line 20, strike “and to compensate such employees for time spent traveling from their homes to work sites”.

SA 5171. Mr. BOOZMAN (for Mr. PERDUE) proposed an amendment to the bill H.R. 3842, to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes; as follows:

On page 3, line 15, insert “delegated” after “carry out”.

On page 4, strike lines 5 through 12 and insert the following:

“(B) maximizes opportunities for small business participation:

On page 11, beginning on line 25, strike “and to compensate such employees for time spent traveling from their homes to work sites”.

SA 5172. Mr. BOOZMAN (for Mr. SULLIVAN) proposed an amendment to the bill S. 3086, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 3. ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended by adding at the end the following:

“(A) to assist in the cleanup and response required by the severe marine debris event;

“(B) such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

“(3) FEDERAL SHARE.—The Federal share of the cost of any activity carried out under this subsection shall not exceed 75 percent of the cost of that activity.”

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to learn about, and find solutions to, the contributions of such countries to marine debris in the world’s oceans;

(2) carry out studies to determine—

(A) the primary means by which solid waste enters the oceans;

(B) the manner in which waste management infrastructure can be most effective in preventing debris from reaching the oceans;

(C) the long-term economic impacts of marine debris on the national economies of each country set out in paragraph (1) and on the global economy;

(D) the economic benefits of decreasing the amount of debris reaching the oceans;

(3) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to conclude one or more new international agreements—

(A) to mitigate the risk of land-based marine debris contributed by such countries reaching an ocean;

(B) to increase technical assistance and investment in waste management infrastructure, if the President determines appropriate; and

(4) consider the benefits and appropriate- ness of having a senior official of the Department of State serve as a permanent member of the Interagency Marine Debris Coordinating Committee established under section 5 of the Marine Debris Act (33 U.S.C. 1954).

SA 5173. Mr. BOOZMAN (for Mr. MORGAN) proposed an amendment to the bill S. 290, to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2016”.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘covered position’ is—

(A) a senior executive position; or

(B) a position listed in section 7401 of this title that is not a senior executive position.

“(2) The term ‘covered service’ means, with respect to an individual subject to a removal or transfer from a covered position at the Department (if any) who has been placed on administrative leave for more than a total of 14 business days during any 365-day period:

(2)(A) The Secretary may waive the limitations under paragraph (1) and extend the period of administrative leave of a covered individual if the Secretary submits to the Senate and the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a detailed explanation of the reasons the covered individual was placed on administrative leave and the reasons for the extension of such leave.

(B) Such explanation shall include the position of the covered individual and the location where the covered individual is employed.

“(3) In this subsection, the term ‘covered individual’ means an employee of the Department, including an employee in a senior executive position (as defined in section 7101 of this title).

“(A) who is subject to an investigation for purposes of determining whether such individual should be subject to a disciplinary action under this title or title 5; or

“(B) against whom any disciplinary action is proposed or initiated under this title or title 5.

“(b) REPORT ON ADMINISTRATIVE LEAVE.—

(1) Not later than 30 days after the end of each fiscal year, 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 listing the position of each employee of the Department (if any) who has been placed on administrative leave for a period longer than 14 business days during such fiscal year. Each such report submitted under paragraph (1) shall include, with respect to each employee listed in such report, the following:

(A) The position occupied by the employee.

(B) The number of business days of such leave.

(C) The reason that such employee was placed on such leave.

“(3) In submitting each report under paragraph (1), the Secretary shall take such measures to protect the privacy of the employees listed in the report as the Secretary considers appropriate.

“(c) ADMINISTRATIVE LEAVE DEFINED.—In this section, the term ‘administrative leave’—
“(1) means an administratively authorized absence from duty without loss of pay or charge to leave for which the employee is placed due to an investigation on or for whom a disciplinary action is proposed or initiated; and

“(2) includes any type of paid non-duty status without a charge to leave.”.

(b) Appointment.

(1) ADMINISTRATIVE LEAVE LIMITATION.—

Subsection (a) of section 717 of title 38, United States Code (as added by subsection (a)), shall apply to any period of administrative leave (as defined in such section) commencing on or after the date of the enactment of this Act.

(2) Annual Report. The report under section 717(b) of such title (as added by subsection (a)) shall apply beginning in the first quarter that ends after the date that is 180 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by adding at the end the following new item:

“§ 717. Administrative leave limitation and report.”

SEC. 4. ACCOUNTABILITY OF LEADERS FOR MANAGING THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by inserting after section 709 the following new section:

“§ 710. Annual performance plan for political appointees

“(a) IN GENERAL.—The Secretary shall conduct an annual performance plan for each political appointee of the Department that is similar to the annual performance plan conducted for an employee of the Department who is appointed as a career appointee (as that term is defined in section 3132(a)(4) of title 5) within the Senior Executive Service at the Department.

“(b) ELEMENTS OF PLAN.—Each annual performance plan conducted under subsection (a) with respect to a political appointee of the Department shall include, to the extent applicable, an assessment of whether the appointee is meeting the following goals:

“(1) Recruiting, selecting, and retaining well-qualified individuals for employment at the Department.

“(2) Engaging and motivating employees.

“(3) Developing employees and preparing those employees for future leadership roles within the Department.

“(4) Holding each employee of the Department who is accountable for addressing issues relating to performance, in particular issues relating to the performance of employees that report to the manager.

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by inserting after the item relating to section 709 the following new item:

“§ 710. Annual performance plan for political appointees.”

SEC. 5. ACCOUNTABILITY OF SUPERVISORS AT DEPARTMENT OF VETERANS AFFAIRS FOR HIRING WELL-QUALIFIED PEOPLE.

(a) ASSESSMENT DURING PROBATIONARY PERIOD.—

(1) DETERMINATION REQUIRED.—With respect to any employee of the Department of Veterans Affairs who is required to serve a probationary period in a position in the Department, the Secretary of Veterans Affairs shall require the supervisor of such employee to determine, during the 30-day period ending on the date on which the probationary period ends, whether the employee—

(A) has demonstrated successful performance; and

(B) should continue past the probationary period.

(2) LIMITATION ON EMPLOYMENT AFTER PROBATIONARY PERIOD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no employee of the Department of Veterans Affairs who is described in paragraph (1) may complete that probationary period unless and until the supervisor of the employee, or another supervisor to whom the requisite determination, has made an affirmative determination under such paragraph.

(B) PROBATIONARY PERIOD DEEMED COMPLETED.—

(1) NO DETERMINATION.—If no determination under paragraph (1) is made with respect to an employee before the end of the 60-day period following the end of the 30-day period specified in such paragraph, the employee shall be deemed to have completed the probationary period of the employee effective as of the end of that 60-day period.

(2) RETROACTIVE EFFECT OF DETERMINATION.—If an affirmative determination under paragraph (1) is made with respect to an employee after the end of the 30-day period specified in such paragraph, the employee shall be deemed to have completed the probationary period of the employee effective as of the end of the 60-day period.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by adding at the end the following new item:

“§ 719. Written opinion on certain employment restrictions after leaving the Department of Veterans Affairs

“(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by adding at the end the following new section:

“(b) COVERED CONTRACTOR DEFINED.—In this section, the term ‘covered contractor’ means a contractor carrying out a contract entered into with the Department, including pursuant to a subcontract.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by inserting after the item relating to section 717 the following new item:

“§ 719. Written opinion on certain employment restrictions after leaving the Department of Veterans Affairs

“(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 8129. Requirement for contractors employing certain recently separated Department employees

“(a) IN GENERAL.—A covered contractor may not knowingly provide compensation to an individual described in subsection (b) during the two-year period beginning on the date on which the individual terminates employment with the Department unless the covered contractor determines that the individual—

“(1) has obtained the written opinion required under section 719(a) of this title; or

“(2) has requested such written opinion not later than 30 days before receiving compensation from the covered contractor.

“(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is any official of the Department who participated personally and substantially during the one-year period ending on the date of the termination individual’s employment with the Department in an acquisition by the Department that exceeds $10,000,000.

“(c) COVERED CONTRACTOR DEFINED.—This section, the term ‘covered contractor’ means a contractor carrying out a contract entered into with the Department, including pursuant to a subcontract.

“APPLICATION.—The requirement under section 8129(a) of title 38, United States Code, as added by subsection (a), shall apply with respect to any entity that enters into a subcontract with the Department on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is further amended by adding after the item relating to section 8128 the following new item:
‘8129. Requirement for contractors employing certain recently separated Department employees.’.

SA 5174. Mr. PORTMAN (for Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 57, honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable, 70-year reign of King Bhumibol Adulyadej of Thailand; as follows:

In the 8th whereas clause, strike ‘2006’ and insert ‘2009’.

SA 5175. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to the bill H.R. 1150, to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Frank R. Wolf International Religious Freedom Act’’.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; policy; sense of Congress.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 103. Training for Foreign Service officers.
Sec. 104. Prisoners lists and issue briefs on religious freedom concerns.

TITLE II—NATIONAL SECURITY COUNCIL

Sec. 201. Special Adviser for International Religious Freedom.

TITLE III—PRESIDENTIAL ACTIONS

Sec. 301. Northern Cheyenne designations.
Sec. 302. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 303. Report to Congress.
Sec. 304. Presidential waiver.
Sec. 305. Publication in the Federal Register.

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

Sec. 401. Assistance for promoting religious freedom.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM


TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Miscellaneous provisions.
Sec. 602. Clerical amendments.

SEC. 2. FINDINGS; POLICY; SENSE OF CONGRESS.

(a) FINDINGS.—Section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) is amended—

(1) in paragraph (3), by inserting ‘‘The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs and the right not to profess or practice any religion.’’ before ‘‘Government’’;

(2) in paragraph (4), by adding at the end the following: ‘‘A policy or practice of routinely denying applications for visas for religious workers in a country can be indicative of a poor state of religious freedom in that country.’’; and

(3) in paragraph (6)—

(A) by inserting ‘‘and the specific targeting of non-theists, humanists, and atheists because of their beliefs’’ after ‘‘religious persecution’’; and

(B) by inserting ‘‘and in regions where non-state actors exercise significant political power and territorial control’’ before the period at the end.

(b) POLICY.—Section 2(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E); and

(2) by striking the matter preceding subparagraph (A), as redesignated, and inserting the following:

‘‘(1) IN GENERAL.—The following shall be the policy of the United States: and (3) by adding at the end the following: ‘‘(2) EVOLVING POLICIES AND COORDINATED DIPLOMATIC RESPONSES.—Because the promotion of international religious freedom protects human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies and diplomatic responses that—

(A) are drawn from the expertise of the national security agencies, the diplomatic services, and other governmental agencies and nongovernmental organizations; and

(B) are coordinated across and carried out by the entire range of Federal agencies.’’;

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

(1) a policy or practice by the government of any foreign country of routinely denying visa applications for religious workers can be indicative of a poor state of religious freedom in that country; and

(2) the United States Government should seek to reverse any such policy by reviewing the entirety of the bilateral relationship between such country and the United States.

SEC. 2. DEFINITIONS.

Section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402) is amended—

(1) by redesignating paragraph (13) as paragraph (16);

(2) by redesigning paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

(3) by inserting after paragraph (9) the following:

‘‘(10) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).’’;

(11) NON-STATE ACTOR.—The term ‘‘non-state actor’’ means a nonsovereign entity that—

(A) exercises significant political power and territorial control;

(B) is outside the control of a sovereign government; and

(C) often employs violence in pursuit of its objectives;

and

(4) by inserting after paragraph (14), as redesignated, the following;

‘‘(15) SPECIAL WATCH LIST.—The term ‘Special Watch List’ means the Special Watch List described in section 402(b)(1)(A)(i)’’;

and

(5) in paragraph (16), as redesignated—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(B) by inserting after clause (iii) the following:

‘‘(iv) not professing a particular religion, or any religion;’’; and

(B) in subparagraph (B)—

(i) by inserting ‘‘conscience, non-theistic views, or’’ before ‘‘religion‘’ or ‘‘practically’’; and

(ii) by inserting ‘‘forbiddingly compelling non-believers or non-theists to recant their beliefs or to convert,’’ after ‘‘forced religious conversion.’’;

TITLES I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 101 of the International Religious Freedom Act of 1998 (22 U.S.C. 6411) is amended—

(1) in subsection (b), by inserting ‘‘and shall report directly to the Secretary of State’’ before the period at the end;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ‘‘responsibility’’ and inserting ‘‘responsibilities’’;

(ii) by striking ‘‘shall be to advance’’ and inserting the following: ‘‘shall be to—’’;

(A) advance’’;

(iii) in subparagraph (A), as redesignated, by striking the period at the end and inserting ‘‘; and’’;

and

(iv) by adding at the end the following: ‘‘(B) integrate United States international religious freedom policies and strategies into the foreign policy efforts of the United States.’’;

(B) in paragraph (2), by inserting ‘‘the principal adviser to’’ before ‘‘the Secretary of State’’;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ‘‘and’’ at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ‘‘; and’’;

and

(iii) by adding at the end the following: ‘‘(C) contacts with nongovernmental organizations that have an interest in the advancement of state or religious freedom in their respective societies, or internationally.’’;

(D) by redesignating paragraph (4) as paragraph (5); and

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

‘‘(4) COORDINATION RESPONSIBILITIES.—In order to promote religious freedom as an interest of United States foreign policy, the Ambassador at Large—

(A) shall coordinate international religious freedom policies across all programs, projects, and activities of the United States; and

(B) should participate in any interagency processes on issues important to the promotion of international religious freedom policy can advance United States national security interests, including in democracy promotion, stability, security, and development globally.’’; and

(3) in subsection (d), by striking ‘‘staff for the Office’’ and all that follows and inserting the following: ‘‘appropriate staff for the Office, including full-time equivalent positions and other temporary staff positions needed to compile, edit, and manage the Annual Report under the direct supervision of the Ambassador at Large, and for the conduct of investigations by the Office and for necessary travel to carry out this Act. The Secretary of State shall provide the Ambassador at Large with sufficient funding to carry out the duties described in this section, including, as
necessary, representation funds. On the date on which the President’s annual budget request is submitted to Congress, the Secretary shall submit an annual report to the appropriate congressional committee of each chamber that includes a report on staffing levels for the International Religious Freedom Office.

(b) SAME.—It is the sense of Congress that maintaining an adequate staffing level at the Office, such as was in place during fiscal year 2016, is necessary for the Office to carry out its important work.

SEC. 102. ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) In General.—Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “September 1” and inserting “May”;

(2) in subparagraph (A)—

(A) in clause (iii), by striking “;” and inserting “as well as the routine denial of visa applications for religious workers;”;

(B) by redesigning clause (iv) as clause (vii); and

(C) by inserting after clause (iii) the following:

“(vii) particularly severe violations of religious freedom in that country if such country determines that a foreign government or the government of such country does not control its territory;

“(viii) any action taken by the government of that country to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, and the means used; and

(3) in subparagraph (B), in the matter preceding clause (i)—

(A) by inserting “sequestration of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision,” after “entire religious,”; and

(B) by inserting “policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country,” after “such groups,”;

(b) In paragraph (C), by striking “A description of United States actions and” and inserting “A detailed description of United States actions, diplomatic and political coordination efforts, and other”;

(c) In subparagraph (F)(i)—

(A) by striking “section 402(b)(1)” and inserting “section 402(b)(1)(A)(ii)”; and

(B) by redesigning paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(d) by striking “(a) The Secretary of State” and inserting the following:

“(a) HUMAN RIGHTS, RELIGIOUS FREEDOM, AND HUMAN TRAFFICKING TRAINING.—

“(1) IN GENERAL.—The Secretary of State;

and

“(C) by adding at the end the following:

“(2) ADDITIONAL TRAINING.—Not later than the one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, the Secretary of State shall, in consultation with the Department of State, coordinate with the United States Commission on International Religious Freedom, and the Director of the George P. Shultz National Foreign Affairs Training Center, shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that contains a plan for undertaking training for Foreign Service officers under section 708 of the United States International Religious Freedom Act of 1998, as amended by subsection (a).”;

SEC. 104. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

(a) Section 104(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6414) is amended—

(1) in subsection (b), by striking “faith,” and inserting “activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the freedom of religion,”;

(2) in subsection (c), by striking “appropriate, provide,” and inserting “make available”;

(b) In subsection (d), by striking “(B) the courses required of all outgoing ambassadors, and” and inserting “(B) the courses required of all outgoing deputy chiefs of mission and ambassadors, and”;

and

(c) by adding at the end the following:

“(4) VICTIMS LIST MAINTAINED BY THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.—

“(1) IN GENERAL.—The Commission shall make publicly available, to the extent practicable, online and in print, lists of persons it determines are imprisoned or detained, have disappeared, been placed under house arrest, been tortured, or subjected to cruel, inhuman, or degrading treatment and their religious activity or religious freedom advocacy, or efforts to protect and advance religious freedom, in coordination with the Department of State, and with the assistance of the Ambassador at Large for International Religious Freedom, the Director of the George P. Shultz National Foreign Affairs Training Center, shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that contains a plan for undertaking training for Foreign Service officers under section 708 of the United States International Religious Freedom Act of 1998, as amended by subsection (a).”;

SEC. 105. MANDATORY CURRICULUM FOR AMBASSADOR AT LARGE.

(a) In subsection (a)(1) of section 105(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6415(a)(1)), the Secretary of State shall submit to the appropriate congressional committees an annual report that includes a report on staffing levels for the Office, such as was in place during fiscal year 2016, is necessary for the Office to carry out its important work.

(b) SEC. 105. MANDATORY CURRICULUM FOR AMBASSADOR AT LARGE.—The Ambassador at Large for International Religious Freedom, in coordination with the Secretary of State, shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that contains a plan for undertaking training for Foreign Service officers under section 708 of the United States International Religious Freedom Act of 1998, as amended by subsection (a).”;

(c) In section 105(a)(1)(A) of such Act—

(1) in paragraph (a), by striking “The Secretary of State” and in-
TITLE III—PRESIDENTIAL ACTIONS

SEC. 301. NON-STATE ACTOR DESIGNATIONS.

(a) IN GENERAL.—The President, concurrent with the annual foreign country review required under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)), shall—

(1) review and identify any non-state actors operating in any such reviewed country or subregion that have engaged in, or tolerated, particularly severe violations of religious freedom; and

(2) designate, in a manner consistent with such Act, each non-state actor as an entity of particular concern for religious freedom.

(b) REPORT.—Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President, as soon as practicable after the designation is made, shall submit a report to the appropriate congressional committees that describes the reasons for such designation.

(c) ACTIONS.—The President should take specific actions, when practicable, to address severe violations of religious freedom of non-state actors that are designated under subsection (a)(2).

(1) IN GENERAL.—Not later than 90 days after the date on which each Annual Report is submitted under section 102(b), the President shall—

(i) review the status of religious freedom in each of the countries determined to be of particular concern for religious freedom; and

(ii) designate each country the government of which has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer;

(iii) designate each country that engaged in or tolerated severe violations of religious freedom during the previous year, but does not meet, in the opinion of the President, the time of publication of the Annual Report, all of the criteria described in section 3(15) for designation under clause (ii) as being placed on a ‘Special Watch List’.; and

(ii) in subparagraph (C), by striking “prior to September of the respective year” and inserting “before the date on which each Annual Report is submitted under section 102(b);”.

(2) IN GENERAL.—Not later than 90 days after such designation, shall submit to the appropriate congressional committees—

(i) the designation of the country, signed by the President;

(ii) the identification, if any, of responsible parties determined under paragraph (2); and

(iii) a description of the actions taken under subsection (c), the purposes of the actions taken, and the effectiveness of the actions taken.

(B) REMOVAL OF DESIGNATION.—A country that is designated as a country of particular concern for religious freedom under paragraph (1)(A)(ii) shall retain such designation until the President determines and reports to the appropriate congressional committees that the country should no longer be designated.

(c) DETERMINATIONS OF RESPONSIBLE PARTIES.—The President, in a report on appropriately target President actions under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), with respect to each non-state actor designated as an entity of particular concern for religious freedom under subsection (a), shall seek to determine, to the extent practicable, the specific officials or members that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by such non-state actor.

(d) INTRATHENS. In this section, the terms “appropriate congressional committees”, “non-state actor”, and “particularly severe violations of religious freedom” have the meanings given such terms in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), as amended by section 3 of this Act.

SEC. 302. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM


(1) in subsection (b)—

(1) in paragraph (1)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—Not later than 90 days after the date on which each Annual Report is submitted under section 102(b), the President shall—

(i) review the status of religious freedom in each of the countries determined to be of particular concern for religious freedom; and

(ii) designate each country the government of which has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer;

(iii) designate each country that engaged in or tolerated severe violations of religious freedom during the previous year, but does not meet, in the opinion of the President, the time of publication of the Annual Report, all of the criteria described in section 3(15) for designation under clause (ii) as being placed on a ‘Special Watch List’.; and

(ii) by striking “prior to September of the respective year” and inserting “before the date on which each Annual Report is submitted under section 102(b);”.

(2) by inserting “, for a single, 180-day period,” after “may waive”;

(3) by striking paragraph (1); and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) by redesigning subsection (b) as subsection (c);

(4) by inserting after subsection (c) the following:

(5) by adding at the end the following:

(D) ADDITIONAL AUTHORITY.—Subject to subsection (c), the President may, for any additional specified period of time after the 180-day period described in subsection (a), application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or a commensurate substitute action) with respect to a country, if the President determines and reports to the appropriate congressional committees that—

“(1) the respective foreign government has ceased the violations giving rise to the Presidential action; or

“(2) the important national interest of the United States requires the exercise of such waiver authority.”;

(2) in subsection (a), as redesignated, by inserting “(b)” after “subsection (a)”; and

(5) by adding at the end the following:

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

“(1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate substitute action) with respect to a country do not fulfill the purposes of this Act; and

“(2) because the promotion of religious freedom is an important interest of the United States foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions described in section 405 or other commensurate substitute action.”

SEC. 303. PUBLICATION IN THE FEDERAL REGISTER

Section 404(a)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6448(a)(1)) is amended by adding at the end the following:

“(x) the important national interest of the United States requires the exercise of such waiver authority.”;

SEC. 401. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM

(a) AVAILABILITY OF ASSISTANCE.—It is the sense of Congress that for each fiscal year that begins on or after the date of enactment of this Act, the President should request sufficient appropriations from Congress to support—

(1) the vigorous promotion of international religious freedom and for projects to advance United States interests in the protection and advancement of international religious freedom, in particular, through grants to groups that—
SEC. 602. CLERICAL AMENDMENTS.

(a) The committee on banking, housing, and urban affairs of the Senate—
(1) by striking the item relating to section 615 and inserting the following:
(2) by inserting after section 614 the following:
(3) by adding at the end the following:


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

(1) the establishment of an effective Religious Freedom Defense Fund, to be administered by the Ambassador at Large for International Religious Freedom, to provide grants for—
(a) victims of religious freedom abuses and their families to cover legal and other expenses that may arise from detention, imprisonment, torture, fines, and other restrictions; and
(b) projects to help create and support training of a new generation of defenders of religious freedom, including legal and political advocates, and civil society projects which seek to create advocacy networks, strengthen legal representation, train and educate new religious freedom defenders, and build capacity of religious communities and rights defenders to protect against religious freedom violations, mitigate societal or sectarian violence, or minimize legal or other restrictions of the right to freedom of religion.

SEC. 702. VOLUNTARY CODES OF CONDUCT FOR UNITED STATES INSTITUTIONS OF HIGHER EDUCATION OUTSIDE THE UNITED STATES.

It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) contains the list—

(a) that—
(1) the President should include in the Annual Report, should seek to adopt a voluntary code of conduct for operating in such countries that—
(A) should promote international religious freedom as a foreign policy and national security priority; and
(B) should articulate that promotion of the right to freedom of religion is a strategy that—
(i) should promote international religious freedom as a foreign policy and national security priority; and
(ii) makes clear its importance to United States foreign policy of stability, security, development, and diplomacy;
(c) should be a guide for the strategies and activities of relevant Federal agencies; and

(3) should inform the Department of Defense quadrennial defense review under section 118 of title 10, United States Code, and the Department of State’s quadrennial Diplomacy and Development Review.

It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) contains the list—

(a) the name of the individual and a description of the particularly severe violation of religious freedom committed by the individual;
(b) the name of the country or other location in which such violation took place; and

(2) by adding at the end the following:

(3) make every effort in all negotiations, contracts, or memoranda of understanding engaged in or constructed with a foreign government to promote the ability of the United States institutions to protect the religious rights and freedoms guaranteed to citizens of the United States by the First Amendment of the Constitution.

(1) by inserting after section 605 the following:

It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) contains the list—

(1) for their emphasis on teaching universal values and rights to advance religious freedom and the freedom of thought worldwide; and
(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

(1) the particular severe violation of religious freedom committed by the individual;
(2) the establishment of an effective Religious Freedom Defense Fund, to be administered by the Ambassador at Large for International Religious Freedom, to provide grants for—
(a) victims of religious freedom abuses and their families to cover legal and other expenses that may arise from detention, imprisonment, torture, fines, and other restrictions of the right to freedom of religion.

SEC. 601. MISCELLANEOUS PROVISIONS.

(2) should articulate that promotion of the right to freedom of religion is a strategy that—
(i) should promote international religious freedom as a foreign policy and national security priority; and
(ii) makes clear its importance to United States foreign policy of stability, security, development, and diplomacy;

(1) by striking the item relating to section 605 and inserting the following:

(2) by inserting after the item relating to section 604 the following:

(3) by adding at the end the following:


(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

(2) for their emphasis on teaching universal values and rights to advance religious freedom and the freedom of thought worldwide; and
(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

(1) by redesignating section 605 as section 606; and
(2) by inserting after section 604 the following:

It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) contains the list—

(2) by adding at the end the following:


(1) by striking the item relating to section 605 and inserting the following:

(1) by redesignating section 605 as section 606; and
(2) by inserting after section 604 the following:

(1) by redesignating section 605 as section 606; and
(2) by inserting after section 604 the following:

(2) by adding at the end the following:

(1) by redesignating section 605 as section 606; and
(2) by inserting after section 604 the following:

(1) for their potential for shaping positive leadership and new educational models in host countries; and
(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

(1) for their potential for shaping positive leadership and new educational models in host countries; and
(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

(1) for the annual report on human and international religious freedom to be submitted to the appropriate congressional committees—

(1) for their emphasis on teaching universal values and rights to advance religious freedom and the freedom of thought worldwide; and
(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.
and human trafficking training. —

(3) in subsection (c), by striking “The Secretary of State” and inserting “CHILD SOLDIERS.—The Secretary of State”;

SA 5177. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to the bill H.R. 4939, to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes; as follows:

On page 11, beginning on line 3, strike “with respect to” and all that follows through line 5 and insert “with respect to human rights and democracy”.

SA 5178. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill H.R. 6302, to provide an increase in premium pay for protective services during 2016, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE. This Act may be cited as the “Overtime Pay for Protective Services Act of 2016”.

SEC. 2. PREMIUM PAY EXCLUSION IN 2016 FOR PROTECTIVE SERVICES.

(a) DEFINITIONS.—In this section, the term ‘covered employee’ means any officer, employee, or agent employed by the United States Secret Service who performs protective services for an individual or event protected by the United States Secret Service during 2016.

(b) EXCEPTION TO THE LIMITATION ON PREMIUM PAY FOR PROTECTIVE SERVICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during 2016, section 5547(a) of title 5, United States Code, shall not apply to any covered employee to the extent that its application would prevent a covered employee from receiving premium pay, as provided under the amended statute by paragraph (2).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 118 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by section 513 of Public Law 106-554; 114 Stat. 2783A-134) is amended, in the first sentence, by inserting “or, if the premium pay for protective services is paid for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code,” after “of that limitation”.

(c) TREATMENT OF ADDITIONAL PAY.—If subsection (b) results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement for any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

(d) AGGREGATE LIMIT.—With respect to the application of section 5307 of title 5, United States Code, the payment of any additional premium pay to a covered employee as a result of subsection (b) shall not be counted as part of the aggregate compensation of the covered employee.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as if enacted on December 31, 2015.
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) "CIS-LUNAR SPACE."—The term "cis-lunar space" means the region of space from the Earth out to and including the region around the surface of the Moon.

(5) "DEEP SPACE."—The term "deep space" means the region of space beyond low-Earth orbit, to include cis-lunar space.

(6) GOVERNMENT ASTRONAUT.—The term "government astronaut" means the meaning given the term in section 50902 of title 51, United States Code.

(7) ISS.—The term "ISS" means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term "ISS management entity" means the organization with which the Administrator has a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(10) ORION.—The term "Orion" means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18362).

(11) SPACE LAUNCH SYSTEM.—The term "Space Launch System" has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18371).

(12) UNITED STATES GOVERNMENT ASTRONAUT.—The term "United States government astronaut" has the meaning given the term "government astronaut" in section 50902 of title 51, United States Code, except it does not include an individual who is a non-U.S. government astronaut.

SEC. 202. SENSE OF CONGRESS ON SUSTAINING NATIONAL SPACE COMMITMENTS

It is the sense of Congress that—

(1) honoring current national space commitments and building upon investments in space science and exploration demonstrates clear continuity of purpose by the United States, in collaboration with its international, academic, and industry partners, to extend humanity’s reach into deep space, including cis-lunar space, the Moon, the surface and moons of Mars, and beyond;

(2) NASA leaders can best leverage investments in the United States space program by continuing to develop a balanced portfolio for space exploration and space science, including continued development of the Space Launch System Commercial Crew Program, space and planetary science missions such as the James Webb Space Telescope, Wide-Field Infrared Survey Telescope, and Europa Rational Development Plans of the ISS and Commercial Resupply Services Program;

(3) a national, government-led space program that builds on current science and exploration programs, advances human knowledge and capabilities, and opens the frontier beyond Earth for commercial enterprises, and science, and with our international partners, is of critical importance to our national destiny and to a future guided by United States values;

(4) continuity of purpose and effective execution of core NASA programs are essential for efficient use of resources in pursuit of timely and tangible accomplishments;

(5) NASA could improve its efficiency and effectiveness by working with industry to streamline existing programs and requirements, procurements, institutional footprint, and bureaucracy while preserving effective program oversight, accountability, and safety;

(6) it is imperative that the United States maintain and enhance its leadership in space exploration and space science, and continue to expand freedom and economic opportunities in space for all Americans that are consistent with the Constitution of the United States;

(7) NASA should be a multi-mission space agency and should have a broad and robust set of core missions in space science, space technology, aeronautics, human space flight and exploration, and education.

SEC. 203. FINDINGS

Congress makes the following findings:

(1) Returns on the Nation’s investments in science, technology, and exploration accrue over decades-long timeframes, and a disruption of such investments could prevent returns from being fully realized.

(2) Past challenges to the continuity of such investments, past actions regarding the cancellation of authorized programs with bipartisan and bicameral support, have disrupted completion of major space systems thereby.

(A) impeding planning and pursuit of national objectives in space science and human space exploration;

(B) placing such investments in space science and space exploration at risk; and

(C) degrading the aerospace industrial base.


(4) Sufficient investment and maximum utilization of the ISS and ISS National Laboratory, and our international and industry partners is—

(A) consistent with the goals and objectives of the United States space program; and

(B) imperative to continuing United States global leadership in human space exploration, science, research, technology development, and education opportunities that contribute to development of the next generation of American scientists, engineers, and leaders, and to creating the opportunity for economic development of low-Earth orbit.

(5) NASA has made measurable progress in the development and testing of the Space Launch System and a new portfolio of systems with the near-term objectives of the initial integrated test flight and launch in
2018, a human mission in 2021, and continued missions with an annual cadence in cis-lunar space and eventually to the surface of Mars. The Commercial Crew Program has made significant progress toward reestablishing the capability to launch United States government astronauts from United States soil into low-Earth orbit by the end of 2018.

(7) The Aerospace Safety Advisory Panel, in its 2015 Annual Report, urged continuity of purpose noting concerns over the potential for hiccups and schedule slips that could accompany significant changes to core NASA programs.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

SEC. 301. OPERATION OF THE ISS.

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

(1) after 15 years of continuous human presence in low-Earth orbit, the ISS continues to overcome challenges and operate safely;

(2) the ISS is a unique testbed for future space exploration systems development, including long-duration space travel;

(3) the expansion of partnerships, scientific research, and commercial applications of the ISS has leveraged State and private investments to turn on investments made by the United States and its international space partners in the development, assembly, and operation of the facility;

(4) utilization of the ISS will sustain United States leadership and progress in human space exploration by—

(A) facilitating the commercialization and economic development of low-Earth orbit;

(B) serving as a testbed for technologies and a platform for scientific research and development; and

(C) serving as an orbital facility enabling research upon—

(i) the health, well-being, and performance of humans in space; and

(ii) the development of in-space systems enabling human space exploration beyond low-Earth orbit; and

(5) the ISS provides a platform for fundamental, microgravity, discovery-based space life and physical sciences research that is critical for enabling space exploration, protecting Earth, increasing opportunities for commercial space development that depend on advances in basic research, and contributes to advancing science, technology, engineering, and mathematics research.

(b) OBJECTIVES.—The primary objectives of the ISS program shall be—

(1) to achieve the long term goal and objectives under section 202 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312); and

(2) to pursue a research program that advances knowledge and provides other benefits to the Nation.

(c) STRATEGY AND CONSTRUCTION OF THE ISS.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) is amended to read as follows:

"SEC. 501. STRATEGY AND CONSTRUCTION OF THE INTER-NATIONAL SPACE STATION.

"(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States, in consultation with international partners in the ISS program, to support full and complete utilization of the ISS through at least 2024.

"(b) NASA ACTION.—In furtherance of the policy set forth in subsection (a), NASA shall—

(1) pursue international, commercial, and intrasectoral partnerships to maximize ISS logistics supply, maintenance, and operational capabilities, reduce risks to ISS systems sustainability, and offset and minimize United States operations costs relating to the ISS;

(2) utilize, to the extent practicable, the ISS to develop the capabilities and technologies needed for the future of human space exploration beyond low-Earth orbit; and

(3) utilize, if practical and cost effective, the ISS for Science Mission Directorate missions in low-Earth orbit.

"SEC. 302. TRANSPORTATION TO ISS.

(a) FINDINGS.—Congress finds that reliance on foreign carriers to launch crew on long-duration space missions is unacceptable, and the Nation’s human space flight program must acquire the capability to launch United States government astronauts using United States rockets from United States soil as soon as is safe, reliable, and affordable to do so.

(b) SENSE OF CONGRESS ON COMMERCIAL CREW PROGRAM AND COMMERCIAL RESUPPLY SERVICES PROGRAM.—It is the sense of Congress that—

(1) once developed and certified to meet the Administration’s safety and reliability requirements, United States commercially provided crew transportation systems offer the most expeditious and cost-effective means of transporting United States government astronauts and international partner astronauts via the ISS and serving as ISS crew rescue vehicles;

(2) the budgetary assumptions used by the Administration in its planning for the Commercial Crew Program have consistently assumed significantly higher funding levels than have been authorized and appropriated by Congress;

(3) credibility in the Administration’s budgetary estimates for the Commercial Crew Program can be enhanced by an independently developed cost estimate;

(4) such a cost estimate is an important factor in understanding program risk;

(5) United States access to low-Earth orbit is paramount to the continued success of the ISS and ISS National Laboratory;

(6) a stable and successful Commercial Resupply Services Program and Commercial Crew Program are critical to ensuring timely, predictable and cost-effective provisioning of the ISS and to reestablishing the capability to launch United States government astronauts from United States soil into orbit, ending reliance upon Russian transport of United States government astronauts to the ISS which has not been possible since the retirement of the Space Shuttle;

(7) NASA should build upon the success of the Commercial Orbital Transportation Services Program and Commercial Resupply Services Program that have provided private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012; and

(8) the 21st Century Launch Complex Program has enabled significant modernization and infrastructure improvements at launch sites across the United States to support NASA’s Commercial Crew and Commercial Resupply Services Program and other civil and commercial space flight missions; and

(9) the 21st Century Launch Complex Programs would be continued in a manner that leverages State and private investments to achieve the goals of that program.

(c) REAFFIRMATION.—Congress reaffirms—

(1) that the obligation of a commercially developed, private sector launch and delivery system to the ISS for crew missions as expressed in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2896), the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779), and the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(2) the requirement under section 50111(b)(1)(A) of title 51, United States Code, that the Administration shall make use of United States commercial crew and crew rescue services to the maximum extent practicable.

(d) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION SERVICES.—

(1) IN GENERAL.—The Federal Government may not acquire human space flight transportation services from a foreign entity unless—

(A) no United States Government-operated human spaceflight capability is available;

(B) no United States commercial provider is available; and

(C) it is a qualified foreign entity.

(2) DEFINITIONS.—In this subsection:

(A) COMMERCIAL PROVIDER.—The term ‘commercial provider’ means any person that provides commercial space transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(B) QUALIFIED FOREIGN ENTITY.—The term ‘qualified foreign entity’ means a foreign entity that is in compliance with all applicable safety standards and is not prohibited from providing space transportation services under other law.

(C) UNITED STATES COMMERCIAL PROVIDER.—The term ‘United States commercial provider’ means a commercial provider, organized under the laws of the United States or of a State, that is more than 50 percent owned by United States nationals.

(3) ARRANGEMENTS WITH FOREIGN ENTITIES.—Nothing in this subsection shall prevent the Administrator from negotiating or entering into human space flight transportation arrangements with foreign entities to ensure safety of flight and continued ISS operations.

(e) COMMERCIAL CREW PROGRAM.—

(1) SAFETY.—

(A) IN GENERAL.—The Administrator shall protect the safety of government astronauts by requiring that each commercially provided transportation system under this subsection meets all applicable human rating requirements in accordance with section 601(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18342(b)(1)).

(B) LESSONS LEARNED.—Consistent with the findings and recommendations of the Columbia Accident Investigation Board, the Administration shall ensure that safety and the minimization of the probability of loss of crew are the critical priorities of the Commercial Crew Program.

(2) COST MINIMIZATION.—The Administrator shall strive through the competitive selection process to minimize the life cycle cost to the Administration through the planned period of commercially provided crew transportation services.

(f) COMMERCIAL RESUPPLY SERVICES.—

(1) IN GENERAL.—The Commercial Orbital Transportation Services Program and Commercial Resupply Services Program that have provided private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012 shall be continued in a manner that leverages State and private investments to achieve the goals of that program.

(2) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION SERVICES.—

(1) IN GENERAL.—The Federal Government may not acquire human space flight transportation services from a foreign entity unless—

(A) no United States Government-operated human spaceflight capability is available;

(B) no United States commercial provider is available; and

(C) it is a qualified foreign entity.
(g) **COMPETITION.**—It is the policy of the United States that, to foster the competitive development, operation, improvement, and commercial availability of space transportation services, to minimize the life cycle cost to the Administration, the Administrator shall procure services for Federal Government access to and from the ISS, wherever practicable, via fair and open competition for well-defined, milestone-based, Federal Acquisition Regulation-based contracts under section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 13811(a));

(b) **TRANSPARENCY.**—It is the sense of Congress that cost transparency and schedule transparency aid in effective program management and risk assessment.

(2) **IN GENERAL.**—The Administrator shall, to the greatest extent practicable and in a manner that does not add costs or schedule delays to the program, ensure all Commercial Crew Program and Commercial Resupply Services Program providers provide evidence-based support for their costs and schedules.

(3) **ISS CARGO RESUPPLY SERVICES LESSONS LEARNED.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) identifies the lessons learned to date from previous and existing Commercial Resupply Services contracts;

(2) indicates whether changes are needed to the manner in which the Administration procures and manages similar services prior to the issuance of future Commercial Resupply Services procurement opportunities; and

(3) identifies any lessons learned from the Commercial Resupply Services contracts that should be applied to the procurement and management of commercially provided crew transfer services to and from the ISS or to other future procurements.

SEC. 303. **ISS TRANSITION PLAN.**

(a) **FINDINGS.**—Congress finds that—

(1) NASA has been both the primary supplier and consumer of human space flight capabilities and services of the ISS and in low-Earth orbit;

(2) according to the National Research Council report ‘‘Pathways to Exploration: Rationales and Approaches for a U.S. Program of Exploration’’ (National Academies of Sciences, Engineering, and Medicine Decadal Survey on Biological and Physical Sciences in Space);

(3) the measures the Administrator will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

(4) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

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

(1) an orderly transition for United States human spaceflight activities in low-Earth orbit from the current regime, that relies heavily on NASA sponsorship, to a regime where NASA is one of many customers of a low-Earth orbit, commercial and space exploration-related spaceflight enterprise may be necessary; and

(2) decisions about the long-term future of the ISS impact the ability to conduct future deep space exploration activities, and that such decisions regarding the ISS should be considered in the context of the Human Exploration Roadmap under section 432 of this Act.

(c) **REPORTS.**—Section 50111 of title 51, United States Code, is amended by adding at the end the following:

‘‘(11) **ISS TRANSITION PLAN.**—'

‘‘(1) **IN GENERAL.**—The Administrator, in coordination with the ISS management entity (as defined in section 2 of the National Aeronautics and Space Administration Transition Authorization Act of 2016), shall develop a plan, in consultation with the aerospace and commercial space sector, to transition the commercial space sector, shall develop a plan to transition in a step-wise approach from the current regime that relies heavily on NASA sponsorship to a regime where NASA is one of many customers of a low-Earth orbit non-governmental human spaceflight enterprise.

‘‘(2) **REPORTS.**—Not later than December 1, 2017, and every 2 years thereafter until 2023, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—

(A) a description of the progress in achieving the Administration’s deep space human exploration objectives on ISS and prospects for accomplishing future mission requirements, space exploration objectives, and other research objectives on future commercialized supply missions and platforms or migration of those objectives to cis-lunar space;

(B) steps NASA is taking and will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

(C) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

(D) the criteria for defining the ISS as a research support system;

(E) the criteria used to determine whether the ISS is meeting the objectives under section 301(b)(2) of the National Aeronautics and Space Administration Transition Authorization Act of 2016;

(F) an assessment of whether the criteria under subparagraphs (D) and (E) are consistent with the research areas defined in, and recommendations and schedules under, the national Academies of Sciences, Engineering, and Medicine Decadal Survey on Biological and Physical Sciences in Space;

(G) any necessary contributions that ISS extension would make to enabling execution of the Human Exploration Roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2016;

(H) the cost estimates for operating the ISS to achieve the criteria required under subparagraphs (D) and (E) and the contributions identified under subparagraph (G);

(I) the cost of maintaining operations of the ISS to 2024, 2028, and 2030;

(J) an evaluation of the feasible and preferred service life of the ISS beyond the period described in section 503 of the National Aeronautics and Space Administration Transition Authorization Act of 2010 (42 U.S.C. 13833), through at least 2028, as a unique scientific, commercial, and space exploration-related facility, including—

(i) a general discussion of international partner capabilities and prospects for extending the partnership;

(ii) the cost associated with extending the service life;

(iii) an assessment on the technical limitations, including a list of critical components and their expected service life and availability; and

(iv) such other information as may be necessary to fully describe the justification for and feasibility of extending the service life of the ISS, including the potential scientific research opportunities that could be conducted by the Federal Government, public, or to academic or commercial entities;

(K) an identification of the necessary actions and an estimate of the costs to deorbit the ISS once it has reached the end of its service life;

(L) an impact on deep space exploration capabilities, including a crewed mission to Mars in the 2030s, if the preferred service life of the ISS is extended beyond 2024 and NASA maintains a flat budget profile; and

(M) an evaluation of the functions, roles, and responsibilities for management and operation of the ISS and a determination of whether the functions, roles, and responsibilities the Federal Government should retain during the lifecycle of the ISS;

(i) those functions, roles, and responsibilities that could be transferred to the commercial space sector;

(ii) the metrics that would indicate the commercial space sector’s readiness and ability to assume the functions, roles, and responsibilities described in clause (i); and

(iv) any necessary changes to any agreements or other documents and the law to enable the activities described in subparagraphs (A) and (B).

(3) **DEMONSTRATIONS.**—If additional Government, commercial, and transportation resources are available after meeting the Administration’s requirements for ISS activities defined in the Human Exploration Roadmap and related research and demonstrations identified under paragraph (2) may—

(A) test the capabilities needed to meet future mission requirements, space exploration objectives, and recommendations and schedules under objective described in paragraph (2)(A); and

(B) demonstrate or test capabilities, including commercial modules or deep space habitats, Environmental Control and Life Support Systems, orbital satellite assembly, space exploration suits, a node that enables a variety of activities including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, other commercial activities, or services obtained through alternate acquisition approaches.

SEC. 304. **SPACE COMMUNICATIONS.**

(a) **PLAN.**—The Administrator shall develop a plan, in consultation with relevant Federal agencies and to meet the Administration’s projected space communication and navigation needs for low-Earth orbit and deep space operations in the 20-year period following the date of enactment of this Act, including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, other commercial activities, or services obtained through alternate acquisition approaches.

(b) **CONTENTS.**—The plan shall include—

(1) the lifecycle cost estimates and a 5-year funding profile;

(2) the performance capabilities required to meet the Administration’s projected space communication and navigation needs;

(3) the measures that will take to sustain the existing space communication and navigation architecture;

(4) an identification of the projected space communication and navigation network and infrastructure needs;

(5) a description of the necessary upgrades to meet the needs identified in paragraph (4), including—

(A) an estimate of the cost of the upgrades;

(B) a schedule for implementing the upgrades; and

(G) an assessment of whether and how any related missions will be impacted if resources are not secured at the level needed;

(6) the cost estimates for the maintenance of the existing space communication and navigation network and infrastructure capabilities necessary to meet the needs identified in paragraph (4);

(7) the criteria for prioritizing resources for the existing space communication and navigation network and infrastructure and the maintenance described in paragraph (6);
(8) an estimate of any reimbursement amounts the Administration may receive from other Federal agencies;

(9) an identification of the projected Tracking and Data Relay Satellite System needs in the 20-year period following the date of enactment of this Act, including in support of relevant Federal agencies, and cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet the projected needs;

(10) the measures the Administration is taking to mitigate threats to electromagnetic spectrum use;

(c) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit the plan to the appropriate committees of Congress.

SEC. 305. INDEMNIFICATION; NASA LAUNCH AND REENTRY SERVICES.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

"'20148. Indemnification; NASA launch services and reentry services.'

"(a) IN GENERAL.—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the needs and cost, and terms of indemnification, any contract between the Administration and a provider may provide that the United States will indemnify the provider against successful claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from a launch service or reentry service carried out under the contract that the contract defines as unusually hazardous or unclear in nature, but only to the extent the total amount of liability insurance claims related to the activities under the contract—

"(1) is more than the amount of insurance or demonstration of financial responsibility described in subsection (c)(3); or

"(2) is not more than the amount specified in section 50915(b)(1)(B).

"(b) I NDEMNIFICATION.—A contract made under subsection (a) that provides indemnification shall provide for—

"(1) notice to the United States of any claim filed against the provider for death, bodily injury, or loss of or damage to property; and

"(2) control of or assistance in the defense by the United States of any claim or suit against the provider for death, bodily injury, or loss of or damage to property;

"(c) LIABILITY INSURANCE OF THE PROVIDER.—

"(1) IN GENERAL.—The provider under subsection (a) shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable losses by—

"(A) a third party for death, bodily injury, or property damage or loss resulting from a launch service or reentry service carried out under the contract; and

"(B) the United States Government for damage or loss to Government property resulting from a launch service or reentry service carried out under the contract;

"(2) MAXIMUM PROBABLE LOSSES.—

"(A) IN GENERAL.—The Administrator shall determine the maximum probable losses under subparagraphs (A) and (B) of paragraph (1) not later than 90 days after the date that the provider requests such a determination and submits all information the Administrator determines is necessary.

"(B) REVISIONS.—The Administrator may revise a determination under subparagraph (A) of this paragraph if the Administrator determines the revision is warranted based on new information.

"(3) AMOUNT OF INSURANCE.—For the total amount of insurance required under subsection (a), a provider shall not be required to obtain insurance or demonstrate financial responsibility of more than—

"(A)(i) $50,000,000 under paragraph (1)(A); or

"(ii) $100,000,000 under paragraph (1)(B); or

"(B) the maximum liability insurance available on the world market at reasonable cost.

"(4) COVERAGE.—An insurance policy or demonstration of financial responsibility under this section (a) shall protect to the following, to the extent of their potential liability for involvement in launch services or reentry services:

"(A) The Government.

"(B) Personnel of the Government.

"(C) Related entities of the Government.

"(D) Related entities of the provider.

"(E) Government astronauts.

"(d) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a provider under this section unless there is a cross-waiver between the Administration and the provider as described in subsection (e).

"(e) CROSS-WAIVERS.—

"(1) IN GENERAL.—The Administrator, on behalf of the United States and its departments, agencies, and instrumentalities, shall reciprocally waive claims with a provider under which each party agrees to be responsible, and agrees to ensure that its related entities are responsible, for damage or loss to its property, or for losses resulting from any injury or death sustained by its employees or agents, as a result of activities arising out of the performance of the contract.

"(2) LIMITATION.—The waiver made by the Government under paragraph (1) shall apply only to the extent that the claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (c)(1)(B).

"(f) WILLFUL MISCONDUCT.—Indemnification under subsection (a) may exclude claims resulting from the willful misconduct of the provider or its employees.

"(g) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment may be made under subsection (a) unless the Administrator certifies that the amount is just and reasonable.

"(h) PAYMENTS.—

"(1) IN GENERAL.—Upon the approval by the Administrator, payments under subsection (a) may be made from funds appropriated for such payments.

"(2) LIMITATION.—The Administrator shall not approve payments under paragraph (1), except to the extent provided in an appropriation law or to the extent additional legislative authority is enacted providing for such payments.

"(3) ADDITIONAL APPROPRIATIONS.—If the Administrator requests additional appropriations under this subsection, then the request for those appropriations shall be made in accordance with the procedures established under section 50915.

"(i) RULES OF TIMING.—

"(1) IN GENERAL.—The authority to indemnify under this section shall not create any rights in third persons that would not otherwise exist.

"(2) OTHER AUTHORITY.—Nothing in this section may be construed as prohibiting the Administrator from indemnifying a provider under a contract entered into under any other law, including under Public Law 85–804 (50 U.S.C. 131 et seq.).

"(j) RELATIONSHIP TO OTHER LAWS.—The Administrator may not provide indemnification under this section for an activity that requires a license or permit under chapter 509.

"(k) DEFINITIONS.—In this section—

"(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

"(2) PROVIDER.—The term 'provider' means a person that provides domestic launch services or domestic reentry services to the Government.

"(3) REENTRY SERVICES.—The term 'reentry services' has the meaning given the term in section 50902.

"(4) RELATED ENTITY.—The term 'related entity' means a contractor or subcontractor.

"(5) THIRD PARTY.—The term 'third party' means a person except—

"(A) the United States Government;

"(B) related entities of the Government involved in launch services or reentry services;

"(C) a provider;

"(D) related entities of the provider involved in launch services or reentry services; or

"(E) a government astronaut.

"(b) CONFORMING AMENDMENT.—The table of contents in chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20148 the following:

"20148. Indemnification; NASA launch services and reentry services.''.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Directives

SEC. 411. HUMAN SPACE FLIGHT AND EXPLORATION GOALS.

Section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)) is amended to read as follows:

"(a) LONG-TERM GOALS.—The long-term goals of the human space flight and exploration efforts of NASA shall be—

"(1) to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international, academic, and industry partners;

"(2) crewed missions and progress toward achieving the goal in paragraph (1) to enable potential for subsequent human exploration and the extension of human presence throughout the solar system; and

"(3) to enable a capability to extend human presence, including potential human habitation on another celestial body and a thriving space economy in the 21st Century.''

SEC. 412. KEY OBJECTIVES.

Section 202(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)) is amended—

(1) in paragraph (1), by inserting ', and' after existing semicolon;

(2) in paragraph (4), by striking the period at the end and inserting '; and'; and

(3) by adding at the end the following:

"(5) to achieve human exploration of Mars and beyond through the prioritization of..."
those technologies and capabilities best suit-
ed for such a mission in accordance with the
stepping stone approach to exploration under
section 70504 of title 51, United States Code.

SEC. 413. VISION FOR SPACE EXPLORATION.

Section 20302 of title 51, United States Code, is amended—
(a) in subsection (a), by inserting “in cis-
lunar space or” after “sustained human pres-
ence”;
(b) by amending subsection (b) to read as
follows:
(1) FUTURE EXPLORATION OF MARS.—The
Administrator shall manage human space
flight programs, including the Space Launch
System and Orion, to enable safe human explo-
res other nations, as appropriate, to participate
in conducting a crewed mission to the surface of
Mars, the President may invite the United
States to lead such a mission to the surface of
Mars.

SEC. 414. STEPPING STONE APPROACH TO EX-
PLORATION.

Section 70504 of title 51, United States Code, is amended to read as follows:

(a) STEPPING STONE APPROACH TO EX-
PLORATION.—The Administration shall take all ne-
cessary steps, including conducting mission planning, research, and technology development, to ensure that the United States is technologically and financially possible, consistent with section 70504:—
(1) in low-Earth orbit; and
(2) beyond low-Earth orbit once the capa-
bilities described in section 241(e) of the Na-
tional Aeronautics and Space Administration

(b) COST-EFFECTIVENESS.—In order to
maximize the cost-effectiveness of the long-
term exploration and utilization activities of the United States, the Admin-
istrator shall take all necessary steps, includ-
ing engaging international, academic, and indu-
tial partners, to reduce programmatic risk.

(c) COMPLETION.—Within budgetary con-
siderations of the exploration and utilization proj-
jects, the Administrator shall seek to the maximum ex-
tent practicable, to complete that project without undue delays.

(d) INTERNATIONAL PARTICIPATION.—In
order to achieve the goal of successfully con-
ducting a crewed mission to the surface of
Mars, the President may invite the United States partners in the ISS program and
other nations, as appropriate, to participate in an international initiative under the lead-
ership of the United States.

SEC. 415. UPDATE OF EXPLORATION PLAN AND
PROGRAMS.

Section 70504(b) of title 51, United States Code, is amended to read as follows:

(2) implement an exploration research and technology development program to en-
able human and robotic operations con-
sistent with section 20302(b) of this title:

SEC. 416. REPEALS.

(a) SPACE SHUTTLE CAPABILITY ASSUR-
ANCE.—Sections 70501 and 70504 of the Na-
tional Aeronautics and Space Administration
Authorization Act of 2010 (42 U.S.C. 18313) is amend-
ed—
(1) by striking subsection (b); and
(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) SPACE LAUNCH SYSTEM, ORION, AND
GROUND SYSTEMS.—It is the sense of Congress that—
(1) the United States should continue on a series of missions to Mars in the 2020s.
(2) the United States national space program should continue to make progress on its commitment by safely enabling the Space Launch System, Orion, and robust ground systems to support human exploration of the Moon, Mars, and beyond.

(c) SENSE OF CONGRESS ON SPACE LAUNCH
SHUTTLE PRIVATIZATION.—The United States Code, is amended to read as follows:

SEC. 417. ASSURED ACCESS TO SPACE.

Section 70504 of title 51, United States Code, is amended—
(1) in low-Earth orbit; and
(2) beyond low-Earth orbit once the capa-
bilities described in section 421(e) of the Na-
tional Aeronautics and Space Administration

(c) SHUTTLE PRIVATIZATION.—Section 421(e) of the Na-
tional Aeronautics and Space Administration

SEC. 418. ASSURED ACCESS TO SPACE.

Section 70504 of title 51, United States Code, is amended—
(1) by striking subsection (a) to read as
follows:
(a) POLICY STATEMENT.—In order to en-
sure continuous United States participation and leadership in the exploration and utiliza-
tion of space for peaceful purposes of national security, it is the policy of the United States to maintain an uninterrupted capability for human space flight and oper-
ations—
(1) in low-Earth orbit; and
(2) beyond low-Earth orbit once the capa-
bilities described in section 421(e) of the Na-
tional Aeronautics and Space Administration
Authorization Act of 2016 (42 U.S.C. 18302) have been achieved.

(b) in subsection (b), by striking “Com-
mittee on Science and Technology of the House of Representatives and the Committee
on Commerce, Science, and Transportation of
the Senate” and inserting “Committee on
Science and Technology of the House of Re-
presentatives and the Committee on
Commerce, Science, and Transportation of
the Senate”;
(c) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(c) ExPLOration missions.—The Admin-
istrator shall continue development of—
(1) an uncrowed exploration mission to demonstrate the capabilities of both the Space Launch System and Orion as an integrated system by 2018;
(2) subject to applicable human rating processes and requirements, a crewed explora-
tion mission to demonstrate the Space Launch System, including the Core Stage and Exploration Upper Stages, by 2021;
(3) in subsequent missions beginning with EM-3 extending into cis-lunar space and eventually to Mars;
(4) a deep space habitat as a key element in a cis-lunar space exploration along with the Space Launch System and Orion.

(d) OTHER Uses.—The Administrator shall
assess the utility of the Space Launch Sys-
tem to the commercial industry and for other Federal Government launch needs, including consideration of all cost and schedule savings from reusing rocket engines and increased science returns enabled by the unique capabilities of the Space Launch Sys-

(e) Utilization Report.—In general, the Administrator shall prepare an annual report on the integration of the Space Launch System and Orion into the United States national space program.
and the Director of National Intelligence, shall prepare a report that addresses the ef- fort and budget required to enable and utili- zate a cargo variant of the 180-ton Space Launch System as described in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)). (2) Prior to submitting the report, the Administrator shall—
(A) consider the technical requirements of the scientific and national security commu- nities related to a cargo variant of the Space Launch System; and
(B) directly assess the utility and esti- mated benefits obtained by utilizing a cargo variant of the Space Launch System for na- tional security and space science missions.
(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the report to the appropriate committees of Con- gress.

Subtitle C—Journey to Mars
SEC. 431. FINDINGS ON HUMAN SPACE EXPLORA- TION.

Congress makes the following findings:

(1) The Committee on Human Spaceflight, through its Committee on Human Spaceflight, conducted a review of the goals, core capabilities, and di- rection of human spaceflight, and published the final deliberation, including 2014 report entitled, “Pathways to Exploration: Rationale and Approaches for a U.S. Pro- gram of Human Space Exploration”.
(2) The Committee on Human Spaceflight included leaders from the aerospace, sci- entific, security, and policy communities.
(3) With input from the public, the Com- mittee on Human Spaceflight concluded that many practical and aspirational rationales for human space flight together constitute a compelling case for continued national in- vestment and pursuit of human space explo- ration toward the horizon goal of Mars.
(4) According to the Committee on Human Spaceflight, the rationales include economic benefits, national security, national presti- tige, inspiring students and other citizens, scientific discovery, human survival, and a sense of purpose.
(5) The Committee on Human Spaceflight affirmed that Mars is the appropriate long- term goal for the human space flight pro- gram.
(6) The Committee on Human Spaceflight recommended that NASA define a series of sustainable steps and conduct mission plan- ning and technology development as needed to achieve the long-term goal of placing hu- mans on the surface of Mars.
(7) Expanding human presence beyond low- Earth orbit and advancing toward human missions to Mars requires early strategic planning and timely decisions to be made about the necessary courses of action for commitments to achieve short-term and long-term goals and objectives.
(8) In addition to the 2014 report described in paragraph (4), there are several indepen- dently developed reports or concepts that de- scribe potential Mars architectures or con- cepts and identify Mars as the long-term goal for human space exploration described by NASA’s “The Global Exploration Roadmap” of 2013, “NASA’s Journey to Mars—Pio- neering Next Steps in Space Exploration” of 2015, “Minimal Architecture for Human Journeys to Mars” of 2015, and Explore Mars’ “The Hu- mans to Mars Report 2016”.

CRITICAL DECISION PLAN ON HUMAN SPACE EXPLORATION.—As part of the human explo- ration roadmap, the Administrator shall in- clude a critical decision plan—
(a) Identifying and describing key decisions guiding human space exploration priorities and plans that need to be made before June
bur, such as asteroid science and planetary defense, do not have value commensurate with their probable cost.

(5) The Asteroid Robotic Redirect Mission is conducted with the approval of the appropriate committees of Congress a report on the study, including findings and recommendations regarding the Mars 2033 human space flight mission described in subparagraph (A).

(2) The Administrator shall submit to the appropriate committees of Congress a detailed plan for achieving an implementation of the
the training or exposure to the space flight environment of United States government astronauts and should not require any former United States Government astronaut to participate in the Administration’s monitoring;

(4) such monitoring, diagnosis, and treatment should not replace a former United States Government astronaut’s private health insurance;

(5) expanded data acquired from such monitoring, diagnosis, and treatment should be used to inform the scientific community and to develop controls in order to prevent disease occurrence in the astronaut corps;

(6) the 340-day space mission of Scott Kelly aboard the ISS—

(A) was pivotal for the goal of the United States for humans to explore deep space and Mars as the mission generated new insight into how the human body adjusts to weightlessness, isolation, radiation, and the stress of long-duration space flight; and

(B) will help support the physical and mental well-being of astronauts during longer space exploration missions in the future.

SEC. 443. MEDICAL MONITORING AND RESEARCH RELATING TO HUMAN SPACE FLIGHT.

(a) In General—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by adding at the end the following:

"§ 20149. Medical monitoring and research relating to human space flight.

"(a) In General.—Notwithstanding any other provision of law, the Administrator may provide for—

"(1) the medical monitoring and diagnosis of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers potentially associated with human space flight; and

"(2) the treatment of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

"(b) Requirements—

"(1) No cost sharing.—The medical monitoring, diagnosis, or treatment described in subsection (a) shall be provided without any deductible, copayment, or other cost sharing obligation.

"(2) Access to Local Services.—The medical monitoring, diagnosis, or treatment described in subsection (a) may be provided by a local health care provider if it is advisable due to the health of the applicable former United States government astronaut or former payload specialist for that former United States government astronaut or former payload specialist to travel to the Lyndon B. Johnson Space Center, as determined by the Administrator.

"(3) Secondary Payment.—Payment or reimbursement for the medical monitoring, diagnosis, or treatment described in subsection (a) shall be secondary to any obligation of the United States Government or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment. Any costs for items and services that may be provided by the Administrator for medical monitoring, diagnosis, or treatment under subsection (a) that are not paid for or provided under such other provision of law or contractual agreement, due to the application of deductible, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable by the Administrator on behalf of the former United States government astronaut or former payload specialist involved to the extent such items or services are authorized to be provided by the Administrator for medical monitoring, diagnosis, or treatment under subsection (a).

"(4) Conditional Payment.—The Administrator may provide for conditional payments for medical monitoring, diagnosis, or treatment described in subsection (a) that is obligated to be paid for or provided by the United States or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment if—

"(A) payment for (or the provision of) such medical monitoring, diagnosis, or treatment services has not been made (or provided) or cannot reasonably be expected to be made (or provided) promptly by the United States or such third party, respectively; and

"(B) such payment (or such provision of services) by the Administrator is conditioned on reimbursement by the United States or such third party, respectively, for such medical monitoring, diagnosis, or treatment.

"(c) Exclusions.—The Administrator may not provide for—

"(1) medical monitoring or diagnosis of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not associated with human space flight;

"(2) medical monitoring, diagnosis, or treatment of a former United States government astronaut or former payload specialist for conditions that the Administrator considers potentially associated with human space flight; or

"(3) medical monitoring, diagnosis, or treatment of a former United States government astronaut or former payload specialist for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

"(d) Privacy.—Consistent with applicable provisions of Federal law relating to privacy, the Administrator shall protect the privacy of all medical records generated under subsection (a) and accessible to the Administrator.

"(e) Regulations.—The Administrator shall promulgate such regulations as are necessary to carry out this section.

"(f) Definition of United States Government Astronaut.—The term ‘United States government astronaut’ has the meaning given the term ‘government astronaut’ in section 50902, except it does not include an individual who is an international partner astronaut.

"(g) Data Use and Disclosure.—The Administrator may use or disclose data acquired in the course of medical monitoring, diagnosis, or treatment of a former United States government astronaut or former payload specialist for conditions that the Administrator considers potentially associated with human space flight; or

"(h) Inspector General Audit.—The Inspector General of NASA shall periodically audit or review, as the Inspector General considers necessary, the activities of the Administrator under this section.

"§ 20150. Policies relating to human space flight.

"(a) Sense of Congress on Science Portfolios.—It is the policy of the United States government to provide, as a matter of national priority, balanced, adequately funded science programs that serve as a catalyst for innovation and discovery; and

"(b) Policy.—It is the policy of the United States government to pursue, to the extent practicable, a steady cadence of large, medium, and small space science missions.

"§ 20151. Supporting the science missions.

"(a) Findings.—The findings of this Act are further amended by inserting at the end the following:

"(1) Administration support for planetary science is critical to our greater understanding of the solar system and the origin of the Earth;"
(2) the United States leads the world in planetary science and can augment its success in that area with appropriate international, academic, and industry partnerships;
(3) a mix of small, medium, and large planetary science missions is required to sustain a steady cadence of planetary exploration; and
(4) robotic planetary exploration is a key component of preparing for future human exploration.

b) Mission Priorities.—Consistent with the set of missions described in paragraph (1), and while maintaining the continuity of scientific data and steady development of capabilities and technologies, the Administrator may seek, if necessary, adjustments to mission priorities, schedule, and scope in light of changing budget projections.

SEC. 503. JAMES WEBB SPACE TELESCOPE.
It is the sense of Congress that—
(1) the James Webb Space Telescope will—
(A) significantly advance our understanding of planet formation, and improve our knowledge of the early universe; and
(B) support United States leadership in astrophysics;
(2) consistent with annual Government Accountability Office reviews of the James Webb Space Telescope program, the Administrator should continue robust surveillance of the performance of the James Webb Space Telescope project and continue to improve the reliability of cost estimates and contractor performance data and other major space flight projects in order to enhance NASA’s ability to successfully deliver the James Webb Space Telescope on-time and within budget;
(3) the on-time and on-budget delivery of the James Webb Space Telescope is a high congressional priority; and
(4) the Administrator should ensure that integrated testing is appropriately timed and sufficiently comprehensive to enable potential partnerships and initiatives to be early enough to be handled within the James Webb Space Telescope’s development schedule and prior to its launch.

SEC. 504. WIDE-FIELD INFRARED SURVEY TELESCOPE.
(a) Sense of Congress.—It is the sense of Congress that—
(1) the Wide-Field Infrared Survey Telescope (referred to in this section as “WFIRST”) mission has the potential to enable scientific discoveries that will transform our understanding of the universe; and
(2) the Administrator, to the extent practicable, should make progress on the technologies and capabilities needed to position the Administration to meet the objectives, as outlined in the 2010 National Academies’ Astronomy and Astrophysics Decadal Survey, in a way that maximizes the scientific productivity of carrying out those objectives for the resources invested.
(b) Continuity of Development.—The Administrator shall ensure that the concept definition and pre-formation activities of the WFIRST mission continue while the James Webb Space Telescope is being completed.

SEC. 505. MARS 2020 ROVER.
It is the sense of Congress that—
(1) the Mars 2020 mission, to develop a Mars rover and to enable the return of samples to Earth, should remain a priority for NASA; and
(2) the Mars 2020 mission—
(A) should significantly increase our understanding of Mars;
(B) should help determine whether life previously existed on Mars; and
(C) should provide opportunities to gather knowledge and demonstrate technologies that address the challenges of future human exploration to Mars.

SEC. 506. EUROPA.
(a) Findings.—Congress makes the following findings:
(1) Studies of Europa, Jupiter’s moon, indicate that Europa may provide a habitable environment, as it contains key ingredients known to support life.
(2) In 2012, using the Hubble Space Telescope, NASA scientists observed water vapor around the south polar region of Europa, which provides potential evidence of water plumes in that region.
(3) For decades, the Europa mission has consistently ranked as a high priority mission for the national space flight program.
(4) The Europa mission was ranked as the top priority mission in the previous Planetary Science Decadal Survey and ranked as the second-highest priority in the current Planetary Science Decadal Survey.
(b) Sense of Congress.—It is the sense of Congress that—
(1) the Europe mission could provide another avenue in which to capitalize on our nation’s current investment in the Space Launch System that would significantly reduce the transit time for such a deep space mission; and
(2) a scientific, robotic exploration mission to Europa, prioritized in both Planetary Science Decadal Surveys, should be supported.

SEC. 507. CONGRESSIONAL DECLARATION OF POLICY AND PURPOSE.
Section 2012(d) of title 51, United States Code, is amended by adding at the end the following:
“(b) The search for life’s origin, evolution, distribution, and future in the universe.”.

SEC. 508. EXTRASOLAR PLANET EXPLORATION STRATEGY.
(a) Strategy.—
(1) In general.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for the study of extrasolar planets, including the use of the Transiting Exoplanet Survey Satellite, the James Webb Space Telescope, a potential Wide-Field Infrared Survey Telescope mission, or any other telescope, spacecraft, or instrument, as appropriate.
(b) Requirements.—The strategy shall—
(A) outline key scientific questions;
(B) identify the most promising research in the field;
(C) include recommendations for coordination with international partnerships, commercial partners, and not-for-profit partners; and
(D) make recommendations regarding the activities under subparagraphs (A) through (D), as appropriate.
(b) Use of Strategy.—The Administrator shall use the strategy—
(1) to inform roadmaps, strategic plans, and other activities of the Administration as they relate to extrasolar planet research and exploration; and
(2) to provide a foundation for future activities and initiatives related to extrasolar planet research and exploration.

(c) Report to Congress.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 509. ASTROBIOLOGY STRATEGY.
(a) Strategy.—
(1) In general.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for astrobiology that would outline key scientific questions, identify the most promising research in the field, and demonstrate technologies that address the challenges of future human exploration to Mars.
(b) Use of Strategy.—The Administrator shall use the strategy developed under subsection (a) in planning and funding research and other activities and initiatives in the field of astrobiology.

(c) Report to Congress.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 510. ASTROBIOLOGY PUBLIC-PRIVATE PARTNERSHIPS.
Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to study life’s origin, evolution, distribution, and future in the universe.

SEC. 511. NEAR-EARTH OBJECTS.
Section 321 of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 7110) is amended by adding at the end the following:
“(c) Program Report.—The Director of the Office of Science and Technology Policy and the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report not later than 1 year after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016, an initial report that provides—
“(1) recommendations for carrying out the Survey program and an associated proposed budget;
“(2) an analysis of possible options that the Administration could employ to divert an object on a likely collision course with Earth; and
“(3) a description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy to mitigate the risk of the discovery of an object on a likely collision course with Earth.
“(d) Annual Reports.—After the initial report under subsection (e), the Administrator shall annually transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—
“(1) a summary of all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016, including the progress toward achieving 90 percent completion of the survey described in subsection (d)
“(2) a summary of expenditures for all activities carried out under subsection (d).
since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016.

2. ASSESSMENT.—The Administrator, in collaboration with other relevant Federal agencies, shall carry out a technical and scientific assessment of the capabilities and resources necessary to:

(a) to accelerate the survey described in subsection (d); and

(b) to expand the Administration’s Near-Earth Object Program to include the detection, characterization, and characterization of potentially hazardous near-Earth objects less than 140 meters in diameter.

3. TRANSMITTAL.—Not later than 20 days after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016, the Administrator shall transmit the results of the assessment under subsection (g) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 512. NEAR-EARTH OBJECTS PUBLIC-PRIVATE PARTNERSHIPS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should seek to leverage the capabilities of the private sector and philanthropic organizations to the maximum extent practicable in carrying out the Near-Earth Object Survey Program in order to meet the goal of that program under section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 7110(d)(1)).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to detect, track, catalogue, and categorize near-Earth objects.

SEC. 513. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

Section 30504 of title 51, United States Code, is amended to read as follows:

“§ 30504. Assessment of science mission extensions

“(a) ASSESSMENTS.—

“(1) IN GENERAL.—The Administrator shall carry out triennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of any missions that exceed their planned missions’ lifetime.

“(2) CONSIDERATIONS.—In conducting an assessment under paragraph (1), the Administrator shall consider whether and how extending missions impacts the start of future missions.

“(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—When deciding whether to extend a mission that has an operational component, the Administrator shall—

“(1) consult with any affected Federal agency; and

“(2) take into account the potential benefits of instruments on missions that are beyond their planned mission lifetime.

“(c) REPORTS.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, at the same time as the submission to Congress of the Administration’s annual budget required by law for the following fiscal year, a report detailing any assessment under subsection (a) that was carried out during the previous year.”

SEC. 514. STRATOSPHERIC OBSERVATORY FOR INFRARED ASTRONOMY.

The Administrator may not terminate science operations of the Stratospheric Ob- servatory for Infrared Astronomy before December 31, 2017.

SEC. 515. RADIOISOTOPE POWER SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should—

(1) explore the outer reaches of the solar system by using radioisotope power systems;

(2) establishing continuity in the production of the material needed for radioisotope power systems is essential to maintaining the availability of such systems for future deep space exploration missions and

(3) Federal agencies supporting the Administration through the production of such material should take a proactive manner so as not to impose excessive reimbursement requirements on the Administration.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator, in consultation with other Federal agencies, shall conduct an analysis of—

(1) the requirements of the Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

(c) CONTENTS OF ANALYSIS.—The analysis conducted under subsection (b) shall—

(1) detail the Administration’s current projected mission requirements and associated timeframes for radioisotope power system material;

(2) explain the assumptions used to determine the Administration’s requirements for the material, including—

(A) the planned use of advanced thermal conversion technology such as advanced thermocouples and Stirling generators and converters; and

(B) the risks and implications of, and contingencies for, any delays or unanticipated technical challenges affecting or related to the Administration’s mission plans for the anticipated use of advanced thermal conversion technology;

(3) assess the risk to the Administration’s programs of any potential delays in achieving the schedule and milestones for planned domestic production of radioisotope power system material;

(4) outline a process for meeting any additional Administration requirements for the material;

(5) estimate the incremental costs required to increase the amount of material produced each year, if such an increase is needed to support additional Administration requirements for operations. Whenever responsibilities for operations are transferred to the Administration from another agency, the Administration shall seek, to the extent possible, to be reimbursed for the assumption of such responsibilities.

TITLE VI—AERONAUTICS

SEC. 601. SENSE OF CONGRESS ON AERONAUTICS.

It is the sense of Congress that—

(1) a robust aeronautics research portfolio will help maintain the United States status as a leader in aviation, enhance the competitiveness of the United States in the world economy, and improve the quality of life of all citizens;

(2) aeronautics research is essential to the Administration’s mission, continues to be an important core element of the Administration’s mission, and should be supported; and

(3) the Administration should coordinate and consult with relevant Federal agencies and the private sector to minimize duplications of efforts and leverage resources; and

(4) the Administration should advance aeronautics to the level of maturity that allows the Administration’s research results to be transferred to the users, whether private or public sector, critical to their eventual adoption.

SEC. 602. TRANSFORMATIVE AERONAUTICS RESEARCH.

It is the sense of Congress that the Administrator should look strategically into the future and ensure that the Administration’s Center personnel are at the leading edge of aeronautics research by encouraging investigations into the early-stage advancement of new processes, novel concepts, and innovative technologies that have the potential to meet national aeronautics needs.

SEC. 603. HYPERSONIC RESEARCH.

(a) ROADMAP FOR HYPERSONIC RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the relevant Federal agencies, shall develop and submit to the appropriate committees of Congress a research and development roadmap for hypersonic aircraft research.

(b) OBJECTIVE.—The objective of the roadmap is to explore hypersonic science and
technology using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

(c) REQUIREMENTS.—The roadmap shall recommend appropriate Federal agency contributions, coordination efforts, and technology objectives.

SEC. 604. SUPERSONIC RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) the ability to fly commercial aircraft over land at sonic speeds without adverse impacts on the environment or on local communities could open new global markets and enable new transportation capabilities; and

(2) continuing the Administration’s research program is necessary to assess the impact in a relevant environment of commercial supersonic flight operations and provide the basis for establishing appropriate sonic boom standards for such flight operations.

(b) ROADMAP FOR SUPERSONIC RESEARCH.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and submit to the appropriate committees of Congress a roadmap that allows for flexible funding profiles for supersonic aeronautics research and development.

(2) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate, in a relevant environment, airframe and propulsion technologies that minimize the environmental impact, including noise, of supersonic over-land flight in an efficient and economical manner.

(c) CONTENTS.—The roadmap shall include—

(A) the baseline research as embodied by the Administration’s existing research on supersonic flight;

(B) a list of specific technological, environmental, and other challenges that must be overcome to minimize the environmental impact, including noise, of supersonic over-land flight;

(C) a research plan to address the challenges under subparagraph (B), including a project timeline for accomplishing relevant research goals;

(D) a plan for coordination with stakeholders, including relevant government agencies, industry, and academic and research institutions;

(E) a plan for how the Administration will ensure that sonic boom research is coordinated as appropriate with relevant Federal agencies.

SEC. 605. ROTORCRAFT RESEARCH.

(a) ROADMAP FOR ROTORCRAFT RESEARCH.—

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall prepare and submit to the appropriate committees of Congress a roadmap for research relating to rotorcraft and other runway-independent air vehicles.

(b) OBJECTIVE.—The objective of the roadmap is to demonstrate technologies to improve safety, noise, and environmental impact in a relevant environment.

(c) CONTENTS.—The roadmap shall include specific goals for the research, a timeline for implementation, metrics for success, and guidelines for collaboration and coordination with other Federal agencies.

TITLE VII—SPACE TECHNOLOGY

SEC. 701. SPACE TECHNOLOGY INFUSION.

(a) SENSE OF CONGRESS ON SPACE TECHNOLOGY.—It is the sense of Congress that space technology is critical—

(2) to enabling a new class of Administration missions beyond low-Earth orbit; and

(3) to improving technological capabilities and promote innovation for the Administration and the Nation.

(b) SENSE OF CONGRESS ON PROPULSION TECHNOLOGY.—It is the sense of Congress that advancing propulsion technology would improve the efficiency of trips to Mars and could shorten travel time to Mars, reduce astronaut radiation exposure, consumables, and mass of materials required for the journey.

(c) POLICY.—It is the policy of the United States to ensure that the Administration uses technologies to support the Administration’s core missions, as described in section 2(3) of the National Aeronautics and Space Administration Authorization Act of 1998 (42 U.S.C. 18301(3)), and support sustained investments in early stage innovation, fundamental research, and technologies to expand the boundaries of the national aerospace enterprise.

(d) PROPULSION TECHNOLOGIES.—A goal of propulsion technologies developed under subsection (c) shall be to significantly reduce human travel time to Mars.

SEC. 702. SPACE TECHNOLOGY PROGRAM.

(a) SPACE TECHNOLOGY PROGRAM AUTHORIZATIONS.—

(1) IN GENERAL.—The Administrator shall conduct a space technology program (referred to in this section as the “Program”) to research and develop advanced space technologies that could deliver innovative solutions across the Administration’s space exploration and science missions.

(b) CONSIDERATIONS.—In conducting the Program, the Administrator shall consider—

(1) the recommendations of the National Academies’ review of the Administration’s Space Technology roadmaps and priorities; and

(2) the applicable enabling aspects of the stepping stone approach to exploration under section 70594 of title 51, United States Code.

(c) REQUIREMENTS.—In conducting the Program, the Administrator shall—

(1) to the extent practicable, use a competitive process to select research and development projects;

(2) to the extent practicable and appropriate, use small satellites and the Administration’s suborbital and ground-based platforms to demonstrate technology concepts and developments; and

(3) as appropriate, partner with other Federal agencies, universities, private industry, and foreign space agencies.

(d) SMALL BUSINESS PROGRAMS.—The Administrator shall organize and manage the Administration’s Small Business Innovation Research and Small Business Technology Transfer Program within the Program.

(e) NONDUPICATION CERTIFICATION.—The Administrator shall submit a budget for each fiscal year, as transmitted to Congress under section 1105(a) of title 31, United States Code, that avoids duplication of programs, projects, or missions conducted by Program with other projects, programs, or missions conducted by another office or directorate of the Administration.

(f) COORDINATION, ALIGNMENT, AND REPORTING.—

(1) IN GENERAL.—The Administrator shall—

(A) ensure that the Administration’s projects, programs, and activities in support of technology research and development of advanced space technologies are fully coordinated and aligned;

(B) ensure that the results of projects, programs, and activities under subparagraph (A) are shared and leveraged within the Administration; and

(C) ensure the organizational responsibility for research and development activity in support of human space exploration not initiated as of the date of enactment of this Act is established on the basis of a sound rationale.

(2) SENSE OF CONGRESS.—It is the sense of Congress that projects, programs, and missions being conducted by the Human Exploration and Operations Mission Directorate in support of research and development of advanced space technologies that focus on human space exploration should continue in that Directorate.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a report—

(1) comparing the Administration’s space technology investments with the high-priority technology areas identified by the National Academies in the National Research Council’s report on the Administration’s Space Technology Roadmaps; and

(2) including—

(A) identification of how the Administration will address any gaps between the agency’s investments and the recommended technology areas, including a projection of funding requirements; and

(B) identification of the rationale described in subsection (a)(1).

(h) ANNUAL REPORT.—The Administrator shall include in the Administration’s annual budget request for each fiscal year the rationale assigning responsibility for, in the year prior to the budget fiscal year, each initiated project, program, and mission focused on research and development of advanced technologies for human space exploration.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

SEC. 811. INFORMATION TECHNOLOGY GOVERNANCE.

(a) IN GENERAL.—The Administrator shall, in a manner that reflects the unique nature of NASA’s mission and expertise—

(1) ensure the NASA Chief Information Officer, Mission Directors, and Centers have appropriate roles in the management, governance, and oversight processes related to information technology operations and investments; and

(2) ensure the NASA's Chief Information Officer has the appropriate resources and infrastructure to oversee NASA’s information technology and information security operations and investments.

(b) IDENTIFICATION OF RATIONALE.—It is the sense of Congress that the rationale described in subsection (a) shall be developed in conjunction with an information technology investment portfolio and investment priorities.

(c) AUTHORITY.—It is the authority of the NASA Chief Information Officer to do all acts necessary to ensure the result described in subsection (a)(2) is achieved.

(d) INFORMATION TECHNOLOGY INVESTMENT PORTFOLIO.—

(1) IN GENERAL.—The Administrator shall ensure that the information technology investments, including relying on metrics for identifying and reducing potential duplications, are consistent with the intent of Congress in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(2) CHARTERS.—The Administrator shall—

(A) in consultation with appropriate committees of Congress, develop a comprehensive charter for the Office of Management and Budget; and

(B) in coordination with the Office of Management and Budget, develop a comprehensive charter for the Director of the National Geospatial-Intelligence Agency to ensure the comprehensive charter for the Office of Management and Budget.

(3) REPORTS.—The Administrator shall—

(A) ensure that the Office of Management and Budget maintains the information technology investments portfolio for consistent and comprehensive oversight of the information technology investments portfolio; and

(B) provide the Director of the National Geospatial-Intelligence Agency with the information technology investments portfolio.

(4) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(5) REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(c) ANNUAL REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(c) ANNUAL REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(c) ANNUAL REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(c) ANNUAL REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(c) ANNUAL REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(c) ANNUAL REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.

(c) ANNUAL REPORT.—The Administrator shall—

(A) ensure that the information technology investments portfolio is consistent with the information technology investments portfolio.

(b) ANNUAL REPORT.—The Administrator shall submit an annual report to Congress on the status of the information technology investments portfolio, including the status of the information technology investments portfolio.
(7) consider whether the NASA Chief Information Officer should have a seat on any boards or councils described in paragraph (6).

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Administration's Information Technology Governance in ensuring information technology resources are aligned with agency missions and are cost effective and secure.

(2) CONTENTS.—The study shall include an assessment of—

(A) the effectiveness and strategic objectives.

(B) the impact of NASA Chief Information Officer approval authority over information technology investments, and security measures and the NASA Chief Information Officer’s involvement in information technology oversight and access to those resources;

(C) the effectiveness and challenges of the Administration's information technology structure, decision making processes and authorities, including impacts on its ability to implement information security; and

(D) the effectiveness and potential impacts of such authority on the Administration’s missions, programs, projects, research activities, and Center operations.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report detailing the results of the study under paragraph (1), including any recommendations.

SEC. 812. INFORMATION TECHNOLOGY STRATEGIC PLAN.

(a) IN GENERAL.—Subject to subsection (b), the Administrator shall develop an information technology strategic plan to guide NASA information technology management and strategic objectives.

(b) REQUIREMENTS.—In developing the strategic plan, the Administrator shall ensure that the strategic plan addresses—

(1) the deadline under section 306(a) of title 5, United States Code; and

(2) the requirements under section 3506 of title 44, United States Code.

(c) CONTENTS.—The strategic plan shall address, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) near and long-term goals and objectives for leveraging information technology;

(2) a plan for how NASA will submit to Congress a report containing a description of the potential impacts of such authority on the Administration's missions, programs, projects, research activities, and Center operations;

(3) implementation overview for an agency-wide approach to information technology investments and operations, including reducing barriers to cross-center collaboration.

(4) coordination by the NASA Chief Information Officer with centers and mission directorates to ensure that information technology policies are effectively and efficiently implemented across the agency;

(5) a plan to increase the efficiency and effectiveness of information technology investments, including a description of how unnecessarily duplicative, wasteful, legacy, or outdated information technology across NASA will be identified and eliminated, and a schedule for identification and elimination of such information technology;

(6) a plan for improving the information security of agency information and agency information systems, including implementing information security controls and role-based security training of employees; and

(7) submission by NASA to Congress of information regarding high risk projects and cybersecurity risks.

(d) CONGRESSIONAL OVERSIGHT.—The Administrator shall submit to the appropriate committees of Congress the strategic plan under subsection (a) and any updates therefor.

SEC. 813. CYBERSECURITY.

(a) FINDING.—The security of NASA information and information systems is vital to the success of the agency.

(b) INFORMATION SECURITY PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop an information security plan developed under paragraph (2) and take such further actions as the Administrator considers necessary to improve the information security system in accordance with this section.

(2) INFORMATION SECURITY PLAN.—Subject to paragraphs (3) and (4), the Administrator shall develop an agency-wide information security plan to enhance information security for NASA information and information infrastructure.

(3) REQUIREMENTS.—In developing the plan under paragraph (2), the Administrator shall ensure that the plan—

(A) reflects the unique nature of NASA's mission and expertise;

(B) is informed by policies, standards, guidelines, and directives on information security required for Federal agencies;

(C) is consistent with the standards and guidelines under section 13331 of title 40, United States Code; and

(D) meets applicable National Institute of Standards and Technology information security standards and guidelines.

(4) CONTENTS.—The plan shall address—

(A) an overview of the requirements of the information security system;

(B) an agency-wide risk management framework for information security;

(C) a description of the information security system management controls and common controls that are necessary to ensure compliance with information security-related requirements;

(D) an identification and assignment of roles, responsibilities, and management commitment for information security at the agency;

(E) coordination among organizational entities, including between each center, facility, mission directorate, and mission support office, and among agency entities responsible for different aspects of information security;

(F) the need to protect the information security of mission-critical systems and activities and high-impact and moderate-impact information systems; and

(G) a schedule of frequent reviews and updates, as necessary, of the plan.

SEC. 814. SECURITY MANAGEMENT OF FOREIGN NATIONAL ACCESS.

The Administrator shall notify the appropriate committees of Congress when the agency has implemented the information technology security recommendations from the National Academy of Public Administration on foreign access management, based on reports from January 2014 and March 2016.

SEC. 815. CYBERSECURITY OF WEB APPLICATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a plan that reflects the unique nature of NASA's mission and expertise—

(1) develop a plan, including such actions and milestones as are necessary, to fully remediate identified vulnerabilities of NASA web applications within a timely fashion after discovery; and

(2) provide an update on its plant to implement the recommendation from the NASA Inspector General in the audit report dated July 10, 2014, (IG–14–023) to remove from the Inspector General’s list all NASA web applications in development or testing mode.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

SEC. 821. COLLABORATION AMONG MISSION DIRECTORATES.

The Administrator shall encourage an interdisciplinary approach among all NASA mission directorates and divisions, wherever appropriate, for projects or missions—

(1) to improve coordination, and encourage collaboration and early planning on scope;

(2) to determine areas of overlap or alignment;

(3) to find ways to leverage across divisional perspectives to maximize outcomes; and

(4) to be more efficient and resources and funds.

SEC. 822. NASA LAUNCH CAPABILITIES COLLABORATION.

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

(1) The Launch Services Program is responsible for the acquisition, management, and oversight of commercial launch services for NASA's science and robotic missions.

(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

(5) Co-location of the Launch Services Program and Commercial Crew Program has allowed for cooperation, sharing, and coordination of launch manifest, technical information, and common launch vehicle insight between the programs; and

(6) such communication and coordination is enabled by the co-location of the programs.

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

(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

(2) such communication and coordination is enabled by the co-location of the programs.

(c) IN GENERAL.—The Administrator shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.

SEC. 823. DETECTION AND AVOIDANCE OF COUNTERFEIT PARTS.

(a) FINDINGS.—Congress finds the following:

(1) A 2012 investigation by the Committee on Armed Services of the Senate of counterfeit electronic parts in the Department of Defense supply chain from 2009 through 2010 uncovered 1,800 cases and over 1,000,000 counterfeit parts and exposed the threat such counterfeit parts pose to service members and national security.

(2) Since 2010, the Comptroller General of the United States has identified 3 separate reports the risks and challenges associated with counterfeit parts, their role in national security, and the prevention at both the Department of Defense and NASA, including inconsistent definitions
of counterfeit parts, poorly targeted quality control practices, and potential barriers to improvements to these practices.

(b) Sense of Congress.—It is the sense of Congress that the occurrence of counterfeit electronic parts in the NASA supply chain poses a danger to United States government astronauts, crew, and other personnel and a risk to the agency overall.

(c) Regulations.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish a final rule in the Federal Register amending the Federal Acquisition Regulation to correct the detection and avoidance of counterfeit electronic parts in the supply chain.

(2) Contractor Responsibilities.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require each covered contractor—

(i) to detect and avoid the use or inclusion of any counterfeit parts in electronic parts or products that contain electronic parts;

(ii) to take such corrective actions as the Administrator considers necessary to remedy the use or inclusion described in clause (1); and

(iii) including a subcontractor, to notify the applicable NASA contracting officer not later than 30 days after the date the covered contractor becomes aware, or has reason to suspect, that any end item, component, part or material contained in supplies purchased from suppliers that meet qualification requirements, or purchased by a covered contractor or subcontractor for delivery to, or on behalf of, NASA, contains a counterfeit electronic part or suspect counterfeit electronic parts;

(B) prohibit the cost of counterfeit electronic parts, suspect counterfeit electronic parts, and any corrective action described under subparagraph (A)(ii) from being included as allowable costs under agency contracts, unless—

(i) the covered contractor has an operational system to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts that has been reviewed and approved by NASA and the Department of Defense; and

(ii) the covered contractor has provided the notice under subparagraph (A)(iii); or

(iii) electronic parts or suspect counterfeit electronic parts were provided to the covered contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation.

(3) Suppliers of Electronic Parts.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require NASA and covered contractors, including subcontractors, at all tiers—

(i) to obtain electronic parts that are in production or currently available in stock from—

(I) the original manufacturers of the parts or their authorized dealers; or

(II) suppliers who obtain such parts exclusively from the original manufacturer; and

(B) establish documented requirements consistent with published industry standards or Government contract requirements for—

(i) notification of the agency; and

(ii) inspection, testing, and authentication of electronic parts that NASA or a covered contractor, including a subcontractor, obtains from any source other than a source described in subparagraph (A);—

(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

(2) The technologies involved in satellite servicing, such as the laser rendezvous and capture, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

(b) Sense of Congress.—It is the sense of Congress that—

(1) satellite servicing is a vital capability that will bolster NASA’s capability and affordability of NASA’s ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

(c) Leveraging of Capabilities.—The Administration is uniquely positioned to leverage the strong engagement of Administration scientists and engineers in the Administration’s successful commitment to growing the nation’s engineering workforce, it is vital for the Administration’s near-term outreach plans for the Administration to bolster programs, such as High Schools United with NASA to Create Humankind’s (HUNCH) program, the Future Scientists and Engineers in the national laboratory system, the National Organization to Advance Women in the National Laboratories, and the Howard Hughes Medical Institutions’ Fellowship Program, reflect the Administration’s strong engagement of Administration scientists and engineers in the Administration’s education and outreach activities.

(d) Future NASA satellites and spacecraft will be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

(e) Sense of Congress on Small Class LAUNCH MISSIONS.

It is the sense of Congress that—

(1) Venture Class Launch Services contracts awarded under the Launch Services Program will expand opportunities for future dedicated launches of CubeSats and other small satellites and small orbital science missions; and

(2) principal investigator-led small orbital science missions, including small science missions, Small Explorer (SMEX) class, and Venture class, offer valuable opportunities to advance science at low cost, train the next generation of scientists, and enable participants to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation’s leadership in science and to ensuring United States innovation and competitiveness abroad.

SEC. 828. BASELINE AND COST CONTROLS.

Section 3010(a)(1) of title 51, United States Code, is amended by striking ‘‘Procedural Requirements 7120.5c, dated March 22, 2006’’ and inserting ‘‘Procedural Requirements 7120.5E, dated August 14, 2012’’.

SEC. 829. CONGRESSIONAL RECORD — SENATE

December 9, 2016
PEC. 829. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.
Section 501(a)(8) of title 51, United States Code, is amended by inserting “; while protecting national security” after “research community.”

SEC. 830. AVOIDING ORGANIZATIONAL CONFLICT OF INTEREST IN MAJOR ADMINISTRATION ACQUISITION PROGRAMS.
(a) REvised REGULATIONS REQUIRED.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the Administration Supplement to the Federal Acquisition Regulation to provide uniform guidance and require the revised requirements for organizational conflicts of interest by contractors in major acquisition programs in order to address the elements identified in subsection (b).
(b) ELEMENTS.—The revised regulations under subsection (a) shall at a minimum—
(1) address organizational conflicts of interest that could potentially arise as a result of—
(A) lead system integrator contracts on major acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;
(B) ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;
(C) the award of major subsystem contracts by a prime contractor for a major acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontract for software integration or the development of a proprietary software system architecture; or
(D) the performance by, or assistance of, contractors in technical evaluations on major acquisition programs;
(2) require the Administrator to request advice on systems architecture and systems engineering matters with respect to major acquisition programs from objective sources independent of the Administration’s business units;
(3) require that a contract for the performance of systems engineering and technical assistance functions for a major acquisition program include a provision requiring the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development of a system under the program; and
(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as the Administrator considers necessary to ensure that the Administration has continued access to advice on systems architecture and systems engineering matters from highly qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

SEC. 831. PROTECTION OF APOLLO LANDING SITES.
(a) ASSESSMENT.—The Director of the Office of Science and Technology Policy, in consultation with Federal agencies and stakeholders, shall assess the issues relating to protecting and preserving historically important Apollo Program lunar landing sites and artifacts residing on the lunar surface, including those pertaining to Apollo 11 and Apollo 17.
(b) CONTENTS.—In conducting the assessment, the Director shall include—
(1) a determination of what risks to the protection and preservation of those sites and artifacts exist or may exist in the future;
(2) a determination of what measures are required to ensure such protection and preservation;
(3) a determination of the extent to which additional domestic legislation or international treaties or agreements will be required; and
(4) specific recommendations for protecting and preserving those lunar landing sites and artifacts.
(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress the results of the assessment.

SEC. 832. NASA LEASE OF NON-EXCESS PROPERTY.
Section 20113(g) of title 51, United States Code, is amended by striking “10 years after December 26, 2007” and inserting “December 31, 2018.”

SEC. 833. TERRMINATION LIABILITY.
It is the sense of Congress that—
(1) the ISS, the Space Launch System, and the Orion will enable the Nation to continue operations in low-Earth orbit and to send its astronauts to the Moon; and
(2) the James Webb Space Telescope will revolutionize our understanding of star and planet formation and how galaxies evolved, and will advance the search for the origins of our universe;
(3) as a result of their unique capabilities and their critical contribution to the future of space exploration, these systems have been designated by Congress and the Administration as priorities investments;
(4) contractors are currently holding program funding, estimated to be in the hundreds of millions of dollars, to cover the potential termination liability should the Government choose to terminate a program for convenience;
(5) as a result, hundreds of millions of taxpayer dollars are unavailable for meaningful work on these programs;
(6) according to the Government Accountability Office, the Administration procures most of its goods and services through contracts, and it terminates very few of them;
(7) in fiscal year 2011, the Administration terminated 28 of 16,343 active contracts and orders, a termination rate of about 0.17 percent; and
(8) the Administration should vigorously pursue a policy on termination liability that maximizes the utilization of its appropriated funds to make maximum progress in meeting established milestones and milestones on these high-priority programs.

SEC. 834. INDEPENDENT REVIEWS.
Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing—
(1) the Administration’s procedures for conducting independent reviews of projects and programs at lifecycle milestones;
(2) how the Administration ensures the independence of the individuals who conduct those reviews prior to their assignment;
(3) the internal and external entities independent of project and program management that conduct reviews of projects and programs at lifecycle milestones; and
(4) how the Administration ensures the independence of those entities and their members.

SEC. 835. NASA ADVISORY COUNCIL.
(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academy of Public Administration to assess the qualifications and advisory role that the Federal Academy of Public Administration plays for the purpose of evaluating and advising the Council and to make recommendations to Congress for any change to—
(1) the functions of the Council;
(2) the appointment of members to the Council;
(3) the qualifications of members of the Council;
(4) the duration of terms of office for members of the Council;
(5) the frequency of meetings of the Council;
(6) the structure of leadership and Committees of the Council; and
(7) the levels of professional staffing for the Council.
(b) CONSIDERATIONS.—In carrying out the assessment under subsection (a), the National Academy of Public Administration shall—
(1) consider the impacts of broadening the Council’s role to include providing consultation and advice to the Administration under section 20113(g) of title 51, United States Code; and
(2) consider the past activities of the NASA Advisory Council and the activities of other analogous Federal advisory bodies; and
(3) any other issues that the National Academy of Public Administration determines could potentially impact the effectiveness of the Council.
(c) REPORT.—The National Academy of Public Administration shall submit to the appropriate committees of Congress the results of the assessment, including any recommendations.

SEC. 836. CONSULTATION AND ADVICE.—Section 20113(g) of title 51, United States Code, is amended by inserting “and Congress” after “advice to the Administration”.

SEC. 837. FACILITIES AND INFRASTRUCTURE.
(a) ASSESSMENT.—It is the sense of Congress that—
(1) realistic cost estimating is critically important to the ultimate success of major space development projects; and
(2) the Administration has devoted significant efforts over the past 5 years to improving its cost estimating capabilities, but it is important that the Administration continue its efforts to develop and implement guidance in establishing realistic cost estimates.
(b) REPORT.—The Administration shall provide to its acquisition programs and projects, in a manner consistent with the Administration’s Space Program and Project Management Requirements—
(1) guidance on when to use an Independent Cost Estimate and Independent Cost Assessment; and
(2) criteria to use to make a determination under paragraph (1).

SEC. 838. FACILITIES AND INFRASTRUCTURE.
(a) ASSESSMENT.—It is the sense of Congress that—
(1) the Administration must address, mitigate, and reverse, where possible, the deterioration of its facilities and infrastructure, as their condition is hampering the effectiveness and efficiency of research performed by both the Administration and industry participants making use of Administration facilities, thus harming the competitiveness of the United States aerospace industry; and
(2) the Administration has a role in providing laboratory capabilities to industry participants that are not economically viable as commercial entities and thus are not available elsewhere.
(b) REQUIREMENTS.—To ensure continued access to reliable and efficient world-class facilities by researchers, the Administration should establish a National Science and Technology Council to advise the Administration on the role of Federal agencies, institutions of higher education, and industry, as appropriate; and
(4) decisions on whether to dispose of, maintain, or modernize existing facilities must be made in the context of meeting Administration and other needs, including those to support the activities supporting the Human Exploration Roadmap under section 432 of this Act, consider other national laboratory needs as the Administration deems appropriate.

(b) Policy.—It is the policy of the United States that the Administration maintain reliable and efficient facilities and infrastructure and that decisions on whether to dispose of, maintain, or modernize existing facilities or infrastructure be made in the context of meeting future Administration needs.

(c) In General.—(1) The Administrator shall develop a facilities and infrastructure plan.

(2) Goal.—The goal of the plan is to position the Administration to have the facilities and infrastructure, including laboratories, tools, and approaches, necessary to meet future Administration and other Federal agencies' laboratory needs.

(3) Contents.—The plan shall identify—

(A) current Administration and other Federal agency laboratory needs;

(B) future Administration research and development and testing needs;

(C) a strategy for identifying facilities and infrastructure that are candidates for disposal, repair, upgrade, modernization, or removal; and

(D) a strategy for the maintenance, repair, upgrading, and modernization of Administration facilities and infrastructure, including laboratories and equipment; and

requirements for—

(i) prioritizing deferred maintenance tasks;

(ii) maintaining, repairing, upgrading, or modernizing Administration facilities and infrastructure; and

(iii) implementing plans, processes, and policies for guiding the Administration’s Centers on whether to maintain, repair, upgrade, or modernize a facility or infrastructure, and for determining the type of instrument to be used.

SEC. 838. HUMAN SPACE FLIGHT ACCIDENT INVESTIGATIONS.

Section 70702 of title 51, United States Code, is amended—

(1) by amending subsection (a)(3) to read as follows—

“(4) any other orbital or suborbital space vehicle carrying humans that is—

(A) owned by the Federal Government; or

(B) being used pursuant to a contract orSpace Act Agreement with the Federal Government for carrying a government astronaut or a researcher funded by the Federal Government; or

(2) by adding at the end the following:

“(c) Definitions.—In this section:

“(1) Government Astronaut.—The term ‘government astronaut’ has the meaning given the term in section 50902.

“(2) Space Act Agreement.—The term ‘Space Act Agreement’ means an agreement entered into by the Administration pursuant to its other transactions authority under section 20113(e).”.

SEC. 839. ORBITAL DEBRIS.

(a) Findings.—Congress finds that—

(1) orbital debris poses serious risks to the operational space capabilities of the United States;

(2) an international commitment and integrated strategic plan are needed to mitigate the growth of orbital debris wherever possible, and

(3) the delay in the Office of Science and Technology Policy’s submission of a report on the status of international coordination and development of orbital debris mitigation strategies to be inconsistent with such risks.

(b) Reports.—

(1) Coordination.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of efforts to coordinate with foreign countries within the Inter-Agency Space Debris Coordination Committee to mitigate the effects and growth of orbital debris under section 1208(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 14411(b)(1)).

(2) Mitigation Strategy.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to the appropriate committees of Congress a report on the status of the orbital debris mitigation strategy required under section 1202(b)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 14411(b)(2)).

SEC. 840. REVIEW OF ORBITAL DEBRIS REMOVAL CONCEPTS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) orbital debris in low-Earth orbit poses significant risks to spacecraft;

(2) such orbital debris may increase due to collisions between existing debris objects; and

(3) understanding options to address and remove orbital debris is important for ensuring safe and effective spacecraft operations in low-Earth orbit.

(b) Review.—

(1) In General.—Not later than 270 days after the date of enactment of this Act, the Administrator—

(A) in collaboration with the heads of other relevant Federal agencies, shall solicit and review concepts and options for removing orbital debris from low-Earth orbit; and

(B) shall submit to the appropriate committees of Congress a report on the solicitation and review of such concepts and options, including recommendations for the best options for decreasing the risks associated with orbital debris.

(2) Requirements.—The solicitation and review under paragraph (1) shall address the requirements for and feasibility of developing and implementing each of the options.

SA 5181. Mr. PORTMAN (for Mr. KIRK) proposed an amendment to the bill S. 1168, to amend title XVIII of the Social Security Act (42 U.S.C. 1395ww) (j) is amended—

(1) by redesigning paragraph (8) as paragraph (9); and

(b) inserting after paragraph (9) the following new paragraph:

“(8) Study and report relating to the costs incurred by, and the Medicare payments made to, rehabilitation innovation centers.—

“(A) Study.—The Secretary shall conduct a study to assess the costs incurred by rehabilitation innovation centers as defined in subparagraph (C) that are beyond the prospective rate for each of the following activities:

(1) Furnishing items and services to individuals under this title.

(2) Conducting research.

(3) Providing medical training.

(B) Report.—Not later than July 1, 2019, the Secretary shall submit to Congress a report containing the results of the study under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(C) Rehabilitation innovation center defined.—

“(1) In general.—In this paragraph, the term ‘rehabilitation innovation center’
means a rehabilitation facility that, determined as of the date of the enactment of this paragraph, is described in clause (ii) or clause (iii).'

"(ii) NOT-FOR-PROFIT.—A rehabilitation facility described in this clause is a facility that—

"(I) is classified as a not-for-profit entity under the IRF Rate Setting File for the correction Notice for the Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2012 (78 Fed. Reg. 59255);

"(II) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury, spinal cord injury, or stroke rehabilitation research from the Rehabilitation Research and Training Centers or the Rehabilitation Engineering Research Center at the National Institute on Disability and Rehabilitation Research at the Department of Education, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

"(III) has a minimum Medicare case mix index of 1.1144 for fiscal year 2012 according to the IRF Rate Setting File described in subparagraph (A);

"(IV) had at least 300 Medicare discharges or at least 200 Medicaid discharges in a prior year as determined by the Secretary.

"(b) GOVERNMENT-OWNED.—A rehabilitation facility described in this clause is a facility that—

"(I) is classified as a Government-owned institution under the IRF Rate Setting File described in clause (ii);

"(II) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury, spinal cord injury, or stroke rehabilitation research from the Rehabilitation Research and Training Centers, the Rehabilitation Engineering Research Center, or the Model Spinal Cord Injury Systems at the National Institute on Disability and Rehabilitation Research at the Department of Education, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

"(III) has a minimum Medicare case mix index of 1.1144 for fiscal year 2012 according to the IRF Rate Setting File described in clause (ii); and

"(IV) has a Medicare disproportionate share hospital (DSH) percentage of at least 0.6300 according to the IRF Rate Setting File described in clause (ii).

SA 5182. Mr. PORTMAN (for Mr. INHOFE (for himself and Mr. BLUMENTHAL)) proposed an amendment to the bill S. 3021, 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the "Veterans Educational Improvement Act of 2016" or "VEI Act of 2016".

SEC. 2. AUTHORIZATION FOR USE OF POST-9/11 EDUCATIONAL ASSISTANCE TO PURCHASING INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.

Paragraph (4) of section 3680A(a) of title 38, United States Code, is amended to read as follows:

"(4) any independent study program except—

"(A) with respect to enrollments occurring during the period beginning on the date of the enactment of the Veterans Education Improvement Act of 2016 and ending on September 30, 2016, an independent study program (including open circuit television) that—

"(i) is accredited by a nationally recognized accrediting agency; and

"(ii) leads—

"(I) to a vocationally beneficial degree; or

"(II) to a certificate that reflects educational attainment offered by an institution of higher learning.

SEC. 3. APPROVAL OF COURSES OF EDUCATION AND TRAINING FOR PURPOSES OF THE VETERANS EDUCATIONAL REHABILITATION PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3104(b) of title 38, United States Code, is amended—

"(1) by inserting ''(1)'' before ''A rehabilitation'';

"(2) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), to the maximum extent practicable, a course of education or training may be pursued by a veteran under section 3 of the Rehabilitation Act of 2017 (20 U.S.C. 1020(c)), that provides education at the postsecondary level; or

"(B) with respect to enrollments occurring during the period beginning on the date of the enactment of the Veterans Education Improvement Act of 2016 and ending on September 30, 2016, an independent study program (including open circuit television) leading—

"(i) to a vocational education degree; or

"(ii) to a certificate that reflects educational attainment offered by an institution of higher learning.

SEC. 4. AUTHORITY TO PRIORITIZE VOCATIONAL REHABILITATION SERVICES BASED ON NEED.

Paragraph 3104 of title 38, United States Code, as amended by section 3, is further amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall have the authority to administer this chapter by prioritizing the provision of services under this chapter based on need, as determined by the Secretary.

"(2) In evaluating need for purposes of this subsection, the Secretary shall consider disability ratings, the severity of employment handicaps, qualification for a program of independent living, personal living skills, independence, income, and such other factors as the Secretary considers appropriate.

"(3) Not later than 90 days before making any changes to the prioritization of the provision of services under this chapter as authorized under paragraph (1), the Secretary shall submit to Congress a plan describing such changes.

SEC. 5. CODIFICATION AND IMPROVEMENT OF ELECTED ENTITLEMENT FOR POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 38, United States Code, is amended—

"(1) by redesignating section 3323 as section 3326, and

"(2) by inserting after section 3324 the following new section 3325:

``3325. Election to receive educational assistance.

"(a) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under this chapter if such individual—

"(1) as of August 1, 2009—

"(A) is entitled to basic educational assistance under chapter 30 of this title and has not used any entitlement under that chapter;

"(B) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10 and has not used any entitlement under that chapter;

"(C) is entitled to basic educational assistance under chapter 30 of this title but has not used any entitlement under that chapter;

"(D) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10 but has not used any entitlement under that chapter;

"(E) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of this title and is making contributions toward such assistance under section 301(b) or 301(c) of this title; or

"(F) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of this title by reason of an election under section 301(c)(1) or 301(d)(1) of this title; and

"(2) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under this chapter.

"(b) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning after the date of the individual's election under subsection (a) of an individual described by paragraph (1)(E) of that subsection, the obligation of the individual to contribute under section 301(b) or 301(c) of this title, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

"(c) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—(1) ELECTION TO REVOKE.—If, on the date an individual described in paragraph (1)(A) or (1)(C) of subsection (a) makes an election under that subsection, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of this title is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

"(2) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for entitlement under chapter 33 of this title in accordance with the provisions of this section.

"(3) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph (1) that is not revoked by an individual in accordance with that paragraph..."
shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of this title.

(d) EDUCATIONAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2) and except as provided in subsection (e), an individual entitled to educational assistance under chapter 30 of this title, or educational assistance under chapter 1606, 1607 of title 10, as applicable, is entitled to increased educational assistance to which an individual making an alternative election under paragraph (1) shall be chargeable at the time of the election, is entitled to increased educational assistance under section 3015(d)(1) of this title, or section 16131(i) of title 10, or supplemental educational assistance under subchapter III of chapter 30 of this title, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under this chapter, in an amount equal to the quarter, semester, or term, as applicable, plus the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

"(2) TIMING OF PAYMENT.—The amount payable with respect to an individual under paragraph (1) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of that section (as applicable), before the exhausion of the individual's entitlement to educational assistance under this chapter.

"(3) TIMING OF PAYMENT.—In the event educational assistance to which an individual entitled to educational assistance under this chapter at the time of the election, is entitled to increased educational assistance under section 3015(d)(1) of this title, or section 16131(i) of title 10, or supplemental educational assistance under subchapter III of chapter 30 of this title, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under this chapter, in an amount equal to the quarter, semester, or term, as applicable, plus the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election, is entitled to increased educational assistance under section 3015(d)(1) of this title, or section 16131(i) of title 10, or supplemental educational assistance under subchapter III of chapter 30 of this title, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under this chapter, in an amount equal to the quarter, semester, or term, as applicable, plus the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

"(4) NOTICE.—If the Secretary makes an election on behalf of an individual under this subsection, the Secretary shall notify the individual by not later than seven days after making such election and shall provide the individual with a 30-day period, beginning on the date of receipt of such notice, during which the individual may modify or revoke the election made by the Secretary on the individual's behalf. The Secretary shall make available to the individual, as part of such notice, a clear statement of why the alternative election made by the Secretary is in the best interests of the individual as compared to the election submitted by the individual. The Secretary shall provide the notice required under this paragraph by electronic means whenever possible.

"(5) UNRESOLVED ELECTIONS.—An election under subsection (a) or (c)(1) is irrevocable.

(b) CLEANCASE AMENDMENT.—The table of sections at the beginning of each chapter is amended by striking the item relating to section 3325 of this title, and all that follows through the colon and inserting the following new section:

"3327. Report on student progress. As a condition on approval under chapter 36 of this title of a course offered by an educational institution (as defined in section 3452 of this title), each year, each educational institution (as so defined) that received a payment in that year on behalf of an individual entitled to educational assistance under this chapter shall submit to the Secretary such information regarding the academic progress of the individual as the Secretary may require.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of each chapter, as amended by section 5, is further amended by adding at the end the following new section:

"3327. Report on student progress."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 7. RETENTION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE DURING CERTAIN ADDITIONAL PERIODS OF ACTIVE DUTY.

(a) EDUCATIONAL ASSISTANCE ALLOWANCE.—Section 1631(c)(3)(B)(i) of title 10, United States Code, is amended by striking "or 1230, 1230a, or 1230b" and inserting "1230, 1230a, or 1230b".

(b) EXPIRATION DATE.—Section 1631(b)(4) of such title is amended by striking "or 1230, 1230a, or 1230b" and inserting "1230, 1230a, or 1230b".

SEC. 8. REPORTS ON PROGRESS OF STUDENTS RECEIVING POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Chapter 33 of title 38, United States Code, as amended by section 5, is further amended—

(1) in subsection 3326(c), as redesignated—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph (3):

"(3) the information received by the Secretary under section 3327 of this title; and"

and

(2) by adding at the end the following new section:


"As a condition on approval under chapter 36 of this title of a course offered by an educational institution (as defined in section 3452 of this title), each year, each educational institution (as so defined) that received a payment in that year on behalf of an individual entitled to educational assistance under this chapter shall submit to the Secretary such information regarding the academic progress of the individual as the Secretary may require.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of each chapter, as amended by section 5, is further amended by adding at the end the following new section:

"3327. Report on student progress."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 9. CENTRALIZED REPORTING OF VETERAN ENROLLMENT BY CERTAIN GROUPS, DISTRICTS, AND CONSORTIUMS OF EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 3688(a)(1) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "32, 33, " after "31, "; and

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

"(4) For purposes of this subsection, the term 'educational institution' may include a group, district, or consortium of separately accredited educational institutions located in the same State that are organized in a manner that facilitates the centralized reporting of the enrollment of the group, district, or consortium of institutions.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to reports submitted on or after the date of the enactment of this Act.

SEC. 10. ROLE OF STATE APPROVING AGENCIES.

(a) APPROVAL OF CERTAIN COURSES.—Section 3692(a)(1) of title 38, United States Code, is amended by striking "the following" and all that follows through the colon and inserting the following: "a program of education is deemed to be approved for purposes of this chapter if a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the program is one of the programs.

(b) APPROVAL OF OTHER COURSES.—Section 3675 of such title is amended—
(1) In subsection (a)(1)—
   (A) by striking “The Secretary or a State approving agency” and inserting “A State approving agency, or the Secretary when acting in the role of a State approving agency,”; and
   (B) by striking “offered by proprietary for-profit educational institutions” and inserting “owned or controlled by section 3672 of this title”;

(2) In subsection (b)—
   (A) in the matter before paragraph (1), by striking “the role of a State approving agency,”; and
   (B) by inserting “the Secretary or the State approving agency” and inserting “the State approving agency, or the Secretary when acting in the role of a State approving agency”.

SEC. 11. MODIFICATION OF REQUIREMENTS FOR APPROVAL OF PROGRAMS DESIGNED TO PREPARE INDIVIDUALS FOR LICEN- Sure or Certification.

(a) Approval of Nonaccredited Courses.—Subsection (c) of section 3676 of title 38, United States Code, is amended—
   (1) by redesignating paragraph (14) as paragraph (16); and
   (2) by inserting after paragraph (13) the following new paragraph:

   “(14) In the case of a course designed to prepare an individual for licensure or certification in a State, the course—

   (A) meets all instructional curriculum licen-
   sure or certification requirements of such
   State; and

   (B) in the case of a course designed to prepare
   an individual for licensure to practice law
   in a State, is accredited by an accred-
   iting agency or association recognized by
   the Secretary of Education under subpart 2
   of part H of title IV of the Higher Education

   (15) In the case of a course designed to prepare
   an individual for employment pursuant
   to standards developed by a board or
   agency of a State in an occupation that
   requires approval, licensure, or certification,
   the course—

   (A) meets such standards; and

   (B) in the case of a course designed to prepare
   an individual for licensure to practice law
   in a State, is accredited by an accred-
   iting agency or association recognized by
   the Secretary of Education under subpart 2
   of part H of title IV of the Higher Education
   Act of 1965 (20 U.S.C. 1099b).”;

(b) Exceptions.—Such section is further amended by adding at the end the following new subsection:

   “(1) The Secretary may waive the requirements of paragraph (14) or (15) of subsection (c) in the case of a course of education offered by an educational institution (either public or private) that the Secretary determines all of the following:

   (A) The educational institution is not accredit-
   ed by an agency or association recog-
   nized by the Secretary of Education.

   (B) The course did not meet the require-
   ments of such paragraph at any time during
   the two-year period preceding the date of
   the waiver.

   (C) The waiver furthers the purposes of the educational assistance programs admin-
   istered by the Secretary or would further the educational assistance for individuals eligible for
   assistance under such programs.

   (D) The educational institution does not provide any commission, bonus, or other in-
   centive directly or indirectly on success in securing enrollments or financial
   aid to any persons or entities engaged in

any student recruiting or admission activi-
   ties or in making decisions regarding the
   award of student financial assistance, except for
   the recruitment of foreign students residing
   in foreign countries who are not eligible to
   receive Federal student assistance.

   “(2) Not later than 30 days after the date on
   which the Secretary issues a waiver under
   paragraph (1), the Secretary shall submit to
   Congress notice of such waiver and a jus-
   tification for issuing such waiver.”;

(c) Approval of Accredited Courses.—Section 3676(b) of such title is amended—
   (1) by striking “(1)” and inserting “(2)”;
   (2) by striking “(4)” and inserting “(3)”;
   (3) in subparagraph (A) of paragraph (4), by striking “the arrangement” and inserting “an arrangement”;
   (4) in paragraph (5), by striking “approved by paragraph (2)” and inserting “approved by paragraph (3)”;
   (5) in paragraph (6), by striking “(A)” and inserting “(B)”;
   (6) by striking “(4)” and inserting “(3)”;
   (7) by striking “section 3693” and inserting “section 3693(b)”;
   (8) by striking “(1)” and inserting “(2)”;
   (9) by adding at the end the following new subparagraph:

   “(C) The Secretary issues a waiver for such course under section 3676(f)(1) of this title.”;

(d) Approval of Accredited Standard College Degree Programs Offered at Public or Not-for-Profit Educational Institutions.—Section 3672(b)(2) of such title is amended—
   (1) in subparagraph (A)(i), by striking “an accredited course” and inserting “an approved course”;
   (2) by adding at the end the following new subparagraph:

   “(C) A course that is described in both sub-
   paragraphs (14) and (15) and that meets the applicable criteria in such para-
   graphs; or

   (ii) section 3693 of this title un-
   less the educational institution providing
   the course of education—

   (1) publicly discloses any conditions or ad-
   ditional requirements, including training, experience, or examinations, required to ob-
   tain the license, certification, or approval for
   which the course of education is designed to
   provide preparation; and

   (2) makes each disclosure required by
   paragraph (1) in a manner that the Secretary
   considers prominent (as specified by the Sec-
   retary in regulations prescribed for purposes
   of this subsection).”;

(i) Applicability.—If after enrollment in a course of education that is subject to dis-
   approval by reason of an amendment made
   by this Act, an individual pursues one or
   more courses of education at the same edu-
   cational institution while remaining con-
   tinuously enrolled (other than during regu-
   larly scheduled breaks between courses, se-
   mesters, or terms) at that institution, any
   course pursued by the individual at that
   institution while so continuously enrolled
   shall not be subject to disapproval by reason
   of such amendment.

SEC. 12. COMPLIANCE SURVEYS.

(a) In General.—Section 3693 of title 38, United States Code, is amended—
   (1) by striking subsection (a) and inserting the following new subsection:

   “(a)(1) Establishment.—The Secretary shall conduct an annual compliance survey of educational institu-

   tions and training establishments offering one or more courses approved for the enroll-
   ment of eligible veterans or persons if at least 20 such veterans or persons are enrolled in
   such course.

   (2) The Secretary shall—

   “(A) design the compliance surveys re-
   quired by paragraph (1) to ensure that such
   institutions or establishments described in
   such paragraph, as the case may be, and
   approved courses are in compliance with all
   applicable provisions of chapters 30 through 36 of
   this title:

   “(B) survey each such educational institu-
   tion and training establishment not less than
   once during every five years, and

   “(C) assign not fewer than one education
   assistance specialist to work on compliance
   surveys in any year for each 40 compliance
   surveys required to be made under this sec-
   tion for such year.

   “(3) The Secretary, in consultation with the
   State approving agencies, shall—

   “(A) annually determine the parameters of
   the surveys required under paragraph (1); and

   “(B) not later than September 1 of each year, make available to the State approving
   agencies a list of the educational institutions and training establishments that will be
   surveyed during the fiscal year following the date the making of such lists; and

   (2) by adding at the end the following new subsection:

   “(c) In this section, the terms ‘educational
   institution’ and ‘training establishment’ have the meanings given such terms in
   section 3652 of this title.”;

(b) Conforming Amendments.—Subsection (b) of such section is amended—
   (1) by striking ‘subsection (a) of this sec-
   tion for an annual compliance survey’ and inserting ‘subsection (a)(1) for a compliance
   survey’;

   (2) by striking ‘institution’ and inserting
   ‘educational institution or training establish-
   ment’; and

   (3) by striking ‘institution’s demonstrated
   record of compliance’ and inserting ‘record
   of compliance of such institution or estab-
   lishment’.

SEC. 13. TECHNICAL AMENDMENT RELATING TO IN-STATE TUITION RATE FOR IN-STATE STUDENTS WHO ARE TRANSFERRED UNDER ALL-VOLUN-
TER FORCE EDUCATIONAL ASSISTANCE PROGRAM—9/11 EDUCATIONAL ASSISTANCE.

(a) Technical Amendment.—Subparagraph (b) of section 3676(c)(2) of title 38, United States Code, is amended—
   (1) in subsection (a), by striking “(1)” and inserting “(2)”;

(b) (2) by striking “institution” and inserting
   “educational institution or training establish-
   ment”;

(c) by striking “institution’s demonstrated
   record of compliance” and inserting “record
   of compliance of such institution or estab-
   lishment”.

SEC. 14. AUTHORITY OF DIRECTORS OF VETER-
ANS INTEGRATED SERVICE NETWORK TO INVESTIGATE MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—The Director of a Vet-
erns Integrated Service Network of the De-
artment of Veterans Affairs may contract
with an appropriate entity specializing in ci-
vilian accreditation or health care evalua-
tion to investigate any medical center with-
in the network that is not in compliance with
any of the requirements of this section.

(b) Authority.—The Director shall submit to the Congress a report—
   (1) describing such activities and the
   results thereof;

   (2) identifying any medical center or estab-
   lishment that is not in compliance with
   any of the requirements of this section;

   (3) establishing an action plan to ensure
   that such medical center or estab-
   lishment is in compliance with all such
   requirements; and

   (4) describing any additional resources
   or authorities that the Director deems
   necessary to carry out the provisions of
   this section.

December 9, 2016
CONGRESSIONAL RECORD — SENATE
SA 5183. Mr. PORTMAN (for Mr. THUNE) proposed an amendment to the bill H.R. 710, to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARD PROGRAM IMPROVEMENTS AND ASSESSMENT.

(a) CREDENTIAL IMPROVEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall, consistent with section 70165 of title 46, United States Code, to improve the Transportation Security Administration’s process for vetting individuals with access to secure port facilities from conducting any review, audit, evaluation, or inspection regarding a topic for which a review is conducted under subsection (a); or

(2) TO ADDRESS CONSTRUCTION.—Nothing in this section may be construed—

(A) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection conducted by the Inspector General of the Department.

(b) COMPREHENSIVE SECURITY ASSESSMENT OF THE TRANSPORTATION SECURITY CARD PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date on which the assessment is completed, shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) responds to findings of the assessment;

(B) includes an implementation plan with benchmarks;

(C) may include programmatic reforms, revisions to regulations, or proposals for legislation; and

(D) shall be considered in any rulemaking by the Department of Homeland Security relating to the Program.

(c) INSPECTOR GENERAL REVIEW.—If a corrective action plan is submitted under subsection (c), the Inspector General of the Department of Homeland Security shall—

(1) not later than 120 days after the date of such submission, review the extent to which such plan implements the requirements under subsection (c); and

(2) not later than 18 months after the date of such submission, and annually thereafter for 3 years, submit a report to Congress that evaluates the implementation of such plan.

SA 5184. Mr. PORTMAN (for Mr. BARRASSO) proposed an amendment to the bill S. 1776, to enhance tribal road safety, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tribal Infrastructure and Roads Enhancement and Safety Act” or the “TIRES Act.”

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

SEC. 3. APPLICATION OF CATEGORICAL EXCLUSIONS TO CERTAIN TRIBAL TRANSPORTATION FACILITIES.

(a) DEFINITION OF TRIBAL TRANSPORTATION SAFETY PROJECT.—In this section, the term “tribal transportation safety project” means a project described in paragraph (2) that is eligible for funding under section 222 of title 23, United States Code, and that—

(A) corrects or improves a hazardous road location or feature; or

(B) addresses a highway safety problem.

(b) PROJECTS DESCRIBED.—A project described in this paragraph is a project for 1 or more of the following:

(1) An intersection safety improvement.

(2) A pavement and shoulder widening (including the addition of a passing lane to remedy an unsafe condition).

(3) Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.

(4) Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.

(5) An improvement for pedestrian or bicyclist safety or the safety of persons with disabilities.

(6) Construction and improvement of a railway-highway grade crossing safety feature, including the installation of protective devices.

(7) The conduct of a model traffic enforcement activity at a railway-highway crossing.

(8) Construction of a traffic calming feature.

(9) Elimination of a roadside hazard.
SA 5185. Mr. PORTMAN (for Mr. KING) proposed an amendment to the bill H.R. 4245, to exempt exportation of certain echinoderms and mollusks from licensing requirements under the Endangered Species Act of 1973; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED EXPORTATION OF CERTAIN SPECIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service (referred to in this section as the “Director”) shall issue a proposed rule making the decision.

(b) EXEMPTIONS.—

(1) IN GENERAL.—As part of the rulemaking under subsection (a), subject to paragraph (2), the Director may provide an exemption from the requirement to procure—

(A) a permit or license; or

(B) an export license under subpart I of part 14 of title 50, Code of Federal Regulations.

(2) LIMITATIONS.—The Director shall not provide an exemption under paragraph (1) unless the Director determines that the exemption will not have a significant negative impact on the conservation of the species that is the subject of the exemption; or

(B) to an entity that has been convicted of a violation of a Federal law relating to the importation, transportation, or exportation of fish described in subsection (c).

SEC. 2. PROGRAMMATIC AGREEMENTS FOR CATHERGICAL EXCLUSIONS.

(a) IN GENERAL.—The Secretary shall enter into programmatic agreements with Indian tribes that establish efficient administrative procedures for processing categorical exclusions identified under paragraphs (1) and (2).

(b) COVERED FISH OR WILDLIFE.—The fish or wildlife described in this subsection are the species commonly known as sea urchins and sea cucumbers (including any product of a sea urchin or sea cucumber) that—

(1) do not require a permit under title 16, 17, or 23 of title 50, Code of Federal Regulations; and

(2) are exported for purposes of human or animal consumption.

SA 5186. Mr. PORTMAN (for Mr. GARDNER (for himself and Mr. PETERS)) proposed an amendment to the bill S. 360, to invest through research and development, and to improve the competitiveness of the United States; as follows:

(J) Installation, replacement, and other improvements of highway signage and pavement markings or a project to maintain minimum levels of retroreflectivity that addresses a highway safety problem consistent with a State strategic highway safety plan.

(K) Installation of a priority control system for emergency vehicles at signalized intersections.

(L) Installation of a traffic control or other warning device at a location with high crash potential.

(M) Transportation safety planning.

(N) Collection, analysis, and improvement of safety data.

(O) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zones.

(P) Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.

(Q) The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.

(R) Yellow-green signal and pedestrian crossing islands.

(S) Construction and operational improvements of a rural road as defined in section 1507(a)(1) of title 23, United States Code.

(T) Geometric improvements to a road for the purposes of safety improvement.

(U) The date of the act.

(V) Roadway safety infrastructure improvements consistent with the recommendations included in the publication of the Federal Highway Administration entitled “Handbook for Designing Roadways for the Aging Population” (FHWA-SA-04-015), dated July 2014 (or a revised or updated publication).

(W) Truck parking facilities eligible for funding under section 1401 of MAP-21 (23 U.S.C. 137 note; Public Law 112-141).

(X) X-system safety improvements.

(Y) Installation of vehicle-to-infrastructure communication equipment.

(Z) Pedestrian hybrid beacons.

(AA) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossings.

(BB) A physical infrastructure safety project not described in subparagraphs (A) through (Z).

(b) NEW CATEGORICAL EXCLUSIONS.—

(1) REVIEW OF EXISTING CATEGORICAL EXCLUSIONS.—The Secretary shall review the categorical exclusions under section 711.177 of title 23, Code of Federal Regulations (or successor regulations), to determine which, if any, are applicable for use by the Secretary in reviewing projects eligible for assistance under section 202 of title 23, United States Code.

(2) REVIEW OF TRIBAL TRANSPORTATION SAFETY PROJECTS.—The Secretary shall review the categorical exclusions identified under paragraphs (1) and (2).

(3) PROPOSAL.—The Secretary shall issue a proposed rule, in accordance with sections 1507.3 and 1508.4 of title 40, Code of Federal Regulations, to propose any categorical exclusions identified under paragraphs (1) and (2).

(4) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate a final rule for the categorical exclusions in accordance with section 1507.3 and 1508.4 of title 40, Code of Federal Regulations.
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE: TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "American Innovation and Competitive-ness Act".
(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—MAXIMIZING BASIC RESEARCH

Sec. 101. Reaffirmation of merit-based peer review.
Sec. 102. Transparency and accountability.
Sec. 103. Evidence and program evaluation.
Sec. 104. Cybersecurity research.
Sec. 105. Networking and Information Technology Research and Development Update.
Sec. 106. Physical sciences coordination.
Sec. 107. Laboratory program improvements.
Sec. 108. Standard Reference Data Act update.
Sec. 109. NSF mid-scale project investments.
Sec. 110. Oversight of NSF major multi-user research facility projects.
Sec. 111. Personnel oversight.
Sec. 112. Management of the U.S. Antarctic Program.
Sec. 113. NIST campus security.
Sec. 114. Coordination of sustainable chemistry research and development.
Sec. 115. Misrepresentation of research results.
Sec. 116. Research reproducibility and replication.
Sec. 117. Brain Research through Advancing Innovative Neurotechnologies (BRAIN) Initiative.

TITLE II—ADMINISTRATIVE AND REGULATORY BURDEN REDUCTION

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Sec. 312. Developing STEM apprenticeships.
Sec. 313. NSF report on broadening participation.
Sec. 314. NOAA science education programs.
Sec. 315. Hispanic-serving institutions undergraduate program update.

TITLE IV—LEVERAGING THE PRIVATE SECTOR

Sec. 401. Prize competition authority update.
(B) by striking “education,” and inserting “education”; (2) in paragraph (2), by striking “with 27 States” and all that follows through “and inserting ‘with 26 States and jurisdictions, taken together, receiving only about 12 percent of all National Science Foundation research funding’;” (3) by striking paragraph (3) and inserting the following: “(3) of the States described in paragraph (2) receives only a fraction of 1 percent of the Foundation’s research dollars each year;”; and (4) by adding at the end the following: “(4) the Program shall— (A) to more closely align with current science and technology human resource development, achieved by the program over the last 5 fiscal years; (B) improve communication between State and Federal agency proposal reviewers; and (C) to continue to reduce administrative burdens associated with EPSCoR;” (2) consider modifications to EPSCoR award structure— (A) emphasize long-term investments in building the Experimental Program to Stimulate Competitive Research; (B) to allow the agency, States, and jurisdictions to evaluate new research and development funding models; and (C) consider modifications to the mechanisms used to monitor and evaluate EPSCoR awards— (A) to increase collaboration between EPSCoR-funded researchers and agency staff, including by providing opportunities for mentoring young researchers and for the use of Federal facilities; (B) to identify and disseminate best practices; and (C) to harmonize metrics across participating Federal agencies, as appropriate.”. (d) REPORTS.— (1) CONGRESSIONAL REPORTS.—Section 517 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 16629–p), as amended, is further amended— (A) by striking subsection (c); (B) by redesigning subsections (d) through (g) as subsections (c) through (f), respectively; (C) in subsection (c), as redesignated— (i) in paragraph (1), by striking “Experimental Programs to Stimulate Competitive Research” and inserting “EPSCoR”; and (ii) in paragraph (2), by striking “EPSCoR and Federal EPSCoR-like programs” and inserting “each EPSCoR”; (D) in paragraph (3), by striking “EPSCoR and Federal EPSCoR-like programs” and inserting “each EPSCoR”; (E) in paragraph (4), by striking “EPSCoR or Federal EPSCoR-like programs” and inserting “each EPSCoR”; and (F) by adding a new subsection (d), as redesignated, to read as follows: “(d) FEDERAL AGENCY REPORTS.—Each Federal agency that administers an EPSCoR program shall submit, as part of its Federal budget submission— (1) a description of the program strategy and objectives; (2) a description of the awards made in the previous fiscal year, including— (A) the total amount made available, by State, under EPSCoR; (B) the total amount of agency funding made available to all institutions and entities within each EPSCoR State; (C) the efforts and accomplishments to more fully integrate the EPSCoR States in major agency activities and initiatives; (D) the percentage of EPSCoR reviewers from EPSCoR States; and (E) the number of programs or large collaborator awards involving a partnership of organizations and institutions from EPSCoR and non-EPSCoR States; and (3) an analysis of the gains in academic research quality and competitiveness, and in science and technology human resource development, achieved by the program over the last 5 fiscal years. (E) in subsection (c)(1), as redesignated, by striking “Experimental Program to Stimulate Competitive Research or a program similar to the Established Program to Stimulate Competitive Research” and inserting “EPSCoR.”. (2) RESULTS OF AWARD STRUCTURE PLAN.— Not later than 1 year after the date of enactment of this Act, the EPSCoR Interagency Coordinating Committee shall brief the appropriate committees on the updates made to the award structure under section 517(f) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 16629–q(3)), as amended by this subsection. (e) DEFINITION OF EPSCoR.— (1) IN GENERAL.—Section 502 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 16629–q) is amended by adding paragraph (2) to read as follows: “(2) EPSCoR.—The term ‘EPSCoR’ means— (A) the Established Program to Stimulate Competitive Research established by the Foundation; or (B) a program similar to the Established Program to Stimulate Competitive Research at another Federal agency.”. (2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 113 of the National Science Foundation Authorization Act of 1996 (42 U.S.C. 16629) is amended— (A) in the heading, by striking “EXPERIMENTAL” and inserting “ESTABLISHED”; (B) in subsection (a), by redesignating “a program to Stimulate Competitive Research” and inserting “‘Established Program to Stimulate Competitive Research’ and” and inserting “a program to stimulate competitive research (known as the Established Program to Stimulate Competitive Research’);” and (C) in subsection (b), by striking “‘the program and” and inserting “‘the Program’. “SEC. 104. CYBERSECURITY RESEARCH. (a) FOUNDATION CYBERSECURITY RESEARCH.—Section 4(a)(1) of the Cyber Security Research and Development Act, as amended (15 U.S.C. 7401(a)(1)) is amended— (1) in subparagraph (O), by striking “and” at the end; (2) in subparagraph (P), by striking the period at the end and inserting a semicolon; and (3) by adding at the end the following: “(Q) security of election-dedicated voting system software and hardware; and “(R) role of the human factor in cybersecurity and the interplay of computers and humans and the physical world.”. (b) NIST CYBERSECURITY PRIORITIES.— (1) CRITICAL INFRASTRUCTURE AWARENESS.— The Director of NIST shall continue to raise public awareness of the vulnerability, industry- related security, and remediation practices for critical infrastructure developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272c(15)) and shall— (i) assess the status of Federal government cyber security efforts and Advancement Act of 1995 (Public Law 104–113, 110 Stat. 775), for a secure and efficient transition to the standards under clause (i). (2) FEDERAL INFORMATION SYSTEMS SECURITY.— Section 20 of that Act (15 U.S.C. 278h–3), the Director of NIST shall— (A) research information systems for future cybersecurity needs; and (B) coordinate with relevant stakeholders to develop a process— (i) to research and identify or, if necessary, develop cryptography standards and guidelines for future cybersecurity needs, including quantum-resistant cryptography standards; and (ii) to provide recommendations to Congress, Federal agencies, and industry consistent with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113, 110 Stat. 775), for a secure and efficient transition to the standards under clause (i). (3) FEDERAL INFORMATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 20(d)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(c)(3)) is amended to read as follows:
“(3) conduct research and analysis—
   (A) to determine the nature and extent of information security vulnerabilities and techniques for providing cost-effective information security; and
   (B) to review and determine prevalent information security challenges and deficiencies identified by agencies or the Institute, including any challenges or deficiencies described in any of the annual reports under section 3553 or 3554 of title 44, United States Code, and in any of the reports and the independent evaluations under section 3555 of that title, that may undermine the effectiveness of agency information security programs and procedures;
   (C) to evaluate the effectiveness and sufficiency of, and challenges to, Federal agencies’ implementation of standards and guidelines developed under this section and policies and standards promulgated under section 11331 of title 40, United States Code;”.

(4) VOTING.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—
   (A) by redesignating paragraphs (16) through (23) as paragraphs (17) through (24), respectively; and
   (B) by inserting after paragraph (15) the following:
   “(16) perform research to support the development and use of industry-led standards and recommendations on the security of computers, computer networks, and computer data storage used in electronic voting systems so that voters can vote securely and privately.”.

SEC. 105. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT UPDATE

(a) SHORT TITLE.—This section may be cited as the “Networking and Information Technology Research and Development Modernization Act of 2016”.

(b) FINDINGS.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by—
   (1) in paragraphs (2) and (5), by striking “high-performance computing” and inserting “networking and information technology”; and
   (2) in paragraph (3), by striking “high-performance computing” and inserting “networking and information technology, including high-performance computing.”;

(c) PURPOSES.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—
   (1) in the matter preceding paragraph (1), by striking “high-performance computing and information technology” and inserting “networking and information technology”;
   (2) in paragraph (1)—
      (A) in the matter preceding subparagraph (A), by striking “expanding Federal support for research, development, and application of high-performance computing” and inserting “supporting Federal research, development, and application of networking and information technology”;
      (B) in subparagraph (A), by striking “high-performance computing” both times it appears and inserting “networking and information technology”;
      (C) by striking subparagraphs (C) and (D);
      (D) by inserting after subparagraph (B) the following:
      “(C) stimulate research and promote more rapid development of high-end computing systems software and applications software developed by universities, Federal laboratories, academia, and nonprofit organizations;”;
   (3) in paragraphs (2) and (5), by redesigning paragraphs (1), (2), (4), (6), and (7) as paragraphs (2), (3), (5), (8), and (9), respectively;
   (4) by inserting after paragraph (2), as redesignated, the following:
      “(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical functions are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to enable safe and effective, real-time performance in safety-critical and other applications;”;
   (5) by inserting after paragraph (3), as redesignated, the following:
      “(4) ‘high-end computing’ means the most advanced and capable computing systems, including their hardware, storage, networking and software, encompassing both massive computational capability and large-scale data analytics to solve computational problems of national importance that are beyond the capability of small- to medium-scale systems, including computing formerly known as high-performance computing;”;
   (6) by inserting after paragraph (5), as redesignated, the following:
      “(6) ‘networking and information technology’ means high-end computing, communications, and information technologies, high-capacity and high-speed networks, special purpose systems, and systems and systems and system software and applications software, and the management of large data sets;”.

(d) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—
   (1) by striking paragraphs (3) and (5); and
   (2) by redesigning paragraphs (1), (2), (4), (6), and (7) as paragraphs (2), (3), (5), and (8), respectively;


   (1) in the section heading, by striking “NA- TIONAL HIGH-PERFORMANCE COMPUTING PROGRAM” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM”;
   (2) in subsection (a)—
      (A) in the subsection heading, by striking “NA- TIONAL HIGH-PERFORMANCE COMPUTING PROGRAM” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM”;
      (B) in paragraph (1)—
         (i) in the matter preceding subparagraph (A), by striking “National High-Performance Computing Program” and inserting “Network- ing and Information Technology Research and Development Program”;
         (ii) in subparagraph (A), by striking “high-performance computing, including net- works and software” and inserting “networking and information technology”;
         (iii) in subparagraphs (B) and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;
         (iv) in paragraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”;
   (v) by amending subparagraph (D) to read as follows:
      “(D) provide for efforts to increase software security and reliability;”;
   (vi) in subparagraph (H)—
      (I) by inserting “support and guidance” after “provide”; and
      (II) by striking “and” after the semicolon;
   (vii) in subparagraph (I)—
      (i) by striking “improving the security” and inserting “improving the security, reliability, and resilience”; and
      (ii) by striking the period at the end and inserting a semicolon;
   (viii) by adding at the end the following:
      “(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available to the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security;”;
   (K) provide for research and development on human-computer interactions, visualization, and big data;
   (L) provide for research and development on the enhancement of cybersecurity, including the human facets of cyber threats and secure cyber systems;
   (M) provide for the understanding of the science, engineering, policy, and privacy protection related to networking and information technology;
   (N) provide for the transition of high-end computing hardware, system software, development tools, and applications into development and operations; and
   (O) foster public-private collaboration among government, Federal research laborato- ries, academia, and nonprofit organiza- tions to maximize research and development in the areas of networking and information technology, including high-end computing.”;

(g) EXCEPTION.—In paragraph (1)—
   (1) in the matter preceding subparagraph (A), by striking “Federal networking and information technology research, development, education, and other activities”;
   (2) by inserting “high-end” after “the Program”;
   (3) by striking “high-performance computing, including network- ing and information technology” and inserting “high-end computing, networking, and information technology”;

(h) FEDERAL ACTIVITIES.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5506) is amended—
   (1) in paragraph (1), by striking “the agencies participating in the Program to” and inserting “the participating agencies”;
   (2) in paragraph (2), by inserting “high-end” after “the United States;”;
   (3) in paragraph (3), by striking “participating agency” each place it appears and inserting “high-end participating agency”;
   (4) by inserting after paragraph (4), as redesignated, the following:
      “(5) ‘participating agency’ means an agency described in section 101(a)(3)(C);”;
   (5) in paragraph (6), as redesignated, by striking “National High-Performance Computing Program” and inserting “Networking and Information Technology Research and Development Program”;
   (6) in paragraph (8), as redesignated, by striking “cyber-physical systems” and inserting “cyber-physical systems and improve the methods available to the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security;”;
   (7) by inserting “high-end” after “National High-Performance Computing Program” and inserting “Networking and Information Technology Research and Development Program”;
   (8) in paragraph (9), as redesignated, by striking “provide” and inserting “provide for”;
   (9) in paragraph (10), as redesignated, by striking “provide for” and inserting “provide for”;
   (10) in paragraph (11), as redesignated, by striking “improving the security” and inserting “improving the security, reliability, and resilience”; and
   (11) in paragraph (12), as redesignated, by striking “provide” and inserting “provide for”;
   (12) in paragraph (13), as redesignated, by striking “participating agency” and inserting “high-end participating agency”;
   (13) in paragraph (14), as redesignated, by striking “high-performance” and inserting “high-end”;
strategic plans under subsection (e) are developed and executed effectively and that the objectives of the Program are met; and;

(iv) in subparagraph (F), by striking “high-performance” and inserting “high-end”; and

(D) in paragraph (3)—

(i) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E) and (G), respectively;

(ii) by inserting after subparagraph (A) the following:

“(B) provide a detailed description of the nature and scope of research infrastructure designated as such under the Program;”;

(iii) in subparagraph (C), as redesignated—

(I) by amending clause (i) to read as follows:

“(i) the Department of Justice;”;

(II) by redesigning clauses (vii) through (xi) as clauses (viii) through (xii), respectively; and

(III) by inserting after clause (vi) the following:

“(vii) the Department of Homeland Security;”;

and

(iv) by amending clause (viii), as redesignated—

“(ix) the National Archives and Records Administration;”;

(iv) in subparagraph (D), as redesignated—

(i) by striking “submitted,” and inserting “is submitted, the levels for the previous fiscal year;” and

(II) following “each Program Component Area,” and inserting “each Program Component Area and research area supported in accordance with section 102;”;

(v) by amending subparagraph (E), as redesignated, to read as follows:

“(E) describe the levels of Federal funding for each participating agency, and for each Program Component Area, for the fiscal year during which such report is submitted, the levels for the previous fiscal year, and the levels proposed for the fiscal year with respect to which the budget submission applies;”;

and

(vi) by inserting after subparagraph (E), as redesignated, the following:

“(F) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the goals of the Program identified in the strategic plans required under subsection (e); and;

(ii) in section (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking “high-performance computing” both places it appears and inserting “networking and information technology”;

and

(ii) after the first sentence, by inserting the following: “Each chair of the advisory committee shall meet the qualifications of committee membership and may be a member of the President’s Council of Advisors on Science and Technology.”;

(B) in paragraph (1)(D), by striking “high-performance computing, networking technology, and related software” and inserting “networking and information technology”;

and

(C) in paragraph (2)—

(i) in the second sentence, by striking “and” and inserting “and”; and

(ii) by striking “Committee on Science and Technology” and inserting “Committee on Science, Space, and Technology”;

and

(iii) by striking “The first report shall be due within 1 year after the date of enactment of the America COMPETES Act.”;

(4) in subsection (c)(1)(A), by striking “high-performance” and inserting “networking and information technology”;

and

(5) by adding at the end the following:

“(d) Periodic Reviews.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall—

“(1) periodically assess and update, as appropriate, the structure of the Program, including the Program Component Areas and associated components, and funding levels, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

“(2) ensure that the implementation of the Program includes foundational, large-scale, long-term, and interdisciplinary information technology research and development activities, including activities described in section 102.

(e) Strategic Plans.—

(1) IN GENERAL.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall develop and implement strategic plans to guide—

“(A) emerging activities of Federal networking and information technology research and development; and

“(B) the activities described in subsection (a)(1).

(2) UPDATES.—The heads of the participating agencies shall update the strategic plans as appropriate.

(f) Reports.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall submit to the advisory committee, the Committee on Science, Space, and Technology of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives—

“(1) the strategic plans developed under subsection (e)(1); and

“(2) each update under subsection (e)(2).”;


(i) Grand Challenges in Areas of National Importance.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

“SEC. 102. GRAND CHALLENGES IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage the participating agencies to support foundational, large-scale, long-term, interdisciplinary, and interagency information technology research and development areas for support under this section. The Program for candidate research and development areas for support under this section shall—

“(1) the strategic plans developed under subsection (e)(1); and

“(2) each update under subsection (e)(2).”;

“(b) Characteristics.—The Program for research and development activities under this section shall—

“(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) to the extent practicable, involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

“(C) to the extent practicable, leverage Federal investments through collaboration with other Federal, United State and private sector initiatives; and

“(D) include a plan for fostering the transfer of research discoveries and the results of research activities, including from institutions of higher education and Federal laboratories, to industry for commercial development.

“(c) Cost-Sharing.—In selecting applications for support, the agencies may give special consideration to projects that include cost sharing from non-Federal sources.”;


“(1) in subsection (a)—

“(A) by striking “(a) General Responsibilities.—”;

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(B) in paragraph (1)—

(i) by inserting “high-end” after “National Science Foundation shall provide”; and

(ii) by striking “high-performance computing” and all that follows through “networking” and inserting “networking and information technology” and “;”;

(C) by striking paragraphs (2) through (4); and

(D) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields, including by individuals identified in sections 33 and 34 of the America Recovery and Reinvestment Equal Opportunities Act (42 U.S.C. 1885a and 1885b).”;

and

(2) by striking subsection (b).


(1) by striking “(a) GENERAL RESPONSIBILITIES.—”;

(2) by striking “high-performance computing and networking” and inserting “networking and information technology”;

and

(3) by striking subsection (b).


(1) by striking “(a) GENERAL RESPONSIBILITIES.—”;

(2) by striking subsection (b).

(m) DEPARTMENT OF COMMERCE ACTIVITIES.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) by striking paragraph (A), by striking “high-performance computing systems and networks, and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in subsection (b)—

(A) in the heading, by striking “High-Performance Computing and Networking” and inserting “Networking and Information Technology”;

(B) by striking “Pursuant to the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 156)” and inserting “The”; and

(C) by striking “sensitive information in Federal computer systems” and inserting “Federal agency information and information systems”; and

(3) by striking subsections (c) and (d).


(p) MISCELLANEOUS PROVISIONS.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended—

(1) in subsection (a)(2), by striking “paragraphs (1) through (5) of section 205(a) of title 10 and inserting section 3532(b)(6)(A)(iv) of title 42;” and

(2) by substituting “high-performance computing” and inserting “networking and information technology.”


(r) NATIONAL SCIENCE FOUNDATION RESEARCH AND DEVELOPMENT PROGRAM.—Section 4(b)(4)(K) of the Cybersecurity Research and Development Act (15 U.S.C. 7403(b)(5)(K)) is amended by striking “high-performance computing” and inserting “networking and information technology.”

(s) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—Section 204a(a)(4) of the Cybersecurity Research and Development Act of 2009 (42 U.S.C. 17912(b)) is amended by striking “high-performance computing and networking” and inserting “networking and information technology.”

(t) REPEAL.—Section 4 of the Information Technology Systems and Capabilities Improvement Act of 2008 (42 U.S.C. 7431(a)(4)) is amended—

(1) by striking “clauses (i) through (x)”;

and

(2) by striking “under clause (xi)”.

(u) ADDITIONAL REPEAL.—Section 4 of the America Recovery and Reinvestment Act of 2009 (42 U.S.C. 17912(b)) is amended by striking “National High-Performance Computing Program” and inserting “Networking and Information Technology Research and Development Program.”


(1) by striking “(i) through (x)” and inserting “(i) through (xi)”;

and

(2) by striking “under clause (i)” and inserting “under clause (x).”


SEC. 106. PHYSICAL SCIENCES COORDINATION.

(a) HIGH-ENERGY PHYSICS.—

(1) IN GENERAL.—The Physical Science Subcommittee on the National Science and Technology Council (referred to in this section as “Subcommittee”) shall continue to coordinate Federal efforts related to high-energy physics research to maximize the efficiency and effectiveness of United States investment in high-energy physics.

(2) PURPOSES.—The purposes of the Subcommittee include—

(A) to advise and assist the Committee on Science and the National Science and Technology Council on United States policies, programs, and activities in support of high-energy physics and related underground science; and

(B) to identify emerging opportunities, stimulate international cooperation, and foster the development of physical sciences in the United States, including—

(i) high-energy physics research, including—

(1) in high-energy physics research, including—

(A) provide recommendations on planning for construction and activities; and

(B) provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies related to underground science, neutrino research, dark energy, and dark matter research;

(C) establish goals and priorities for high-energy physics, related underground science, and research and development that will strengthen United States leadership in high-energy physics and in fusion energy sciences; and

(D) propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the National Science and Technology Council to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

(E) develop, and update as necessary, a strategic plan to guide Federal programs and activities in support of high-energy physics research, including—

(i) the efforts taken in support of paragraph (2) since the last strategic plan;

(ii) an evaluation of the current research needs for maintaining United States leadership in high-energy physics; and

(iii) an identification of future priorities in the area of high-energy physics.

(b) RADIATION BIOLOGY.—In general.—The Subcommittee shall continue to coordinate Federal efforts related to radiation biology research to maximize the efficiency and effectiveness of United States investment in radiation biology.

(2) RESPONSIBILITIES FOR RADIATION BIOLOGY.—In regard to coordinating Federal efforts related to radiation biology research, the Subcommittee shall—

(A) advise and assist the National Science and Technology Council on policies and initiatives in radiation biology, including enhancing scientific knowledge of the effects of low dose radiation on biological systems to improve radiation risk management methods;

(B) identify opportunities to stimulate international cooperation and leverage research and knowledge from sources outside of the United States; and

(C) ensure coordination between the Department of Energy Office of Science, Foundation, National Aeronautics and Space Administration, National Institutes of Health, Environmental Protection Agency, Department of Defense, Nuclear Regulatory Commission, and Department of Homeland Security;

(D) identify ongoing scientific challenges for understanding the long-term effects of ionizing radiation on biological systems; and

(E) formulate overall scientific goals for the future of low-dose radiation research in the United States.

(c) FUSION ENERGY SCIENCES.—In general.—The Subcommittee shall continue to coordinate Federal efforts related to fusion energy research to maximize United States investment in fusion energy sciences.

(2) RESPONSIBILITIES FOR FUSION ENERGY SCIENCES.—In regard to coordinating Federal efforts related to fusion energy sciences, the Subcommittee shall—

(A) advise and assist the National Science and Technology Council on policies and initiatives in fusion energy sciences, including enhancing scientific knowledge of fusion energy science, plasma physics, and related materials sciences;

(B) identify opportunities to stimulate international cooperation and leverage research and knowledge from sources outside of the United States, including the ITER program;

(C) ensure coordination between the Department of Energy Office of Science, National Nuclear Security Administration, Advanced Research Projects Agency-Energy, National Aeronautics and Space Administration, Foundation, and Department of Defense regarding fusion energy sciences and plasma physics; and

(D) formulate overall scientific goals for the future of fusion energy sciences and plasma physics.
SEC. 107. LABORATORY PROGRAM IMPROVEMENTS.

(a) IN GENERAL.—The Director of NIST, acting through the Associate Director for Laboratory Programs, shall develop and implement a comprehensive strategic plan for laboratory programs that expands—

(1) both academic, international researchers, and industry; and

(2) commercial and industrial applications.

(b) OPTIMIZING COMMERCIAL AND INDUSTRIAL APPLICATIONS.—In accordance with the purpose under section 1(b)(3) of the National Institute of Standards and Technology Act (15 U.C.C. 271(f)), the comprehensive strategic plan shall—

(1) include performance metrics for the dissemination of fundamental research results, measurements, standards, research results to industry, including manufacturing, and other interested parties;

(2) document any positive benefits of research on the competitiveness of the interested parties described in paragraph (1);

(3) clarify the current approach to the technology transfer activities of NIST; and

(4) consider recommendations from the National Academy of Sciences.

SEC. 108. STANDARD REFERENCE DATA ACT UP- DATE.

Section 2(a) of the Standard Reference Data Act (15 U.S.C. 290a) is amended to read as follows:

"SEC. 2. DEFINITIONS. — For the purposes of this Act:

"(1) STANDARD REFERENCE DATA.—The term ‘standard reference data’ means that—

"(A) either—

"(i) quantitative information related to a measurable property, or chemical, or biological property of a substance or system of substances in isolation and structure; or

"(ii) measurable characteristics of a physical artifact or artifacts;

"(B) properties or performance characteristics of a system; or

"(C) one or more digital data objects that serve—

"(i) to calibrate or characterize the performance of a detection or measurement system; or

"(ii) to interpolate or extrapolate, or both, data described in subparagraph (A) through (C); and

"(D) that is critically evaluated as to its reliability under section 3 of this Act.

"(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

SEC. 109. NSF MID-SCALE PROJECT INVEST- MENTS.

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

(1) The Foundation funds major research facilities, infrastructure, and instrumentation that provide unique capabilities at the frontiers of science and engineering.

(2) Modern and effective research facilities, infrastructure, and instrumentation are critical to maintaining United States leadership in science and engineering.

(3) The costs of some proposed research instrumentation, equipment, and upgrades to major research facilities fall between programs currently funded by the Foundation, creating a gap between the established parameters of the Major Research Instrumentations of Knowledge, Research, and Facilities Construction programs, including projects that have been identified as cost-effective additions of high priority to the advancement of understanding.

(4) The 2010 Astronomy and Astrophysics Decadal Survey recommended a mid-scale investments program.

(b) AT LEAST PROJECTS.—

(1) IN GENERAL.—The Foundation shall evaluate the existing and future needs across all disciplines supported by the Foundation, for mid-scale projects.

(2) STRATEGY.—The Director of the Foundation shall develop a strategy to address the needs identified in paragraph (1), which include—

(3) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director of the Foundation shall provide a briefing to the appropriate committees of Congress on the evaluation under paragraph (1) and the strategy under paragraph (2).

(4) DEFINITION OF MID-SCALE PROJECTS.—In this subsection, the term "mid-scale projects" means research instrumentation, equipment, and upgrades to major research facilities or new infrastructure investments that exceed the maximum award funded by the major research instrumentation program and are below the highest award funded by the major research equipment and facilities construction program as described in section 507 of the AMERICA Competes Reauthorization Act of 2010 (Public Law 111-355; Public Stat. 400).

SEC. 110. OVERSIGHT OF NSF MAJOR MULTI-USER RESEARCH FACILITY PROJECTS.

(a) FACILITIES OVERSIGHT.—

(1) IN GENERAL.—The Director of the Foundation shall strengthen oversight and accountability of each major multi-user research facility project, including planning, development, procurement, construction, operations, and support, and shut-down, in order to maximize research investment.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Director shall—

(A) prioritize the scientific outcomes of a major multi-user research facility project and the internal management and financial oversight of the major multi-user research facility project;

(B) clarify the roles and responsibilities of all organizations, including offices, panels, committees, and subcommittees involved in overseeing a major multi-user research facility project, including the role of the Major Research Equipment and Facilities Construction Panel;

(C) establish policies and procedures for the planning, management, and oversight of major multi-user research facility projects, including each phase of the major multi-user research facility project;

(D) ensure that policies for estimating and projecting operational costs within the Foundation’s out-years as part of the President’s annual budget submission to Congress under section 1105 of title 31, United States Code.

(b) IMPLEMENTATION.—Based on the pre-award analysis described in paragraph (1), the Director of the Foundation shall—

(1) require that any pre-award analysis of a major multi-user research facility project includes the development and consideration of the full life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 [42 U.S.C. 162k]) in accordance with section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 162k-4).

(c) COST OVERSIGHT.—

(1) PRE-AWARD ANALYSIS.—

(A) IN GENERAL.—The Director of the Foundation and the National Science Board may not approve or execute any agreement to start construction on any proposed major multi-user research facility project unless—

(i) the analysis of the proposed budget has been conducted to ensure the proposal is complete and reasonable;

(ii) the analysis under paragraph (1) follows the Government Accountability Office Cost Estimating and Assessment Guide; and

(iii) except as provided under subparagraph (C), an analysis of the accounting systems has been conducted;

(iv) an independent cost estimate of the construction of the project has been conducted using the same detailed technical information as the project proposal estimate to determine whether the estimate is well-supported and realistic; and

(B) AUDITS.—An external analysis under subparagraph (A)(i) may include an audit.

(C) EXCEPTION.—The Director of the Foundation, at the Director’s discretion, may waive the requirement under subparagraph (A)(i) if a similar analysis of the accounting systems was conducted in the prior year.

(2) CONSTRUCTION OVERSIGHT.—The Director of the Foundation shall require for each major multi-user research facility project—

(A) periodic external reviews on project management and performance;

(B) adequate internal controls, policies, and procedures, and reliable accounting systems to support the required cost audits under subparagraph (D); and

(C) annual incurred cost submissions of financial expenditures; and

(D) annual incurred cost audit of the major multi-user research facility project in accordance with Government Accountability Office Government Auditing Standards—

(i) at least once during construction; and

(ii) at a time determined based on risk analysis and length of the award, except that the length-
(i) at the completion of the construction phase; and
(ii) at the completion of the construction phase

(2) OPERATIONS COST ANALYSIS.—The Director of the Foundation shall require an independent cost analysis of the operational proposal for each major multi-user research facility project.

(d) CONTINGENCY.—

(1) IN GENERAL.—The Director of the Foundation shall require the construction and operation of a major multi-user research facility project.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Director of the Foundation shall—

(A) only include contingency amounts in an award in accordance with section 200.303 of title 2, Code of Federal Regulations (relating to contingency provisions), or any successor regulation;

(B) retain control over funds budgeted for contingency, except that the Director may disburse budgeted contingency funds incrementally to the awardee to ensure project stability and continuity;

(C) track contingency use; and

(D) ensure that contingency amounts allocated to the performance baseline are reasonable and allowable.

(e) USE OF FEES.—

(C) track contingency use; and

(b) JUSTIFICATIONS.—The Deputy Director of the Foundation shall submit annually to the appropriate committees of Congress written justifications for all fees paid to the Inspector General of the National Academy of Public Administration, including an independent assessment of all costs, including personnel costs, related to the construction and operation of a major multi-user research facility project.

(2) ISSUES TO BE EXAMINED.—In conducting the review, the Director shall examine, at a minimum, the following:

(A) Implementation by the Foundation of issues and recommendations identified by—

(i) the Inspector General of the National Science Foundation in audit reports and memoranda on the United States Antarctic Program in the last 5 years;

(ii) the Inspector General of the National Science Foundation in audit reports and memoranda on the United States Antarctic Program in the last 4 years;

(iii) the National Research Council report, Future Science Opportunities in Antarctica through Increased Logistical Effectiveness, issued July 23, 2012; and

(iv) the National Research Council report, Future Science Opportunities in Antarctica and the Southern Ocean, issued September 2011.

(B) Efforts by the Foundation to track its progress on implementing issues and recommendations under subparagraph (A).

(C) Efforts by the Foundation to address other opportunities and challenges, including implementation of the National Science Foundation’s strategic plan, in the areas of award grants, contracts, and agreements, and coordination with other Federal agencies and international partners, logistics and transportation, health and safety of participants, and management of the operation of facilities used by awardees and contractors, and resources and policy challenges.

SEC. 112. MANAGEMENT OF THE U.S. ANTARCTIC PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—The Director of the Foundation shall continue to review the efforts by the Foundation to sustain and strengthen scientific efforts in the face of logistical challenges for the United States Antarctic Program.

(2) ISSUES TO BE EXAMINED.—In conducting the review, the Deputy Director shall examine, at a minimum, the following:

(A) Implementation by the Foundation of issues and recommendations identified by—

(i) the Inspector General of the National Science Foundation in audit reports and memoranda on the United States Antarctic Program in the last 5 years;

(ii) the Inspector General of the National Science Foundation in audit reports and memoranda on the United States Antarctic Program in the last 4 years;

(iii) the U.S. Antarctic Program Blue Ribbon Panel, Management of Future Science in Antarctica through Increased Logistical Effectiveness, issued July 23, 2012; and

(iv) the National Research Council report, Future Science Opportunities in Antarctica and the Southern Ocean, issued September 2011.

(B) Efforts by the Foundation to track its progress on implementing issues and recommendations under subparagraph (A).

(C) Efforts by the Foundation to address other opportunities and challenges, including implementation of the National Science Foundation’s strategic plan, in the areas of award grants, contracts, and agreements, and coordination with other Federal agencies and international partners, logistics and transportation, health and safety of participants, and management of the operation of facilities used by awardees and contractors, and resources and policy challenges.

SEC. 113. NIST CAMPUS SECURITY.

(a) SUPERVISORY AUTHORITY.—The Department of Commerce Office of Security shall directly manage the Direct campus and site security programs of NIST through an assigned Director of Security for NIST with authority for the number of full-time equivalent employees of the Department of Commerce, including NIST.

(b) REPORTS.—The Director of Security for NIST shall provide an activities and security report on a quarterly basis for the first year after the date of enactment of this Act, and on an annual basis thereafter, to the Under Secretary for Standards and Technology and the appropriate committees of Congress.

SEC. 114. COORDINATION OF SUSTAINABLE CHEMISTRY RESEARCH AND DEVELOPMENT.

(a) IMPORTANCE OF SUSTAINABLE CHEMISTRY.—It is the sense of Congress that—

(1) the science of chemistry is vital to improving the quality of human life and plays an important role in addressing critical global challenges, including water quality, energy, health care, and agriculture;

(2) sustainable chemistry can reduce risks to human health and the environment, reduce waste, improve pollution prevention, and promote efficient use of resources in developing new materials, processes, and technologies that support sustainable long-term solutions and significant number of challenges;

(3) sustainable chemistry can stimulate innovation, encourage new and creative approaches to problems, create jobs, and save money; and

(4) a coordinated effort on sustainable chemistry will allow for a greater return on research investment in this area.

(b) SUSTAINABLE CHEMISTRY BASIC RESEARCH.—Subject to the availability of appropriated funds, the Director of the Foundation may carry out the Sustainable Chemistry Basic Research program authorized under section 509 of the National Science Foundation Authorization Act of 2010 (42 U.S.C. 1862p).

SEC. 115. MISREPRESENTATION OF RESEARCH RESULTS.

(a) PROMOTION.—The Director of the Foundation may revise the regulations under part 689 of title 45, Code of Federal Regulations (relating to research misconduct) to establish, for any application for a research grant or grant extension from the Foundation, a requirement that any article authored by a principal investigator, using the results of research conducted under a Foundation grant, that is published in a peer-reviewed publication, made publicly available, or incorporated in an application for a research grant or grant extension from the Foundation, does not contain any falsification, fabrication, or plagiarism.

(b) INTERFERENCE COMMUNICATION.—Upon a finding that research misconduct has occurred, the Foundation shall, in addition to any possible final action under section 689.3 of title 45, Code of Federal Regulations, notify other Federal science agencies of the finding.

SEC. 116. RESEARCH REPRODUCIBILITY AND REPEL USE OF RESEARCH-FINDINGS.

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

(1) the gold standard of good science is the ability of a researcher to independently reproduce a published research finding, including methods;

(2) there is growing concern that some published research findings cannot be reproduced or replicated, which can negatively affect the public’s trust in science;
(3) there are a complex set of factors affecting reproducibility and replication; and

(4) the increasing interdisciplinary nature and complexity of scientific research may be a contributing factor to issues with research reproducibility and replication.

(b) Report.—

(1) In General.—Not later than 45 days after the date of enactment of this Act, the Director of the Foundation shall submit to the appropriate committees of Congress, including a response from the Director of the Foundation and the Chair of the National Science Board as to whether they agree with each of the findings and recommendations in the report.

(2) Submission to Congress.—Not later than 60 days after the date the Director of the Foundation receives the report under paragraph (1)(C), the Director shall submit the report to the appropriate committees of Congress.

(3) CENTRALIZED RESEARCHER PROFILE DATA BASE.—

(A) In General.—The Working Group shall establish, to the extent practicable, a secure, centralized database for investigator biosketches, curriculum vitae, licenses, lists of publications, and other documents considered relevant by the Working Group.

(B) Considerations.—In establishing the centralized profile database under subparagraph (A), the Working Group shall consider incorporating existing investigator databases.

(C) Grant Proposals.—To the extent practicable, the Working Group shall establish a centralized investigator profile database established under subparagraph (A).

(D) Requirements.—Each investigator shall—

(i) be responsible for ensuring the investigator’s profile is current and accurate; and

(ii) be assigned a unique identifier linked to the database and accessible to all Federal funding agencies.

(4) CENTRALIZED ASSURANCES REPOSITORY.—

(A) In General.—The Working Group shall—

(i) establish a central repository for all of the assurances required for Federal research grants; and

(ii) provide guidance to institutions of higher education and Federal science agencies on the use of the centralized assurances repository.

(B) Considerations.—In developing the strategy, the Working Group shall consider limiting progress reports to performance outcomes.

(C) Consultation.—In carrying out its responsibilities under subsection (e)(1), the Working Group shall consult with academic researchers outside the Federal Government, including—

(f) Researchers.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 3 years, the Working Group shall submit to the appropriate committees of Congress a report on its responsibilities under this section, including a discussion of the considerations described in paragraphs (2)(B), (3)(B), and (5)(B) of subsection (e) and recommendations made under subsection (e)(1).

(D) Requirements.—Each investigator shall—

(i) conduct a comprehensive review of the mandated progress reports for federally funded research; and

(ii) develop a strategy to simplify investigator progress reports.

(E) Attendance Policies.—Not later than 180 days after the date of enactment of this Act, the heads of the Federal science agencies shall each develop an action plan for the
implementation of revisions and updates to their policies on attendance at scientific and technical workshops.

(d) NIST WORKSHOPS.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), as amended by section 104 of this Act, is further amended—

(i) by redesignating paragraphs (19) through (25) paragraphs (22) through (27), respectively; and

(ii) by inserting after paragraph (18) the following:

"(19) Host, participate in, and support scientific and technical workshops (as defined in section 202 of the American Innovation and Competitiveness Act);"

"(20) shall retain any fees charged by the Secretary for hosting a scientific and technical workshop described in paragraph (19);

(21) notwithstanding title 31 of the United States Code, use the fees described in paragraph (20) to pay for any related expenses, including subsistence expenses for participants;"

SEC. 203. NIST GRANTS AND COOPERATIVE AGREEMENTS UPDATE.

Section 8(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3706(a)) is amended by striking "The total amount of any such grant or cooperative agreement may not exceed $75 000." and indenting appropriately; and

SEC. 204. REPEAL OF CERTAIN OBSCURE REPORTS.

(a) REPEAL OF CERTAIN OBSCURE REPORTS.—

(i) NIST REPORTS.—

(A) REPORT ON DONATION OF EDUCATIONALLY USEFUL FEDERAL EQUIPMENT TO SCHOOLS.—Section 6(b) of the Technology Administration Act of 1998 (15 U.S.C. 272 note) is amended—

(1) in paragraph (1), by striking "(1) In general," and indenting appropriately; and

(2) by striking paragraph (2).

(B) THREE-YEAR PROGRAMMATIC PLANNING DOCUMENT.—

(i) IN GENERAL.—Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278a) is amended by striking subsections (c) and (d).

(ii) CONFORMING AMENDMENT.—Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278b(1)) is amended by striking the last sentence.

(2) REPORT ON INNOVATION ACCELERATION RESEARCH.—Section 1008 of the America COMPETES Act (42 U.S.C. 6603) is amended—

(A) by inserting subsection (c); and

(B) by redesigning subsection (d) as subsection (c).

(C) NSF REPORTS.—

(A) FUNDING FOR SUCCESSFUL STEM EDUCATION PROGRAMS; REPORT TO CONGRESS.—Section 7012 of the America COMPETES Act (42 U.S.C. 1862n(c)) is amended by striking subsection (b);

(B) ENCOURAGING PARTICIPATION; EVALUATION AND REPORT.—Section 7031 of the America COMPETES Act (42 U.S.C. 1862a) is amended by striking subsections (b) and (c)

(C) MATH AND SCIENCE PARTNERSHIPS PROGRAM COORDINATION REPORT.—Section 9(c) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862a(c)) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraph (5) as paragraph (4).

(D) NATIONAL NANOTECHNOLOGY INITIATIVE REPORTS.—The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501) is amended by—

(1) by amending section 2(c)(4) (15 U.S.C. 7501(c)(4)) to read as follows:

"(c) develop, not later than 5 years after the date of the release of the most-recent strategic plan, and update every 5 years thereafter, a strategic plan to guide the activities described under subsection (b) that describes—

"(A) the near-term and long-term objectives for the Program;

"(B) the schedule for achieving the near-term objectives; and

"(C) the metrics that will be used to assess progress toward the near-term and long-term objectives;"

"(d) how the Program will move results out of the laboratory and into application for the benefit of society;

"(e) the long-term research priorities that will explicitly be subject to be funded out of the major research equipment and facilities construction account before any funds may be obligated from such account for such project;

"(f) the allocation of funding for interagency nanotechnology projects;"

(2) by amending section 4(d) (15 U.S.C. 7503(d)) to read as follows:

"(d) REPORT.—Not later than 4 years after the date of the most recent assessment under subsection (c), and quadrennially thereafter, the Advisory Panel shall submit to the President, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report its assessments under subsection (c) and its recommendations for ways to improve the Program;"

(3) in section 5 (15 U.S.C. 7504)—

(A) in the heading, by striking "TRIENNIAL" and inserting "QUADRENNIAL";

(B) in subsection (a), in the matter preceding paragraph (1), by striking "triennial" and inserting "quadrennial";

(C) in subsection (b), by striking "triennial" and inserting "quadrennial";

(D) in subsection (c), by striking "triennial" and inserting "quadrennial"; and

(E) by amending subsection (d) to read as follows:

"(d) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date the first evaluation under subsection (a) is received, and quadrennially thereafter, the Director of the National Nanotechnology Coordination Office shall report to the Director of the Office of Science and Technology Policy the progress toward the near-term and long-term objectives described under subsection (b) that would receive funding under the major research equipment and facilities construction account; and

(2) CONTENTS.—Not later than 30 days after the date the first evaluation under subsection (a) is received, the Director of the Office of Science and Technology Policy shall submit a report to Congress;

"(c) MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—Section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862a-n) is amended by—

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

"(a) PRIORITIZATION OF PROPOSED MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—

"(1) DEVELOPMENT OF PRIORITIES.—The Director shall—

"(A) develop a list indicating by number the relative priority for funding under the major research equipment and facilities construction account that the Director assigns to each project; the Board has approved for inclusion in a future budget request; and

"(B) submit the list described in subparagraph (A) to the Board for approval;

"(2) CONTENT.—The Director shall include in the criteria for developing the list under paragraph (1) the readiness of plans for construction and operation, including consideration of title 2 of the life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note)) and the proposed schedule of completion.

"(3) UPDATES.—The Director shall update the list prepared under paragraph (1) each time the Board approves a project that would receive funding under the major research equipment and facilities construction account and periodically submit any updated list to the Board for approval;

	(4) by striking subsection (e);

(5) by redesigning subsections (c) and (d) as subsections (b) and (c), respectively; and

(6) by amending subsection (c), as redesignated, to read as follows:

"(c) BOARD APPROVAL OF MAJOR RESEARCH EQUIPMENT AND FACILITIES PROJECTS.—The Director shall all explicitly be subject to be funded out of the major research equipment and facilities construction account before any funds may be obligated from such account for such project.

SEC. 205. REPEAL OF CERTAIN PROVISIONS.

(a) TECHNOLOGY INNOVATION PROGRAM.—

(1) IN GENERAL.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) ADDITIONAL AWARD CRITERIA.—Section 42 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 278n) is amended by striking ", including the Program established under section 28.

(B) TEACHERS FOR A COMPETITIVE TOMORROW.—Sections 611 through 616 of the America COMPETES Act (20 U.S.C. 9811, 9812, 9813, 9814, 9815, 9816) are amended by striking "sections 25, 26, and 28" and inserting "sections 25 and 26.

(C) ANNUAL AND OTHER REPORTS TO CONGRESS.—Section 10(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278b(h)) is amended by striking ", including the Program established under section 28.

SEC. 206. GRANT SUBRECIPIENT TRANSPARENCY AND OVERSIGHT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall prepare and submit to the appropriate committees of Congress an audit of the Foundation's policies and procedures governing the management of pass-through entities with respect to subrecipients.

(b) CONTENTS.—The audit shall include the following:

(1) Information regarding the Foundation's process to oversee—

(A) the compliance of pass-through entities under section 200.331 and subpart F of part 200 of chapter II of title 2, Code of Federal Regulations, and the other requirements of that title for subrecipients;

(B) whether pass-through entities have processes and controls in place to maintain financial compliance of subrecipients, where appropriate; and

(C) whether pass-through entities have processes and controls in place to maintain approved grant objectives for subrecipients, where appropriate.

(2) Recommendations, if necessary, to increase transparency of pass-through while balancing administrative burdens.

SEC. 207. MICRO-PURCHASE THRESHOLD FOR PROCUREMENT SORICATIONS BY RESEARCH INSTITUTIONS.

(a) MICRO-PURCHASE THRESHOLD.—The micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31, United States Code, is amended by striking ", including those sections in the table of contents under section 2 of that Act (Public Law 110-69; 121 Stat. 572) are repealed.

SEC. 208. MICRO-PURCHASE TRANSPARENCY AND OVERSIGHT.

(a) MICRO-PURCHASE THRESHOLD.—The micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31, United States Code, awarded by the Foundation, the National Aeronautics and Space Administration, or
SEC. 208. COORDINATION OF INTERNATIONAL SCIENCE AND TECHNOLOGY PARTNERSHIPS.

(a) Short Title.—This section may be cited as the “International Science and Technology Cooperation Act of 2016”.

(b) Establishment.—The Director of the Office of Science and Technology Policy shall establish a body under the National Science and Technology Council with the responsibility to identify and coordinate international science and technology cooperation that can strengthen the United States science and technology enterprise, improve economic and national security, and support United States foreign policy goals.

(c) NSTC Body Leadership.—The body established under subsection (b) shall be chaired by senior level officials from the Office of Science and Technology Policy and the Department of State.

(d) Responsibilities.—The body established under subsection (b) shall—

(1) plan and coordinate international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies;

(2) work with other National Science and Technology Council committees to help plan and coordinate the international component of national science and technology priorities;

(3) establish Federal priorities and policies for aligning, as appropriate, international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies with the foreign policy goals of the United States;

(4) identify opportunities for new international science and technology cooperative research and training partnerships that advance both the science and technology and the foreign policy priorities of the United States;

(5) in carrying out paragraph (4), solicit input and recommendations from non-Federal science and technology stakeholders, including institutions of higher education, scientific organizations, industry, and other relevant organizations and institutions; and

(6) identify broad issues that influence the ability of United States scientists and engineers to collaborate with foreign counterparts, including barriers to collaboration and access to scientific information.

(e) Authorization of Appropriations.—The Director of the Office of Science and Technology Policy shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate and the Committee on Science, Space, and Technology in each Congress a biennial report on the requirements of this section.

(f) Website.—The Director shall make each report available to the public on the Office of Science and Technology Policy website.

(g) Termination.—The body established under subsection (b) shall terminate on the date that is 10 years after the date of enactment of this Act.

(h) Additional Reports to Congress.—The Director of the Office of Science and Technology Policy shall submit, not later than 60 days after the date of enactment of this Act and annually thereafter, to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate and the Committee on Science, Space, and Technology a report that lists and describes the details of all foreign travel by Office of Science and Technology Policy staff and detailees.

TITLE III—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION

SEC. 301. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM UPDATE.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an advisory panel (referred to in this section as the “STEM Education Advisory Panel”) to advise the Committee on STEM Education of the National Science and Technology Council (referred to in this section as “CoSTEM”) on matters relating to STEM education.

(b) Members.—(1) In general.—The STEM Education Advisory Panel shall be composed of not less than 11 members.

(2) Appointment.—Subject to subparagraph (B), the Director of the Foundation, in consultation with the Secretary of Education and the heads of the Federal science agencies, shall appoint the members of the STEM Education Advisory Panel.

(3) Consideration.—In selecting individuals to appoint under subparagraph (A), the Director shall give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (2 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(4) Qualifications.—Members shall—

(i) be individuals who are qualified to provide advice and information on STEM education research, development, training, implementation, interventions, professional development, or workforce needs or concerns;

(ii) be individuals who are qualified to provide advice and information to STEM education programs and activities across the Federal Government;

(iii) be individuals who are qualified to provide advice and information to the STEM Education Advisory Panel; and

(iv) be individuals who are qualified to provide advice and information to the STEM Education Advisory Panel.

(B) Consideration.—The Director shall give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (2 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(5) Consideration.—In selecting individuals to appoint under subparagraph (A), the Director shall give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (2 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(6) Consideration.—In selecting individuals to appoint under subparagraph (A), the Director shall give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (2 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(c) Authorization of Appropriations.—The National Science Foundation is authorized to make grants under this section.

SEC. 302. SPACE GRANTS.

(a) Sense of Congress.—It is the sense of Congress that the National Space Grant College and Fellowship Program has been an important program by which the Federal Government has partnered with universities, colleges, industry, and other organizations to provide hands-on STEM experiences, fostering of multidisciplinary space research, and supporting graduate fellowships in space-related fields, among other purposes.

(b) Administrative Costs.—Section 40303 of title 51, United States Code, is amended by adding at the end the following:

(1) PROGRAM ADMINISTRATIVE COSTS.—In carrying out the provisions of this chapter, the Administrator—

(i) shall reserve appropriated funds for grants and contracts made under section 40304 in each fiscal year; and

‘‘(2) in each fiscal year, the Administrator shall limit its program administration costs to no more than 5 percent of funds appropriated for this program for that fiscal year.

(c) Reports.—For any fiscal year in which the Administrator cannot meet the administration cost target under subsection (d)(2), if the Administrator is unable to limit program costs under subsection (b), the Administrator shall report to the appropriate committees of Congress a report, including—

(i) a description of why the Administrator did not meet the cost target under subsection (d); and

(ii) the measures the Administrator will take in the next fiscal year to meet the cost target under subsection (d) without drawing upon other Federal funding.’’.

SEC. 303. STEM EDUCATION ADVISORY PANEL.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an advisory panel (referred to in this section as the “STEM Education Advisory Panel”) to advise the Committee on STEM Education of the National Science and Technology Council (referred to in this section as “CoSTEM”) on matters relating to STEM education.

(b) Members.—(1) In general.—The STEM Education Advisory Panel shall be composed of not less than 11 members.

(2) Appointment.—Subject to subparagraph (B), the Director of the Foundation, in consultation with the Secretary of Education and the heads of the Federal science agencies, shall appoint the members of the STEM Education Advisory Panel.

(3) Consideration.—In selecting individuals to appoint under subparagraph (A), the Director shall give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (2 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(4) Qualifications.—Members shall—

(i) be individuals who are qualified to provide advice and information on STEM education research, development, training, implementation, interventions, professional development, or workforce needs or concerns;

(ii) be individuals who are qualified to provide advice and information to STEM education programs and activities across the Federal Government;

(iii) be individuals who are qualified to provide advice and information to the STEM Education Advisory Panel; and

(iv) be individuals who are qualified to provide advice and information to the STEM Education Advisory Panel.

(B) Consideration.—The Director shall give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (2 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(5) Consideration.—In selecting individuals to appoint under subparagraph (A), the Director shall give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (2 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(c) Authorization of Appropriations.—The National Science Foundation is authorized to make grants under this section.

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(B) the appropriateness of criteria used by Federal agencies to evaluate the effectiveness of Federal STEM education programs and activities;  

(C) whether societal and workforce concerns are adequately addressed by current Federal STEM education programs and activities;  

(D) how Federal agencies can incentivize institutions of higher education to improve retention of STEM students;  

(E) ways to leverage private and nonprofit STEM investments and encourage public-private partnerships to strengthen STEM education and help build the STEM workforce pipeline;  

(F) ways to incorporate workforce needs into Federal STEM education programs and activities, particularly for specific employment fields of national interest and employment fields experiencing high unemployment rates;  

(G) ways to better vertically and horizontally integrate Federal STEM education programs and activities, particularly for specific employment fields of national interest and employment fields experiencing high unemployment rates;  

(H) the extent to which Federal STEM education programs and activities are contributing to the recruitment and retention of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in the STEM education and workforce pipelines;  

(I) ways to encourage geographic diversity in the STEM education and the workforce pipeline;  

(3) RECOMMENDATIONS.—The STEM Education Advisory Panel shall make recommendations to improve Federal STEM education programs and activities based on each paragraph of subsection (A).  

(d) FUNDING.—The Director of the Foundation, the Secretary of Education, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the National Oceanic and Atmospheric Administration shall jointly make funds available on an annual basis to support the activities of the STEM Education Advisory Panel.  

(e) REPORTS.—Not later than 1 year after the date of enactment of this Act, and after each assessment under subsection (c)(1)(B), the STEM Education Advisory Panel shall submit to the appropriate committees of Congress a report on its assessment under that subsection and its recommendations under subsection (c)(3).  

(f) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—  

(1) IN GENERAL.—Non-Federal members of the STEM Education Advisory Panel, while attending meetings of the panel or while otherwise serving at the request of a co-chairperson away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.  

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit members of the STEM Advisory Panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.  

(g) TERMINATION.—The STEM Education Advisory Panel shall be established under subsection (a) shall terminate on the date that is 5 years after the date that it is established.
SEC. 306. NIST EDUCATION AND OUTREACH.

(a) REPEAL.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by striking section 18 (15 U.S.C. 272a) and section 19 (15 U.S.C. 272b) and substituting the following:

(8) EDUCATIONAL AND OUTREACH ACTIVITIES.—The Director may—

(1) facilitate education programs for undergraduate, graduate students, postdoctoral researchers, and academic and industry employees;

(2) sponsor summer workshops for STEM kindergarten through grade 12 teachers as appropriate;

(3) develop programs for graduate student internships and visiting faculty researchers;

(4) develop partnerships and interactions with visiting researchers and sponsoring internal as performance metrics for improving and continuing interactions with those individuals;

(5) facilitate laboratory tours and provide presentations for educational, industry, and community groups.

(b) ANNUAL AWARD RECIPIENTS.—The Director may establish and conduct a post-doctoral fellowship program, subject to the availability of appropriations.

(c) POST-DOCTORAL FELLOWSHIP PROGRAM.—Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) is amended to read as follows:

SEC. 19. POST-DOCTORAL FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Institute and the National Academy of Sciences, jointly, shall establish and conduct a post-doctoral fellowship program subject to the availability of appropriations.

(b) ORGANIZATION.—The post-doctoral fellowship program shall include not less than 20 new fellows per fiscal year.

(c) EVALUATION.—In evaluating applications for post-doctoral fellowships under this section, the Director of the Institute and the President of the National Academy of Sciences shall, among other considerations, give special attention to the goal of promoting the participation of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in research areas supported by the Institute.

(d) SAVINGS CLAUSES.—

(1) RESEARCH FELLOWSHIPS AND OTHER FINANCIAL ASSISTANCE TO STUDENTS AT INSTITUTES OF HIGHER EDUCATION.—The repeal made by subsection (a) of this section shall not affect any award of a research fellowship or other financial assistance made under section 10 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) before the date of enactment of this Act.

(2) FINAL REPORTS.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency shall submit to the President a final report on the implementation of previous recommendations for Federal actions to promote a diverse and inclusive Federal STEM workforce, and updates on the implementation of previous recommendations for Federal actions.

SEC. 309. IMPROVING UNDERGRADUATE STEM EXPERIENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each Federal science agency should invest in and expand research opportunities for undergraduate students attending institutions of higher education during the undergraduate students’ first 2 academic years of postsecondary education.

(b) IDENTIFICATION OF RESEARCH PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency shall submit to the President a report identifying such Federal research programs that could best fulfill the goals described in subsection (a).

SEC. 308. WORKING GROUP ON INCLUSION IN STEM FIELDS.

(a) ESTABLISHMENT.—The Office of Science and Technology Policy, in collaboration with Federal departments and agencies, shall establish an interagency working group to compile and summarize existing research and best practices on how to promote diversity, inclusion, and equity in STEM fields. The working group shall be responsible for reviewing and assessing research, best practices, and policies across Federal science agencies related to the promotion of diversity and inclusion in scientific fields.

(b) COMPOSITION.—The working group shall include representatives from Federal science agencies responsible for research and development in STEM fields, including—

(1) policies providing flexibility for scientists and engineers that are also caregivers, particularly on the timing of research grants;

(2) policies to address the proper handling of claims of sexual harassment;

(3) policies to minimize the effects of implicit bias and other systemic factors in hiring, promotion, evaluation, and work assignments;

(4) evidence-based strategies that the working group considers effective for promoting diversity and inclusion in STEM fields.

(c) STAKEHOLDER INPUT.—In carrying out the responsibilities under section (b), the working group shall solicit and consider input and recommendations from non-Federal stakeholders, including—

(1) the Council of Advisors on Science and Technology;

(2) federally funded and non-federally funded researchers, institutions of higher education, scientific disciplinary societies, and associations;

(3) nonprofit research institutions;

(4) industry, including small businesses;

(5) federally funded research and development centers;

(6) non-governmental organizations; and

(7) other members of the public interested in promoting a diverse and inclusive Federal STEM workforce.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the President shall submit to the Congress a summary of available research and best practices, any recommendations for Federal actions to promote a diverse and inclusive Federal STEM workforce, and updates on the implementation of previous recommendations for Federal actions.
SEC. 310. COMPUTER SCIENCE EDUCATION RESEARCH.

(a) FINDINGS.—Congress finds that as the lead Federal agency for building the research knowledge and partnerships in computer science education, the Foundation is well positioned to make investments that will accelerate ongoing efforts to enable rigorous and engaging computer science throughout the Nation as an integral part of STEM education.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Director of the Foundation may make grants to eligible entities to carry out research and development projects that promote learning and teaching of computer science and computational thinking.

(2) RESEARCH.—The research described in paragraph (1) may include the development or adaptation, piloting or full implementation, and testing of—

(A) models of preservice preparation for teachers who will teach computer science and computational thinking;

(B) scalable and sustainable models of professional development and ongoing support for the teachers described in subparagraph (A);

(C) tools and models for teaching and learning aimed at supporting student success and computer science instruction for students and teachers in underserved schools; and

(D) high-quality learning opportunities for teaching computer science and, especially in poor, rural, or tribal schools at the elementary school and middle school levels, for integrating computational thinking into STEM teaching and learning.

(c) COLLABORATIONS.—In carrying out the grants described in subsection (b), eligible entities may collaborate and partner with local school districts, partnerships, and other local stakeholders to support the integration of computing and computational thinking within pre-kindergarten through grade 12 STEM curricula and instruction.

(d) MIRRORS.—The Director of the Foundation shall establish metrics to measure the success of the grant program funded under this section in achieving program goals.

(e) REPORT.—The Director of the Foundation shall report, in the annual budget submission to Congress, on the success of the program as measured by the metrics in subsection (d). The report shall—

(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means an institution of higher education or a nonprofit research organization.

SEC. 311. INFORMAL STEM EDUCATION.

(a) NATIONAL STEM PARTNERSHIP GRANTS.—Section 3(a) of the STEM Education Act of 2015 (42 U.S.C. 1862q(a)) is amended—

(1) in paragraph (1), by striking "; and" and inserting "and inserting a semicolon; and"

(2) in paragraph (2), by striking the period at the end and inserting "; and"

(3) by adding at the end the following:

"(3) a national partnership of institutions involved in informal STEM learning;"

(b) METRICS.—Section 3(b) of the STEM Education Act of 2015 (42 U.S.C. 1862q(b)) is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon; and

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(2) a metric for measuring the impact of the program on increasing participation in STEM disciplines, including poor, rural, and tribal populations; and (3) a metric for measuring the impact of the program on increasing participation of individuals from underrepresented groups."
the Administrator shall maintain a comprehensive system for evaluating the Administration’s educational programs and activities. In so doing, the Administrator shall ensure that the education programs have measurable objectives and milestones as well as clear, documented metrics for evaluating programs. For each such education program or portfolio of similar programs, the Administrator shall—

(1) encourage the collection of evidence as relevant to the measurable objectives and milestones by—

(2) ensure that program or portfolio evaluations focus on educational outcomes and not just inputs, activities completed, or the number of participants.

SEC. 315. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM UPDATE.

(a) In General.—Section 7033(a) of the America COMPETES Act (42 U.S.C. 16262–12(a)) is amended as follows:

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in which individuals or organizations participate voluntarily in the scientific process in various ways, including:
(A) enabling the formulation of research questions;
(B) creating and refining project design;
(C) conducting scientific experiments;
(D) collecting and analyzing data;
(E) training the next generation of scientists;
(F) developing technologies and applications;
(G) making discoveries; and
(H) solving problems.

2. CROWDSOURCING.—The term “crowdsourcing” means a method to obtain needed services, ideas, or content by soliciting from a diverse group of individuals or organizations, especially from an online community.

3. PARTICIPANT.—The term “participant” means any individual or other entity that has volunteered in a crowdsourcing or citizen science project under this section.

(d) CROWDSOURCING AND CITIZEN SCIENCE.—(1) IN GENERAL.—The head of each Federal science agency, or the heads of multiple Federal science agencies working cooperatively, may utilize crowdsourcing and citizen science to conduct projects designed to advance the respective Federal science agency or the joint mission of Federal science agencies, as applicable.

(2) VOLUNTARY SERVICES.—Notwithstanding subsection 1332 of title 31, United States Code, the head of a Federal science agency may accept, subject to regulations issued by the Director of the Office of Personnel Management, in coordination with the Director of the Office of Science and Technology Policy, services from participants under this section if such services—
(A) are performed voluntarily as a part of a crowdsourcing or citizen science project authorized under paragraph (1);
(B) are not financially compensated for their time; and
(C) will not be used to displace any employee of the Federal Government.

3. OUTREACH.—The head of each Federal science agency engaged in a crowdsourcing or citizen science project under this section shall publicize and promote such project to encourage participation.

4. CONSENT, REGISTRATION, AND TERMS OF USE.—(A) IN GENERAL.—Each Federal science agency engaged in a crowdsourcing or citizen science project under this section shall make public and promote such project to encourage participation.

(B) DISCLOSURES.—In seeking consent, consent registration, or acknowledgment of the terms of use that are required from participants in crowdsourcing or citizen science projects under this section on a per-project basis.

(C) MODE OF CONSENT.—A Federal agency or Federal science agencies, as applicable, may obtain consent electronically or in written form from participants under this section.

5. PROTECTIONS FOR HUMAN SUBJECTS.—Any crowdsourcing or citizen science project under this section that involves research involving human subjects shall be subject to part 46 of title 45, Code of Federal Regulations (or any successor regulation).
(2) to displace Federal Government resources allocated to the Federal science agencies that use crowdfunding or citizen science authorized under this section to carry out any activity authorized under subsection (a) of section 403 of this Act, further amended—

(1) in the matter preceding paragraph (1), by striking “authorized to take” and inserting “authorize or approve” as the President’s principal adviser on standards policy pertaining to the Nation’s technological competitiveness and innovation ability and to take

(2) in paragraph (3), by striking “compare standards” and all that follows through “Government” and inserting “facilitate standards-based information sharing and cooperation between Federal agencies”; and

(3) in paragraph (13), by striking “Federal, State, and local” and all that follows through “private sector” and inserting “technical standards activities and conforming standards activities of Federal, State, and local governments with private sector.”

SEC. 404. NATIONAL VISITING COMMITTEE ON ADVANCED TECHNOLOGY UPDATE.

Section 10 of the National Institute of Standards and Technology Act (15 U.S.C. 276c) is amended by adding at the end the following:

(1) in subsection (a)—

(A) in the second sentence, by striking “15 members appointed by the Director, at least 10 of whom” and inserting “not fewer than 9 members appointed by the Director, a majority of whom”; and

(B) in the third sentence, by striking “National Institute of Standards and Technology” and inserting “National Institute of Standards and Technology”;

and

(2) in subsection (b)(1), by striking “, including the Program established under section 28.”

TITLE V—MANUFACTURING

SEC. 501. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIPS IMPROVEMENTS.

(a) SHORT TITLE.—This section may be cited as the “Manufacturing Extension Partnership Improvement Act.”

(b) IN GENERAL.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 276c) is amended to read as follows:

“SEC. 25. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.

“(a) Definition of this section—

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Science, Space, and Technology of the House of Representatives.

“(2) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ‘area career and technical education school’ has the meaning given the term in section 3 of the Vocational Education Act of 1963 (20 U.S.C. 2302).

“(3) CENTER.—The term ‘Center’ means a manufacturing extension center that—

“(A) is created under subsection (b); and

“(B) is affiliated with an eligible entity that applies for and is awarded financial support under subsection (e).

“(4) COMMUNITY COLLEGE.—The term ‘community college’ means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate’s degree.

“(5) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a United States-based non-profit institution, or consortium thereof, an institution of higher education, or a State, United States territory, local, or tribal government.

“(6) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP OR PROGRAM.—The term ‘Hollings Manufacturing Extension Partnership’ or ‘Program’ means the program established under subsection (b).

“(7) MEEP ADVISORY BOARD.—The term ‘MEEP Advisory Board’ means the Manufacturing Extension Partnership Advisory Board established under subsection (n).

“(8) EXISTING PARTNER.—The Secretary, acting through the Director and, if appropriate, through other Federal officials, shall establish a program to provide financial assistance and support of manufacturing extension centers for the transfer of manufacturing technology and best business practices.

“(c) OBJECTIVE.—The objective of the Program shall be to enhance competitiveness, productivity, and technological performance in United States manufacturing through—

“(1) the transfer of manufacturing technology and techniques developed at the Institute to Centers and, through them, to manufacturing companies throughout the United States;

“(2) the participation of individuals from industry, institutions of higher education, State, and local governments with other Federal agencies, and, when appropriate, the Institute in cooperative technology transfer activities;

“(3) efforts to make new manufacturing technology and processes usable by United States-based small and medium-sized companies;

“(4) the active dissemination of scientific, engineering, technical, and management information about manufacturing to industrial firms, including small and medium-sized manufacturing companies;

“(5) the utilization, when appropriate, of the expertise and capability that exists in Federal agencies, other than the Institute, and federally-sponsored laboratories;

“(6) the provision to community colleges and area career and technical education schools of information about the job skills needed in manufacturing companies, including small and medium-sized manufacturing businesses in the regions they serve;

“(7) the promotion and expansion of certification systems offered through industry, associations, and when appropriate, including efforts such as facilitating training, supporting new or existing apprenticeships, and providing access to information and experts, to address workforce needs and skills gaps in order to assist small- and medium-sized manufacturing businesses; and

“(8) the growth in employment and wages at United States-based small and medium-sized companies.

“(d) ACTIVITIES.—The activities of a Center shall include—

“(1) the establishment of automated manufacturing systems and other advanced production technologies, based on Institute-supported research, that will help accomplish programmatic objectives and increase the purpose of demonstrations and technology transfer;

“(2) the active transfer and dissemination of research findings and Center expertise to companies and enterprises, particularly small and medium-sized manufacturers; and

“(3) the facilitation of collaborations and partnerships between small and medium-sized manufacturing companies, community colleges, and area career and technical education schools, to help those entities better understand the needs and desires of manufacturers and to help manufacturers better understand the skill sets that students learn in the programs offered by such colleges and schools.

“(e) FINANCIAL ASSISTANCE.—

“(1) AUTHORIZATION.—Except as provided in paragraph (2), the Secretary may provide financial assistance for the creation and support of a Center through a cooperative agreement with an eligible entity.

“(2) COST SHARING.—The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to establish and support a Center.

“(3) RULE OF CONSTRUCTION.—For purposes of the subsection (2), no amount received by an eligible entity for a Center under a provision of paragraph (2) shall be considered an amount provided under paragraph (1).

“(4) REGULATIONS.—The Secretary may revise or promulgate such regulations as necessary to carry out this subsection.

“(f) APPLICATIONS.—

“(1) IN GENERAL.—An eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) PROGRAM DESCRIPTION.—The Secretary shall establish and update, as necessary—

“(A) a description of the Program;

“(B) the application procedures;

“(C) performance metrics;

“(D) criteria for determining qualified applicants; and

“(E) criteria for choosing recipients of financial assistance from among the qualified applicants.

“(3) COST SHARING.—

“(A) IN GENERAL.—To be considered for financial assistance under this section, an applicant shall provide adequate assurances that the applicant and, if applicable, the applicant’s partnering organizations, will obtain funding for not less than 50 percent of the capital and annual operating and maintenance funds required to establish and support the Center from sources other than the financial assistance provided under subsection (e).

“(B) AGREEMENTS WITH OTHER ENTITIES.—In meeting the cost-sharing requirement under subparagraph (A), an eligible entity may enter into an agreement with 1 or more other entities, such as a private industry, institution of higher education, State, local government for the contribution by that other entity of funding if the Secretary determines that the agreement—

“(i) is programmatically reasonable;

“(ii) will help accomplish programmatic objectives; and

“(iii) is allocable under Program procedures under subsection (f)(2).

“(4) LEGAL RIGHTS.—Each applicant shall submit the cost-sharing requirement under subparagraph (A), an eligible entity may enter into an agreement with 1 or more other entities, such as a private industry, institution of higher education, State, local government for the contribution by that other entity of funding if the Secretary determines that the agreement—

“(i) is allocable under Program procedures under subsection (f)(2).

“(C) MERIT REVIEW OF APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall consider each application to merit review.

“(B) CONSIDERATIONS.—In making a decision whether to approve an application and the financial assistance associated with the application (as defined in section 403(a)(3)), the Secretary shall consider, at a minimum—

“(i) the merits of the application, particularly the portions of the application regarding technology transfer, training and education, and adaptation of manufacturing
(6) Failure to remedy.—

(A) In general.—If a Center fails to remedy a deficiency or to show significant improvement in performance before the end of the period described in paragraph (5), the Secretary shall conduct a competition to select an operator for the Center under subsection (h).

(B) Treatment of Centers subject to new competition.—Upon the selection of an operator for a Center under subsection (h), the Center shall be considered a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of this subsection and subsection (g)(1) shall start anew.

(7) Reappraisal competition for financial assistance after 10 years.—

(A) In general.—If an eligible entity has operated a Center under this section for a period of 10 consecutive years, the Secretary shall conduct a competition to select an eligible entity to operate the Center in accordance with the process plan under subsection (i).

(B) Incumbent eligible entities.—An eligible entity that has received financial assistance under this section for a period of 10 consecutive years may reapply for financial assistance under subsection (g)(3). For any such reapplication, the entity shall begin the process plan with a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of subsection (g) shall start anew.

(8) Operational Requirements.—

(A) In general.—Each board established under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act and the standards established under section 301(d)(1) of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.

(B) Term.—Except as provided in subparagraph (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

(C) Vacancies.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which he or she was appointed shall be appointed for the remainder of such term.

(D) Serving consecutive terms.—Any person who has completed 2 consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the 1-year period following the expiration of the second such term.

(E) Meetings.—The MEP Advisory Board shall—

(A) meet not less than biannually; and

(B) provide to the Director—

(i) advice on the activities, plans, and policies of the Program;

(ii) assessments of the soundness of the plans and strategies of the Program; and

(iii) assessments of current performance against the plans of the Program.

(9) FACIA applicability.—

(A) In general.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(4) Bylaws.—

(A) In general.—Each board established under paragraph (1) shall adopt and submit to the Director bylaws to govern the operations of the board.

(B) Conflicts of interest.—Bylaws adopted under subparagraph (A) shall include policies to minimize conflicts of interest, including such policies relating to disclosure of relationships and recusal as may be necessary to minimize conflicts of interest.

(5) Acceptance of Funds.—In addition to such amounts as may be appropriated to the Secretary and Director to operate the Program, the Secretary and Director may also accept funds from other Federal departments and agencies and from the private sector under section 2(c)(7) of this Act (15 U.S.C. 272(c)(7)), to be available to the extent provided in an Appropriations Act for the appropriate purpose of strengthening United States manufacturing.

(6) MEP Advisory Board.—

(A) Establishment.—There is established within the Institute a Manufacturing Extension Partnership Advisory Board.

(B) Membership.—

(A) Composition.—

(i) In general.—The MEP Advisory Board shall consist of not fewer than 10 members appointed by the Director and broadly representative of stakeholders.

(ii) Requirements.—Of the members appointed under clause (i),—

(A) at least 2 members shall be employed by or on an advisory board for a Center;

(B) at least 5 members shall be from United States Small businesses in the manufacturing sector;

(iii) at least 1 member shall represent a community college.

(C) Limitation.—No member of the MEP Advisory Board shall be an employee of the Federal Government.

(D) Term.—Except as provided in subparagraph (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

(E) Vacancies.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which he or she was appointed shall be appointed for the remainder of such term.

(F) Meetings.—The MEP Advisory Board shall—

(A) meet not less than biannually; and

(B) provide to the Director—

(i) advice on the activities, plans, and policies of the Program;

(ii) assessments of the soundness of the plans and strategies of the Program; and

(iii) assessments of current performance against the plans of the Program.

(10) FACIA applicability.—

(A) In general.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(4) Bylaws.—

(A) In general.—Each board established under paragraph (1) shall adopt and submit to the Director bylaws to govern the operations of the board.

(B) Conflicts of interest.—Bylaws adopted under subparagraph (A) shall include policies to minimize conflicts of interest, including such policies relating to disclosure of relationships and recusal as may be necessary to minimize conflicts of interest.

(5) Acceptance of Funds.—In addition to such amounts as may be appropriated to the Secretary and Director to operate the Program, the Secretary and Director may also accept funds from other Federal departments and agencies and from the private sector under section 2(c)(7) of this Act (15 U.S.C. 272(c)(7)), to be available to the extent provided in an Appropriations Act for the appropriate purpose of strengthening United States manufacturing.

(6) MEP Advisory Board.—

(A) Establishment.—There is established within the Institute a Manufacturing Extension Partnership Advisory Board.

(B) Membership.—

(A) Composition.—

(i) In general.—The MEP Advisory Board shall consist of not fewer than 10 members appointed by the Director and broadly representative of stakeholders.

(ii) Requirements.—Of the members appointed under clause (i),—

(A) at least 2 members shall be employed by or on an advisory board for a Center;

(B) at least 5 members shall be from United States Small businesses in the manufacturing sector;

(iii) at least 1 member shall represent a community college.

(C) Limitation.—No member of the MEP Advisory Board shall be an employee of the Federal Government.

(D) Term.—Except as provided in subparagraph (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

(E) Vacancies.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which he or she was appointed shall be appointed for the remainder of such term.

(F) Meetings.—The MEP Advisory Board shall—

(A) meet not less than biannually; and

(B) provide to the Director—

(i) advice on the activities, plans, and policies of the Program;

(ii) assessments of the soundness of the plans and strategies of the Program; and

(iii) assessments of current performance against the plans of the Program.

(10) FACIA applicability.—

(A) In general.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).
Title VI—Innovation and Technology Transfer

SEC. 601. INNOVATION CORPS.

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

(1) The National Science Foundation Innovation Corps (referred to in this section as the "I-Corps") was established to foster a national innovation ecosystem by encouraging institutions, scientists, engineers, and entrepreneurs to identify and explore the innovation and commercial potential of National Science Foundation-funded research well beyond the laboratory.

(2) Through I-Corps, the Foundation invests in entrepreneurs and commercialization education and mentoring that can ultimately lead to the practical deployment of technologies, products, processes, and services that improve the Nation's economic growth, benefit society.

(3) By building networks of entrepreneurs, educators, mentors, institutions, and collaborators, the Foundation aims to translate funded research to a commercial stage more quickly and efficiently, programs like the I-Corps

"(5) ANNUAL REPORT.—

(A) IN GENERAL.—At a minimum, the MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to Congress by not later than 30 days after the submission to Congress of the President’s annual budget under section 1105 of title 31, United States Code.

(B) CONTENTS.—The report shall address the status of the Program and describe the relevant sections of the programmatic planning document and updates thereto transmitted to the Director under subsections (c) and (d) of section 23 (15 U.S.C. 278i).

(ii) SMALL MANUFACTURERS.—

(1) EVALUATION OF OBSTACLES.—As part of the Program, the Director shall—

(A) identify obstacles that prevent small manufacturers from effectively competing in the global market;

(B) implement a comprehensive plan to train the Centers to address the obstacles identified in paragraph (2); and

(C) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to the obstacles identified in paragraph (2).

(2) DEVELOPMENT OF OPEN ACCESS RESOURCES.—As part of the Program, the Secretary shall develop open access resources that address best practices related to inventory sourcing, supply chain management, manufacturing techniques, available Federal R&D funding, and other topics to further the competitiveness and profitability of small manufacturers.

(c) COMPETITIVE AWARDS PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 25 the following:

"SEC. 25A. COMPETITIVE AWARDS PROGRAM.

(a) ESTABLISHMENT.—The Director shall establish within the Hollings Manufacturing Extension Partnership under section 25 (15 U.S.C. 278k) a program of competitive awards among participants described in subsection (b) of this section for the purposes described in subsection (c).

(b) PARTICIPANTS.—Participants receiving awards under this section shall be Centers, or a consortium of Centers.

(c) PURPOSE, THEMES, AND REIMBURSEMENT.—

(1) PURPOSE.—The purpose of the program established under subsection (a) is to add capability to small and medium-sized manufacturing Extension Partnership, including the development of projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Hollings Manufacturing Extension Partnership, the MEP Advisory Board, other Federal agencies, and small and medium-sized manufacturers.

(2) THEMES.—The Director may identify 1 or more themes for a competition carried out under this section, which may vary from year to year, that the Director considers appropriate after assessing the needs of manufacturers and the success of previous competitions.

(3) REIMBURSEMENT.—Centers may be reimbursed for costs incurred by the Centers under this section.

(d) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require in consultation with the MEP Advisory Board.

(e) SELECTION.—

(1) PEER REVIEW AND COMPETITIVELY AWARDED AWARDS.—The Director shall select applicants for the awards under this section through a competitive process.

(2) GEOGRAPHIC DIVERSITY.—The Director shall endeavor to have broad geographic diversity among selected proposals.

(3) CRITERIA.—The Director shall select applications upon which the Director determines will achieve 1 or more of the following:

(A) Improve the competitiveness of industries in which the Center or Centers are located.

(B) Create jobs or train newly hired employees.

(C) Promote the transfer and commercialization of research and technology from institutions of higher education, national laboratories or other federally funded research programs, and nonprofit research institutions.

(D) Recruit a diverse manufacturing workforce, including through outreach to underrepresented populations, including individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1865a, 1865b).

(E) Such other result as the Director determines will advance the objective set forth in section 25(c)(15 U.S.C. 278k) or in section 26 (15 U.S.C. 278l).

(f) CONTRIBUTION.—Recipients of awards under this section shall be required to provide a matching contribution.

(g) PROGRAM CONTRIBUTION.—Recipient of awards under this section shall not be required to provide a matching contribution.

(h) DURATION.—The duration of an award under this section shall be for not more than 3 years.

(i) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 25 (15 U.S.C. 278k).

(j) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the MEP Advisory Board, and the Secretary, may take into consideration any study or analysis carried out after the date of enactment of this Act that the Director of the National Institute of Standards and Technology Act (15 U.S.C. 278k) or in section 34 of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1865a, 1865b).

(2) COMPARISON OF CENTERS.—

(A) IN GENERAL.—At a minimum, the MEP Advisory Board and the Secretary, may take into consideration any study or analysis carried out after the date of enactment of this Act that the Director of the National Institute of Standards and Technology Act (15 U.S.C. 278k) or in section 34 of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1865a, 1865b).

(B) CONSULTATION.—The independent organization performing the assessment under subsection (A) may consult with the MEP Advisory Board and the Secretary, under this section, which may vary from year to year, that the Director considers appropriate after assessing the needs of manufacturers and the success of previous competitions.

Title VI—Innovation and Technology Transfer
create new jobs and companies, help solve societal problems, and provide taxpayers with a greater return on their investment in research.

(5) The I-Corps program model has a strong record of success that should be replicated at all Federal science agencies.

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

(1) commercialization of federally funded research can improve the Nation’s competitiveness, grow the economy, and benefit society;

(2) I-Corps is a useful tool in promoting the commercialization of federally funded research by training researchers funded by the Foundation to engage in entrepreneurship and commercialization;

(3) I-Corps should continue to build a network of entrepreneurs, educators, mentors, and institutions and support specialized education and training;

(4) researchers other than those funded by the Foundation may also benefit from the education and training described in paragraph (3); and

(5) I-Corps should continue to promote a strong innovation system by investing in and expanding the number of female entrepreneurs through mentorship, education, and training because they are historically underrepresented in entrepreneurial fields.

(c) EXPANSION OF I-CORPS.—

(1) IN GENERAL.—In order to promote a strong, lasting foundation for the national innovation ecosystem and increase the positive economic and social impact of federally funded research, the Director of the Foundation shall set forth eligibility requirements and carry out a program to award grants for entrepreneurship and commercialization education, training, and mentoring.

(2) EXPANSION OF I-CORPS.—

(A) IN GENERAL.—The Director shall encourage the development and expansion of I-Corps and other training programs that focus on professional development, including education in entrepreneurship and commercialization education, training, and mentoring.

(B) PARTNERSHIP FUNDING.—In negotiating an agreement with another Federal science agency under subparagraph (A)(ii), the Director shall require that Federal science agency to provide funding for—

(i) the training for researchers, students, and institutions selected for the I-Corps program; and

(ii) the locations that Federal science agency designates as regional and national infrastructure for science and engineering entrepreneurship.

(3) FOLLOW-ON GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director, in consultation with the Director of the Small Business Innovation Research Program, shall make funds available for competitive grants, including to I-Corps participants, to help support—

(i) prototype or proof-of-concept development; and

(ii) such activities as the Director considers necessary to build local, regional, and national infrastructure for science and engineering entrepreneurship.

(B) LIMITATION.—Grants under subparagraph (A) shall be limited to participants with Federal science agencies, because of the early stage of development are not eligible to participate in a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

(4) STATE AND LOCAL PARTNERSHIPS.—

The Director may engage in partnerships with State and local governments, economic development organizations, and nonprofit organizations to provide access to the I-Corps program to support entrepreneurship education activities and support entrepreneurs and institutions under this subsection.

(5) REPORTS.—The Director shall submit to the appropriate committees of Congress a report on I-Corps program efficacy, including metrics on the effectiveness of the program. Each Federal science agency participating in the I-Corps program or that implements the elements set forth in paragraphs (2)(A) and (2)(B) shall contribute to the report.

(b) COMMERCIALIZATION PROMOTION.—The Director shall continue to fund prior or current Foundation-sponsored innovators, institutions of higher education, and non-profit organizations that partner with an institution of higher education in undertaking proof-of-concept work, including development of prototypes of technologies that are derived from Foundation-sponsored research and have potential for accelerated commercialization;

(d) ELIGIBILITY.—

(1) IN GENERAL.—The following organizations may be eligible for grants under this section:

(A) Institutions of higher education.

(B) Public or nonprofit technology transfer organizations.

(C) A nonprofit organization that partners with an institution of higher education.

(D) A consortia of 2 or more of the organizations described under subparagraphs (A) through (C).

(2) LEAD ORGANIZATIONS.—Any eligible organization under paragraph (1) may apply as a lead organization.

(e) APPLICATIONS.—An eligible entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(c) CHIEF TECHNOLOGY OFFICER.—Subject to subsection (b), the President is authorized to appoint, by and with the advice and consent of the Senate, the Chief Technology Officer of the National Science Foundation, under that subsection as a United States Chief Technology Officer."
SEC. 605. NATIONAL RESEARCH COUNCIL STUDY ON TECHNOLOGY FOR EMERGENCY NOTIFICATIONS ON CAMPUSES.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into an arrangement with the National Research Council to conduct and complete a study to identify and review technologies employed at institutions of higher education to provide notifications to students, faculty, and other personnel during emergency situations in accordance with law.

(b) Contents.—The study shall address—

(1) the timeliness of notifications provided by the technologies during emergency situations;

(2) the durability of the technologies in delivering the notifications to students, faculty, and other personnel; and

(3) the limitations exhibited by the technologies to successfully deliver the notifications not more than 30 seconds after the institution of higher education transmits the notifications.

(c) Report Required.—Not later than 1 year after the date that the National Research Council enters into the arrangement under subsection (a), the Director of the Office of Science and Technology Policy shall submit to Congress a report on the study, including recommendations for addressing any limitations identified under subsection (b)(3).

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator Ron Wyden, intend to object to proceeding to H.R. 6438, an act to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals; dated December 9, 2016.

NOMINATIONS DISCHARGED

Mr. McConnell. Mr. President, in executive session, I ask unanimous consent that the Commerce Committee be discharged and the Senate proceed to the consideration of S.1894 through S.1899 and S.1831, that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table with no intervening action or debate, that no further motions be in order, that any statements related to the nominations be printed in the RECORD, and the President be immediately notified of the Senate’s action.

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

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

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

To be lieutenant commander

- Stephen J. Albert
- Elizabeth S. Allen
- Kirsten M. Ambors-Casey
- Juan C. Avila
- Kenji R. Awamura
- Charles J. Bare
- Dustin G. Barker
- Todd C. Batten
- Caroline B. Bell
- Zachary C. Bender
- James C. Bennett
- Jonathan P. Benvenuto
- Jason L. Berger
- Nicole L. Blanchard
- Simon G. Blanco
- Jordan T. Boghosian
- Christopher A. Bonner
- Chad M. Brook
- Christine S. Brown
- Bryan P. Brownlee
- Mark W. Burger
- William J. Burwell
- Kristen M. Byers
- Nolan W. Cable
- Nolan V. Cain
- Kristen B. Caldwell
- Gregory S. Carr
- Jason R. Carrillo
- Kyle M. Carter
- Kyra M. Chin-Dyekman
- Erin H. Chium
- Bradley R. Clemons
- Megan K. Clifford
- Robert D. Cole, Jr.
- Roberto C. Concepcion
- Jason A. Connorton
- Kevin H. Connell
- Rebecca M. Corson
- James D. Couch
- Brian A. Crimmen
- Bryan S. Crook
- Lane P. Cutler
- Kathryn R. Cyr
- Steven T. Davies
- Rebecca W. Dearkin
- Michael A. Deal
- Daniel J. Deangelo
- Andrew B. Denny
- Amanda W. Denning
- Amanda M. Dipietro
- Anna K. Dixon
- Timothy W. Dolan
- Kelli M. Dougherty
- Leslie M. Downing
- Stephen J. Drauzewski
- Michael J. Dubinsky
- Quinton L. Dubose
- Andrew S. Dunlevy
- Elisa F. Dykman
- Ronald Easley
- Erica L. Elfguinn
- Patricia C. Elliston
- Denny A. Ernst
- Kyle G. Ettestad
- Jason E. Evans
- Daniel J. Everby
- Amanda L. Fahrig
- Diana Ferguson
- Jamison R. Ferrell
- Traci-Ann Fiammetta
- Michael L. Flint
- John M. Foster
- Edward K. Foyos
- Rebecca A. Fosha
- Michelle M. Foster
- James T. Freeman
- Jeffrey A. Fry
- Nicholas A. Galati
- Victor J. Galgano
- Rven T. Garcia
- Micah N. Gentile
- Zachary J. Geyer
- Mario G. Gil
- David M. Gilbert
- David S. Gonzalez
- Eliezer Gonzalez
- Lee R. Gorlin
- Robert D. Gorman
- Andrew M. Grantham
- Christopher P. Greenough
- Nan Hodge
- Patrick J. Grizzle
- Sean T. Groark
- Michael B. Groncki II
- Ian C. Grum
- Anthony J. Guido
- Matthew C. Haddad
- Brian M. Hall
- Ian Hanna
- Eric C. Hanson
- Kevan F. Hanson
- Brent L. Hardgrave
- Stephen A. Hart
- Lisa G. Hartley
- Jason L. Hathaway
- Kelly L. Haupt
- Joseph S. Heal
- Terrance L. Hurliloka
- Matthew L. Herring
- Jennifer L. Hertzler
- John D. Hess
- Jerod M. Hitzel
- Stephanie J. Hodgyson
- James M. Hodges
- Jonathan W. Hofius
- Zachary D. Huff
- Steven W. Hulsey
- Matthew C. Hunt
- Bryson C. Jacobs
- Raymond M. Jamros
- Sarah M. Janaro
- David L. Janney
- Andrew B. Jantzen
- Chelsea A. Kaili
- Abigail H. Kawada
- Caroline D. Kearney
- Gary G. Kim
- Min H. Kim
- Gretail G. Kinney
- David B. Komar
- Brittani J. Koroknay
- Kevin K. Koski
- Matthew M. Kroll
- Sarah A. Kroslon
- Nicholas R. Kross
- Brownie J. Kuk
- Celina H. Ladyga
- Jonathan W. Ladyga
- Leo C. Lake
- Jonathan M. Larnaia
- Dustin T. Lee
- Karen M. Lee
- Blake K. Leedly
- Clinton D. Lemasters
- Paul M. Leon
- Benjamin S. Leuthold
- Aaron B. Leyko
- James P. Litzinger
- John T. Livingston
- Robert J. Loker
- Sean A. Lott
- Rachael D. Love
- Charles A. Lumpkin
- Ryan W. Maca
- Steven A. Macias
- Robert M. Mackenzie
- Issac D. Mahar
- Sawyer M. Mann
- Marc A. Mares
- Christopher H. Martin
- Scott A. McBride
- Kenneth W. McCann
- Christopher J. McCann
- Scott J. McCann
- Jayna G. McCarron
- Adam J. McCarthy
- Scott H. McGrew
- Patrick M. McMahon
- Anna C. McNeil
- Steven T. Melvin
- Hermin P. Mendonca
- Megan K. Mervar
- Julian M. Middleton
- Jeffrey S. Milgate
- Michael S. Miller
- Frank P. Minopoli
- Caitlin H. Mitchell-Wurster
- Nathan P. Morello
- Karl H. Mueller
- Ian J. Mulcahy
- Adam L. Mullins
- John E. Mundale
- Andrew J. Murphy
- Joshua C. Murphy
- Elizabeth G. Nakagawa