bill S. 2943, supra; which was ordered to lie on the table.

SA 4342. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4343. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4344. Mr. SULLIVAN (for himself, Mr. WARNER, Mr. CORNYN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4345. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4346. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4347. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4348. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4349. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4350. Mr. WARNER (for himself, Mr. CARPER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4351. Mr. REID (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4352. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4353. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4354. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4355. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4356. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4357. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4358. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4359. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4360. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4361. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4362. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4363. Mr. BROWN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4364. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4365. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4366. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4367. Mr. JOHNSON (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4368. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4369. Mr. DURBIN (for himself, Mr. COCHRAN, Mr. REID, Mr. BLUNT, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. MURRAY, Mr. CASEY, and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4370. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4371. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4237. Mr. INHOFE (for himself, Mr. DONNELLY, Mr. HATCH, Mr. KAINE, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 663. REPORT ON MODIFICATION OF BASIC ALLOWANCE FOR SUBSISTENCE IN LIGHT OF AUTHORITY FOR VARIABLE PRICING OF GOODS AT COMMISSARY STORES.

Not later than March 31, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of modifying the amounts payable for basic allowance for subsistence (BAS) for members of the Armed Forces in light of potential changes in prices of goods and services at commissary stores pursuant to the authority granted by the amendments made by section 661. The report shall include the following:

(1) An assessment of the potential for increases in prices of goods and services at commissary stores by reason of such authority, set forth by locality.

(2) An assessment of the feasibility and advisability of modifications in the amounts payable for basic allowance for subsistence in light of such potential increases in prices, including paying basic allowance for subsistence at different rates in different locations.

SA 4238. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1236. PROHIBITION ON ENTRY INTO CONTRACTS WITH ENTITIES THAT HAVE CONTRIBUTED TO THE VIOLATION BY THE RUSSIAN FEDERATION OF THE INTERMEDIATE-RANGE NUCLEAR FORCES TREATY.

(a) PROHIBITION.—

(1) IN GENERAL.—No funds authorized to be appropriated or otherwise made available for a department or agency of the United States Government for a fiscal year after fiscal year 2016 may be used to enter into a contract with a person or entity that the Secretary of State determines has materially contributed to any violation of the Intermediate-Range Nuclear Forces (INF) Treaty by the Russian Federation during the last calendar year ending before the calendar year in which such fiscal year begins.

(2) DETERMINATIONS.—Any determination made by the Secretary for purposes of paragraph (1) shall be made in connection with the preparation by the Secretary of the annual report on arms control, nonproliferation, and disarmament pursuant to section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

(b) WAIVER.—

(1) IN GENERAL.—The President may waive the prohibition in subsection (a)(1) with respect to entry into any particular contract if the President determines that the waiver is in the national security interest of the United States.

(2) REPORT.—The President shall submit to the appropriate committees of Congress a report on any waiver made under this subsection.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''Intermediate-Range Nuclear Forces (INF) Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington, December 8, 1987, and entered into force June 1, 1988.

SA 4239. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I title X, add the following:

SEC. 807. ENSURING GRANTS ARE IN SUPPORT OF NATIONAL SECURITY.

The Secretary of Defense shall establish and implement a policy that will ensure that all grants issued by the Department of Defense are in support of national security.

SA 4240. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 764. REPORT ON FEASIBILITY AND ADVISABILITY OF ALIGNMENT OF PRESCRIPTION DRUG BUYING PROGRAMS OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than January 31, 2017, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the feasibility and advisability of aligning the structure, statutory parameters, and regulatory guidance for prescription drug buying programs of the Department of Defense and the Department of Veterans Affairs to increase buying power and reduce costs.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an assessment of the feasibility, advisability, costs, and benefits of aligning the prescription drug buying programs of the Department of Defense and the Department of Veterans Affairs; and

(2) a timeline to implement such alignment.

SA 4241. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1655. PROHIBITION ON USE OF FUNDS FOR LONG-RANGE STANDOFF WEAPON OR W80 WARHEAD LIFE EXTENSION PROGRAM.

Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range standoff weapon or for the W80 warhead life extension program.

SA 4242. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899C. NOTIFICATION TO SMALL BUSINESS CONCERNS REGARDING PROCUREMENT TECHNICAL ASSISTANCE CENTERS.

Section 2418 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of Defense, in partnership with eligible entities and the Administrator of General Services, shall notify small business concerns that have successfully registered in the System for Award Management referenced in subpart 4.11 of the Federal Acquisition Regulation that once their registration is complete free procurement technical assistance is available pursuant to procurement technical assistance cooperative agreements.

''(2) In this subsection, the term 'small business concern' has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).''.

SA 4243. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1231 and insert the following:

SEC. 1231. EXTENSION AND ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) FUNDING.—Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (a), by striking ''Of the amounts'' and all that follows through ''shall be available to'' and inserting ''Amounts available for a fiscal year under subsection (f) shall be available to'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) FUNDING.—From amounts authorized to be appropriated for the fiscal year concerned for the Department of Defense for overseas contingency operations, the following shall be available for purposes of subsection (a):

''(1) For fiscal year 2016, $300,000,000.

''(2) For fiscal year 2017, $500,000,000.''.

(b) ADDITIONAL AUTHORIZED ASSISTANCE.—Subsection (b) of such section is amended—

(1) in paragraph (2), by striking ''and small arms and ammunition'' and inserting ''small arms and ammunition, and air defense weapon systems''; and

(2) by adding at the end the following new paragraphs:

''(10) Equipment and technical assistance to the State Border Guard Service of Ukraine for the purpose of developing a comprehensive border surveillance network for Ukraine.

''(11) Training for staff officers and senior leadership of the military.

''(12) Air defense and coastal defense radars.''.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by inserting ''for a fiscal year'' after ''pursuant to subsection (a)'';

(2) in paragraph (2), by striking ''pursuant to subsection (a)'' and all that follows and inserting ''pursuant to subsection (a) for a fiscal year, the amount as follows shall be available only for lethal and critical assistance described in paragraphs (2) and (3) of subsection (b) in that fiscal year:

''(A) In fiscal year 2016, $50,000,000.

''(B) In fiscal year 2017, $150,000,000;''.

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''OTHER PURPOSES'' and inserting ''AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE DEFENSIVE LETHAL ASSISTANCE'';

(B) in the matter preceding subparagraph (A), by striking the first sentence and inserting the following new sentence: ''Subject to paragraph (5), the amount described in paragraph (2)(B) for fiscal year 2017 shall be available for purposes other than assistance and support described in subsection (a) commencing on the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 if the Secretary of Defense, with the concurrence of the Secretary of State, determines that the use of such amount for lethal and critical assistance described in paragraphs (2) and (3) of subsection (b) is not in the national security interests of the United States.''; and

(C) in subparagraph (B), by striking ''or the Government of Ukraine''; and

(4) by adding at the end the following new paragraphs:

''(4) AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE GENERALLY.—

''(A) IN GENERAL.—If the certification described in subparagraph (B) is not made to the congressional defense committees by the end of the 90-day period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, commencing as of the end of that period $250,000,000 of the amount available for this section for fiscal year 2017 under subsection (f) shall be available in accordance with paragraph (5)(B).

''(B) CERTIFICATION.—A certification described in this subparagraph is a certification by the Secretary of Defense, in coordination with the Secretary of State, that the Government of Ukraine has taken substantial actions to make defense institutional reforms in such areas as civilian control of the military, cooperation and coordination with Verkhovna Rada efforts to exercise oversight of the Ministry of Defense and military forces, increased transparency and accountability in defense procurement, and improvement in transparency, accountability, and potential opportunities for privatization in the defense industrial sector. The purpose of these defense institutional reforms is to decrease corruption, increase accountability, and sustain improvements of combat capability enabled by such international security assistance. The certification shall include an assessment of the substantial actions taken to make such defense institutional reforms and the areas in which additional action is needed.

''(5) USE.—In the event funds described in paragraph (2)(B) are not used in fiscal year 2017 for defensive lethal and critical assistance described in paragraphs (2) and (3) of subsection (b) by reason of a determination under paragraph (3), and funds described in paragraph (4) are not available under that paragraph in that fiscal year by reason of the lack of a certification described in paragraph (4)(B), of the amount available for this section under subsection (f) for fiscal year 2017—

''(A) $250,000,000 may be used for assistance and support described in subsection (a) for the Government of Ukraine; and

''(B) $250,000,000 may be used for purposes described in paragraph (3), of which not more

than $150,000,000 may be used for such purposes for a particular foreign country.

''(6) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or training under paragraph (3), (4), or (5), the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification containing the following:

''(A) The recipient foreign country.

''(B) A detailed description of the assistance or training to be provided, including—

''(i) the objectives of such assistance or training;

''(ii) the budget for such assistance or training; and

''(iii) the expected or estimated timeline for delivery of such assistance or training.

''(C) Such other matters as the Secretary considers appropriate.''.

(d) CONSTRUCTION WITH OTHER AUTHORITY.—Such section is further amended by inserting after subsection (f), as amended by subsection (a)(3) of this section, the following new subsection (g):

''(g) CONSTRUCTION WITH OTHER AUTHORITY.—The authority to provide assistance and support pursuant to subsection (a), and the authority to provide assistance and training support under subsection (c), is in addition to authority to provide assistance and support under title 10, United States Code, the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law.''.

(e) EXTENSION.—Subsection (h) of such section, as redesignated by subsection (a)(2) of this section, is amended by striking ''December 31, 2017'' and inserting ''December 31, 2019''.

(f) EXTENSION OF REPORTS ON MILITARY ASSISTANCE TO UKRAINE.—Section 1275(e) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592), as amended by section 1250(g) of the National Defense Authorization Act for Fiscal Year 2016, is further amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

SA 4244. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. CYBERSECURITY TRANSPARENCY.

(a) DEFINITIONS.—In this section—

(1) the term ''Commission'' means the Securities and Exchange Commission;

(2) the term ''cybersecurity threat''—

(A) means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system; and

(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement;

(3) the term ''information system''—

(A) has the meaning given the term in section 3502 of title 44, United States Code; and

(B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers;

(4) the term ''issuer'' has the meaning given the term in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c); and

(5) the term ''reporting company'' means any company that is an issuer—

(A) the securities of which are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); or

(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).

(b) REQUIREMENT TO ISSUE RULES.—Not later than 360 days after the date of enactment of this Act, the Commission shall issue final rules to require each reporting company, in the annual report submitted under section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78o(d)) or the annual proxy statement submitted under section 14(a) of such Act (15 U.S.C. 78n(a))—

(1) to disclose whether any member of the governing body, such as the board of directors or general partner, of the reporting company has expertise or experience in cybersecurity and in such detail as necessary to fully describe the nature of the expertise or experience; and

(2) if no member of the governing body of the reporting company has expertise or experience in cybersecurity, to describe what other cybersecurity steps taken by the reporting company were taken into account by such persons responsible for identifying and evaluating nominees for any member of the governing body, such as a nominating committee.

(c) CYBERSECURITY EXPERTISE OR EXPERIENCE.—For purposes of subsection (b), the Commission, in coordination with the National Institute of Standards and Technology, shall define what constitutes expertise or experience in cybersecurity, such as professional qualifications to administer information security program functions or experience detecting, preventing, mitigating, or addressing cybersecurity threats.

SA 4245. Mr. BROWN (for himself, Mr. DURBIN, Ms. WARREN, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. FRANKEN, Mr. CARPER, Mr. MARKEY, Mr. MURPHY, Mr. REED, Mrs. BOXER, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 563.

SA 4246. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. AUTHORITY TO ENTER INTO CERTAIN LEASES AT THE DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out leases described in subsection (b) at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California (in this section referred to as the ''Campus'').

(b) LEASES DESCRIBED.—Leases described in this subsection are the following:

(1) Any enhanced-use lease of real property under subchapter V of chapter 81 of title 38, United States Code, for purposes of providing supportive housing, as that term is defined in section 8161(3) of such title, that principally benefit veterans and their families.

(2) Any lease of real property for a term not to exceed 50 years to a third party to provide services that principally benefit veterans and their families and that are limited to one or more of the following purposes:

(A) The promotion of health and wellness, including nutrition and spiritual wellness.

(B) Education.

(C) Vocational training, skills building, or other training related to employment.

(D) Peer activities, socialization, or physical recreation.

(E) Assistance with legal issues and Federal benefits.

(F) Volunteerism.

(G) Family support services, including child care.

(H) Transportation.

(I) Services in support of one or more of the purposes specified in subparagraphs (A) through (H).

(3) A lease of real property for a term not to exceed 10 years to The Regents of the University of California, a corporation organized under the laws of the State of California, on behalf of its University of California, Los Angeles (UCLA) campus (in this section referred to as ''The Regents''), if—

(A) the lease is consistent with the master plan described in subsection (g);

(B) the provision of services to veterans is the predominant focus of the activities of The Regents at the Campus during the term of the lease;

(C) The Regents expressly agrees to provide, during the term of the lease and to an extent and in a manner that the Secretary considers appropriate, additional services and support (for which The Regents is not compensated by the Secretary or through an existing medical affiliation agreement) that—

(i) principally benefit veterans and their families, including veterans who are severely disabled, women, aging, or homeless; and

(ii) may consist of activities relating to the medical, clinical, therapeutic, dietary, rehabilitative, legal, mental, spiritual, physical, recreational, research, and counseling needs of veterans and their families or any of the purposes specified in any of subparagraphs (A) through (I) of paragraph (2); and

(D) The Regents maintains records documenting the value of the additional services and support that The Regents provides pursuant to subparagraph (C) for the duration of the lease and makes such records available to the Secretary.

(c) LIMITATION ON LAND-SHARING AGREEMENTS.—The Secretary may not carry out any land-sharing agreement pursuant to section 8153 of title 38, United States Code, at the Campus unless such agreement—

(1) provides additional health-care resources to the Campus; and

(2) benefits veterans and their families other than from the generation of revenue for the Department of Veterans Affairs.

(d) REVENUES FROM LEASES AT THE CAMPUS.—Any funds received by the Secretary

under a lease described in subsection (b) shall be credited to the applicable Department medical facilities account and shall be available, without fiscal year limitation and without further appropriation, exclusively for the renovation and maintenance of the land and facilities at the Campus.

(e) EASEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than Federal laws relating to environmental and historic preservation), pursuant to section 8124 of title 38, United States Code, the Secretary may grant easements or rights-of-way on, above, or under lands at the Campus to—

(A) any local or regional public transportation authority to access, construct, use, operate, maintain, repair, or reconstruct public mass transit facilities, including, fixed guideway facilities and transportation centers; and

(B) the State of California, County of Los Angeles, City of Los Angeles, or any agency or political subdivision thereof, or any public utility company (including any company providing electricity, gas, water, sewage, or telecommunication services to the public) for the purpose of providing such public utilities.

(2) IMPROVEMENTS.—Any improvements proposed pursuant to an easement or right-of-way authorized under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

(3) TERMINATION.—Any easement or right-of-way authorized under paragraph (1) shall be terminated upon the abandonment or nonuse of the easement or right-of-way and all right, title, and interest in the land covered by the easement or right-of-way shall revert to the United States.

(f) PROHIBITION ON SALE OF PROPERTY.—Notwithstanding section 8164 of title 38, United States Code, the Secretary may not sell or otherwise convey to a third party fee simple title to any real property or improvements to real property made at the Campus.

(g) CONSISTENCY WITH MASTER PLAN.—The Secretary shall ensure that each lease carried out under this section is consistent with the draft master plan approved by the Secretary on January 28, 2016, or successor master plans.

(h) COMPLIANCE WITH CERTAIN LAWS.—

(1) LAWS RELATING TO LEASES AND LAND USE.—If the Inspector General of the Department of Veterans Affairs determines, as part of an audit report or evaluation conducted by the Inspector General, that the Department is not in compliance with all Federal laws relating to leases and land use at the Campus, or that significant mismanagement has occurred with respect to leases or land use at the Campus, the Secretary may not enter into any lease or land-sharing agreement at the Campus, or renew any such lease or land-sharing agreement that is not in compliance with such laws, until the Secretary certifies to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located that all recommendations included in the audit report or evaluation have been implemented.

(2) COMPLIANCE OF PARTICULAR LEASES.—Except as otherwise expressly provided by this section, no lease may be entered into or renewed under this section unless the lease complies with chapter 33 of title 41, United States Code, and all Federal laws relating to environmental and historic preservation.

(i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a Community Veterans Engagement Board (in this subsection referred to as the ''Board'') for the Campus to coordinate locally with the Department of Veterans Affairs to—

(A) identify the goals of the community; and

(B) provide advice and recommendations to the Secretary to improve services and outcomes for veterans, members of the Armed Forces, and the families of such veterans and members.

(2) MEMBERS.—The Board shall be comprised of a number of members that the Secretary determines appropriate, of which not less than 50 percent shall be veterans. The nonveteran members shall be family members of veterans, veteran advocates, service providers, or stakeholders.

(3) COMMUNITY INPUT.—In carrying out subparagraphs (A) and (B) of paragraph (1), the Board shall—

(A) provide the community opportunities to collaborate and communicate with the Board, including by conducting public forums on the Campus; and

(B) focus on local issues regarding the Department that are identified by the community, including with respect to health care, benefits, and memorial services at the Campus.

(j) NOTIFICATION AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—With respect to each lease or land-sharing agreement intended to be entered into or renewed at the Campus, the Secretary shall notify the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located of the intent of the Secretary to enter into or renew the lease or land-sharing agreement not later than 45 days before entering into or renewing the lease or land-sharing agreement.

(2) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located an annual report evaluating all leases and land-sharing agreements carried out at the Campus, including—

(A) an evaluation of the management of the revenue generated by the leases; and

(B) the records described in subsection (b)(3)(D).

(3) INSPECTOR GENERAL REPORT.—

(A) IN GENERAL.—Not later than each of two years and five years after the date of the enactment of this Act, and as determined necessary by the Inspector General of the Department of Veterans Affairs thereafter, the Inspector General shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located a report on all leases carried out at the Campus and the management by the Department of the use of land at the Campus, including an assessment of the efforts of the Department to implement the master plan described in subsection (g) with respect to the Campus.

(B) CONSIDERATION OF ANNUAL REPORT.—In preparing each report required by subparagraph (A), the Inspector General shall take into account the most recent report submitted to Congress by the Secretary under paragraph (2).

(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of the Secretary to enter into other agreements regarding the Campus that are authorized by law and not inconsistent with this section.

(l) PRINCIPALLY BENEFIT VETERANS AND THEIR FAMILIES DEFINED.—In this section the term ''principally benefit veterans and their families'', with respect to services provided by a person or entity under a lease of property or land-sharing agreement—

(1) means services—

(A) provided exclusively to veterans and their families; or

(B) that are designed for the particular needs of veterans and their families, as opposed to the general public, and any benefit of those services to the general public is distinct from the intended benefit to veterans and their families; and

(2) excludes services in which the only benefit to veterans and their families is the generation of revenue for the Department of Veterans Affairs.

(m) CONFORMING AMENDMENTS.—

(1) PROHIBITION ON DISPOSAL OF PROPERTY.—Section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2272) is amended by striking ''The Secretary of Veterans Affairs'' and inserting ''Except as authorized under section 1097 of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Veterans Affairs''.

(2) ENHANCED-USE LEASES.—Section 8162(c) of title 38, United States Code, is amended by inserting '', other than an enhanced-use lease under section 1097 of the National Defense Authorization Act for Fiscal Year 2017,'' before ''shall be considered''.

SA 4247. Mr. DAINES (for himself, Mr. HOEVEN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XVI, insert the following:

SEC. 1655. EXPEDITED DECISION WITH RESPECT TO SECURING LAND-BASED MISSILE FIELDS.

To mitigate any risk posed to the nuclear forces of the United States by the failure to replace the UH–1N helicopter, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff—

(1) decide if the land-based missile fields using UH–1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements;

(2) not later than 30 days after the date of the enactment of this Act, submit to Congress a report on the decision relating to a request for forces required by paragraph (1); and

(3) if the Chairman determines the implementation of the decision to be warranted to mitigate any risk posed to the nuclear forces of the United States—

(A) not later than 60 days after such date of enactment, implement that decision; or

(B) if the Secretary cannot implement that decision during the period specified in subparagraph (A), not later than 45 days after such date of enactment, submit to Congress a report that includes a proposal for the date

by which the Secretary can implement that decision and a plan to carry out that proposal.

SA 4248. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 809, after line 24, add the following:

(5) a description of installations from which the Armed Forces may conduct communications and domain awareness activities in support of Arctic security missions; and

(6) a description of efforts to promote military-to-military cooperation with partner countries that have mutual security interests in the Arctic region, including opportunities for sharing installations and maintenance facilities.

On page 810, between lines 16 and 17, insert the following:

(f) OTHER INSTALLATIONS.—Nothing in this section may be construed to limit the authority of the Department of Defense to use existing infrastructure in support of Arctic domain awareness or to pursue military-to-military cooperation with partner countries that have mutual security interests in the Arctic region, including opportunities for sharing installations and maintenance facilities.

SA 4249. Ms. HEITKAMP (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. FINANCING OF SALES OF AGRICULTURAL COMMODITIES TO CUBA.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 908 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207), as amended by subsection (c)), a person subject to the jurisdiction of the United States may provide payment or financing terms for sales of agricultural commodities to Cuba or an individual or entity in Cuba.

(b) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) FINANCING.—The term ''financing'' includes any loan or extension of credit.

(c) CONFORMING AMENDMENTS.—Section 908 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207) is amended—

(1) in the section heading, by striking ''**AND FINANCING**'';

(2) by striking subsection (b);

(3) in subsection (a)—

(A) by striking ''PROHIBITION'' and all that follows through ''(1) IN GENERAL.—Notwithstanding'' and inserting ''IN GENERAL.—Notwithstanding''; and

(B) by redesignating paragraphs (2) and (3) as subsections (b) and (c), respectively, and by moving those subsections, as so redesignated, 2 ems to the left; and

(4) by striking ''paragraph (1)'' each place it appears and inserting ''subsection (a)''.

SA 4250. Mrs. SHAHEEN (for herself, Mr. MCCAIN, Mr. REED, and Mr. TILLIS) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. MODIFICATION OF PROTECTION FOR AFGHAN ALLIES.

(a) NUMERICAL LIMITATIONS.—Subparagraph (F) of section 602(b)(3) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in the heading, by striking ''2015, 2016, AND 2017'' and inserting ''2015, 2016, 2017, AND 2018'';

(2) in the matter preceding clause (i)—

(A) by striking ''exhausted,,'' and inserting ''exhausted,''; and

(B) by striking ''7,000'' and inserting ''11,000'';

(3) in clause (i), by striking ''December 31, 2016;'' and inserting ''December 31, 2017;''; and

(4) in clause (ii), by striking ''December 31, 2016;'' and inserting ''December 31, 2017;''.

(b) PLAN TO BRING AFGHAN SIV PROGRAM TO A RESPONSIBLE END.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by adding at the end the following:

''(17) PLAN TO BRING AFGHAN SIV PROGRAM TO A RESPONSIBLE END.—

''(A) IN GENERAL.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 or March 1, 2018, whichever is earlier, the Secretary of Defense and Secretary of State, in consultation with the Secretary of Homeland Security, the Chairman of the Joint Chiefs of Staff, the Commander of United States Central Command, and the Commander Resolute Support/United States Forces – Afghanistan, shall submit to the appropriate committees of Congress a report detailing a strategy for bringing the program under this title to provide special immigrant status to certain Afghans to a responsible end by or before December 31, 2019, or as soon thereafter as practicable consistent with the national security interests of the United States.

''(B) CONTENT.—The report required by subparagraph (A) shall address, at a minimum, the following:

''(i) The number of visas that would be required to meet existing or reasonably projected commitments, taking into account the need to support a continued United States Government presence in Afghanistan.

''(ii) An estimate of how long such visas should remain available.

''(iii) A assessment of whether other existing programs would be adequate to incentivize the continued recruitment, retention, and protection of critical Afghan employees, after the program under this title expires.

''(iv) A description of potential alternative programs that could be considered if existing programs are inadequate.''.

SA 4251. Mr. DAINES (for himself, Mr. TESTER, Mr. RUBIO, Mr. PORTMAN, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 673. REPEAL OF AUTHORITY OF THE PRESIDENT TO DETERMINE AN ALTERNATIVE ANNUAL PAY ADJUSTMENT FOR MEMBERS OF THE UNIFORMED SERVICES BASED ON SERIOUS ECONOMIC CONDITIONS.

Section 1009(e) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''or serious economic conditions affecting the general welfare'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SA 4252. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. REVIEW AND UPDATE OF GUIDANCE REGARDING SECURITY CLEARANCES FOR CERTAIN SENATE EMPLOYEES.

(a) DEFINITIONS.—In this section—

(1) the term ''covered committee of the Senate'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on the Judiciary of the Senate;

(2) the term ''covered Member of the Senate'' means a Member of the Senate who serves on a covered committee of the Senate; and

(3) the term ''Senate employee'' means an employee whose pay is disbursed by the Secretary of the Senate.

(b) REVIEW OF PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director of Senate Security, in coordination with the Director of National Intelligence and the Chairperson of the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), shall—

(A) conduct a review of whether procedures in effect enable 1 Senate employee designated by each covered Member of the Senate to obtain security clearances necessary for access to classified national security information, including top secret and sensitive

compartmentalized information, if the Senate employee meets the criteria for such clearances; and

(B) if the Director of Senate Security, in coordination with the Director of National Intelligence and the Chairperson of the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), determines the procedures described in subparagraph (A) are inadequate, issue guidelines on the establishment and implementation of such procedures.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director of Senate Security shall submit to each covered committee of the Senate a report regarding the review conducted under paragraph (1)(A) and guidance, if any, issued under paragraph (1)(B).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter—

(1) the rule of the Information Security Oversight Office implementing Standard Form 312, which Members of Congress sign in order to be permitted to access classified information;

(2) the requirement that Members of the Senate satisfy the ''need-to-know'' requirement to access classified information;

(3) the scope of the jurisdiction of any committee or subcommittee of the Senate; or

(4) the inherent authority of the executive branch of the Government, the Office of Senate Security, any Committee of the Senate, or the Department of Defense to determine recipients of all classified information.

SA 4253. Mrs. SHAHEEN (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—SBIR AND STTR REAUTHORIZATION AND IMPROVEMENTS

SEC. 6001. SHORT TITLE.

This division may be cited as the ''SBIR and STTR Reauthorization and Improvement Act of 2016''.

TITLE LXI—REAUTHORIZATION OF PROGRAMS

SEC. 6101. PERMANENCY OF SBIR PROGRAM AND STTR PROGRAM.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking ''TERMINATION'' and inserting ''SBIR PROGRAM AUTHORIZATION''; and

(2) by striking ''terminate on September 30, 2017'' and inserting ''be in effect for each fiscal year''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''through fiscal year 2017''.

TITLE LXII—ENHANCED SMALL BUSINESS ACCESS TO FEDERAL INNOVATION INVESTMENTS

SEC. 6201. ALLOCATION INCREASES AND TRANSPARENCY IN BASE CALCULATION.

(a) SBIR.—Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''expend'' and inserting ''obligate for expenditure'';

(B) in subparagraph (H), by striking ''and'' at the end;

(C) in subparagraph (I), by striking ''and each fiscal year thereafter,'' and inserting a semicolon; and

(D) by inserting after subparagraph (I) the following:

''(J) for a Federal agency other than the Department of Defense—

''(i) not less than 3.5 percent of the extramural budget for research or research and development of the Federal agency in each of fiscal years 2018 and 2019;

''(ii) not less than 4 percent of such extramural budget in each of fiscal years 2020 and 2021;

''(iii) not less than 4.5 percent of such extramural budget in each of fiscal years 2022 and 2023;

''(iv) not less than 5 percent of such extramural budget in each of fiscal years 2024 and 2025;

''(v) not less than 5.5 percent of such extramural budget in each of fiscal years 2026 and 2027; and

''(vi) not less than 6 percent of such extramural budget in fiscal year 2028 and each fiscal year thereafter; and

''(K) for the Department of Defense—

''(i) not less than 2.5 percent of the budget for research, development, test, and evaluation of the Department of Defense in each of fiscal years 2018 and 2019;

''(ii) not less than 3 percent of such budget in each of fiscal years 2020 and 2021;

''(iii) not less than 3.5 percent of such budget in each of fiscal years 2022 and 2023;

''(iv) not less than 4 percent of such budget in each of fiscal years 2024 and 2025;

''(v) not less than 4.5 percent of such budget in each of fiscal years 2026 and 2027; and

''(vi) not less than 5 percent of such budget in fiscal year 2028 and each fiscal year thereafter,'';

(2) in paragraph (2)(B), by inserting ''(or for the Department of Defense, an amount of the budget for basic research of the Department of Defense)'' after ''research''; and

(3) in paragraph (4), by inserting ''(or for the Department of Defense an amount of the budget for research, development, test, and evaluation of the Department of Defense)'' after ''of the agency''.

(b) STTR.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''expend'' and inserting ''obligate for expenditure''; and

(B) by striking ''not less than the percentage of that extramural budget specified in subparagraph (B)'' and inserting ''for a Federal agency other than the Department of Defense, not less than the percentage of that extramural budget specified in subparagraph (B) and, for the Department of Defense, not less than the percentage of the budget for research, development, test, and evaluation of the Department of Defense specified in subparagraph (B)''

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''the extramural budget required to be expended by an agency'' and inserting ''the extramural budget, for a Federal agency other than the Department of Defense, and of the budget for research, development, test, and evaluation, for the Department of Defense, required to be obligated for expenditure with small business concerns'';

(B) in clause (iv), by striking ''and'' at the end;

(C) in clause (v), by striking ''fiscal year 2016 and each fiscal year thereafter.'' and inserting ''each of fiscal years 2016 and 2017;''; and

(D) by adding at the end the following:

''(vi) 0.55 percent for each of fiscal years 2018 and 2019;

''(vii) 0.65 percent for each of fiscal years 2020 and 2021;

''(viii) 0.75 percent for each of fiscal years 2022 and 2023; and

''(ix) 1 percent for fiscal year 2024 and each fiscal year thereafter.''.

SEC. 6202. REGULAR OVERSIGHT OF AWARD AMOUNTS.

(a) ELIMINATION OF AUTOMATIC INFLATION ADJUSTMENTS.—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended—

(1) in paragraph (2)(D), by inserting ''through fiscal year 2016'' after ''every year''; and

(2) by adding at the end the following:

''(4) 2016 MODIFICATIONS FOR DOLLAR VALUE OF AWARDS.—Not later than 120 days after the date of enactment of the SBIR and STTR Reauthorization and Improvement Act of 2016, the Administrator shall modify the policy directives issued under this subsection to—

''(A) eliminate the annual adjustments for inflation of the dollar value of awards described in paragraph (2)(D); and

''(B) clarify that Congress intends to review the dollar value of awards every 3 fiscal years.''.

(b) SENSE OF CONGRESS REGARDING REGULAR REVIEW OF THE AWARD SIZES.—It is the sense of Congress that for fiscal year 2019, and every third fiscal year thereafter, Congress should evaluate whether the maximum award sizes under the Small Business Innovation Research Program and the Small Business Technology Transfer Program under section 9 of the Small Business Act (15 U.S.C. 638) should be adjusted and, if so, take appropriate action to direct that such adjustments be made under the policy directives issued under subsection (j) of such section.

(c) CLARIFICATION OF SEQUENTIAL PHASE II AWARDS.—Section 9(ff) of the Small Business Act (15 U.S.C. 638(ff)) is amended by adding at the end the following:

''(3) CLARIFICATION OF SEQUENTIAL PHASE II AWARDS.—The head of a Federal agency shall ensure that any sequential Phase II award is made in accordance with the limitations on award sizes under subsection (aa).

''(4) CROSS-AGENCY SEQUENTIAL PHASE II AWARDS.—A small business concern that receives a sequential Phase II SBIR or Phase II STTR award for a project from a Federal agency is eligible to receive an additional sequential Phase II award that continues work on that project from another Federal agency.''.

TITLE LXIII—COMMERCIALIZATION IMPROVEMENTS

SEC. 6301. PERMANENCY OF THE COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9(gg) of the Small Business Act (15 U.S.C. 638(gg)) is amended—

(1) in the subsection heading, by striking ''PILOT PROGRAM'' and inserting ''COMMERCIALIZATION DEVELOPMENT AWARDS'';

(2) by striking paragraphs (2), (7), and (8);

(3) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively;

(4) by adding at the end the following:

''(6) DEFINITIONS.—In this subsection—

''(A) the term 'commercialization development program' means a program established by a covered Federal agency under paragraph (1); and

''(B) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense.''; and

(5) by striking ''pilot program'' each place it appears and inserting ''commercialization development program''.

SEC. 6302. ENFORCEMENT OF NATIONAL SMALL BUSINESS GOAL FOR FEDERAL RESEARCH AND DEVELOPMENT.

Section 9(h) of the Small Business Act (15 U.S.C. 638(h)) is amended by inserting '', which may not be less than 10 percent for fiscal year 2018, and each fiscal year thereafter,'' after ''shall establish goals''.

SEC. 6303. TRACKING RAPID INNOVATION FUND AWARDS IN ANNUAL CONGRESSIONAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) in subparagraph (G), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(H) information regarding awards under the Rapid Innovation Program under section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4366; 10 U.S.C. 2359 note), including—

''(i) the number and dollar amount of awards made under the Rapid Innovation Program to business concerns receiving an award under the SBIR program or the STTR program;

''(ii) the proportion of awards under the Rapid Innovation Program made to business concerns receiving an award under the SBIR program or the STTR program;

''(iii) the proportion of awards under the Rapid Innovation Program made to small business concerns; and

''(iv) a projection of the effect on the number of awards under the Rapid Innovation Program if amounts to carry out the program were made available as a fixed allocation of the amount appropriated to the Department of Defense for research, development, test, and evaluation, excluding amounts appropriated for the defense universities;''.

SEC. 6304. INTELLECTUAL PROPERTY PROTECTION FOR TECHNOLOGY DEVELOPMENT.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(tt) INTELLECTUAL PROPERTY PROTECTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2)(B), the cost of seeking protection for intellectual property, including a trademark, copyright, or patent, that was created through work performed under an SBIR or STTR award is allowable as an indirect cost under that award.

''(2) CLARIFICATION OF PATENT COSTS.—

''(A) IN GENERAL.—A Federal agency shall not directly or indirectly inhibit, through the policies, directives, or practices of the Federal agency, an otherwise eligible small business concern performing under an SBIR or STTR award from recovering patent costs incurred as requirements under that award, including—

''(i) the costs of preparing—

''(I) invention disclosures;

''(II) reports; and

''(III) other documents;

''(ii) the costs for searching the art to the extent necessary to make the invention disclosures;

''(iii) other costs in connection with the filing and prosecution of a United States patent application where title or royalty-free license is to be conveyed to the Federal Government; and

''(iv) general counseling services relating to patent matters, including advice on patent laws, regulations, clauses, and employee agreements.

''(B) RECOVERY LIMITATIONS.—After consultation with contracting or auditing authorities, the patent costs described in subparagraph (A) shall be allowable for technology developed under a—

''(i) Phase I award, as indirect costs in an amount not greater than $5,000;

''(ii) Phase II award, as indirect costs in an amount not greater than $15,000; and

''(iii) Phase III award in which the Federal Government has government purpose rights (as defined in section 227.7103-5 of title 48, Code of Federal Regulations).''.

SEC. 6305. ANNUAL GAO AUDIT OF COMPLIANCE WITH COMMERCIALIZATION GOALS.

Section 9(nn) of the Small Business Act (15 U.S.C. 638(nn)) is amended to read as follows:

''(nn) ANNUAL GAO REPORT ON GOVERNMENT COMPLIANCE WITH GOALS, INCENTIVES, AND PHASE III PREFERENCE.—Not later than 1 year after the date of enactment of the SBIR and STTR Reauthorization and Improvement Act of 2016, and every year thereafter until the date that is 5 years after the date of enactment of the SBIR and STTR Reauthorization and Improvement Act of 2016, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

''(1) discusses the status of the compliance of Federal agencies with the requirements or authorities established under—

''(A) subsection (h), relating to the establishment by certain Federal agencies of a goal for funding agreements for research and research and development with small business concerns;

''(B) subsection (y)(5)(A), relating to the requirement for the Department of Defense to establish goals for the transition of Phase III technologies in subcontracting plans;

''(C) subsection (y)(5)(B), relating to the requirement for the Department of Defense to establish procedures for a prime contractor to report the number and dollar amount of contracts with small business concerns for Phase III SBIR projects or STTR projects of the prime contractor; and

''(D) subsection (y)(6), relating to the requirement for the Department of Defense to set a goal to increase the number of Phase II SBIR and STTR contracts that transition into programs of record or fielded systems;

''(2) includes, for a Federal agency that is in compliance with a requirement described under paragraph (1), a description of how the Federal agency achieved compliance; and

''(3) includes a list, organized by Federal agency, of small business concerns that have asserted that—

''(A) the Government or prime contractor—

''(i) did not protect the intellectual property of the small business concern in accordance with data rights under the SBIR or STTR award; or

''(ii) issued a Phase III SBIR or STTR award conditional on relinquishing data rights;

''(B) the Federal agency solicited bids for a contract, or provided funding to an entity other than the small business concern receiving the SBIR or STTR award, that was for work that derived from, extended, or completed efforts made under prior funding agreements under the SBIR program or STTR program;

''(C) the Government or prime contractor did not comply with the SBIR and STTR policy directives and the small business concern filed a comment or complaint to the Office of the National Ombudsman or appealed to the Administrator for intervention; or

''(D) the Federal agency did not comply with subsection (g)(12) or (o)(16) requiring timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program of the Federal agency.''.

SEC. 6306. CLARIFYING THE PHASE III PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (2) as paragraph (4), and transferring such paragraph to after paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) PHASE III AWARD DIRECTION FOR AGENCIES AND PRIME CONTRACTORS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards and awards under the Defense Research and Development Rapid Innovation Program under section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4366; 10 U.S.C. 2359 note), to the SBIR and STTR award recipients that developed the technology.''.

SEC. 6307. IMPROVEMENTS TO TECHNICAL AND BUSINESS ASSISTANCE.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in the subsection heading, by inserting ''AND BUSINESS'' after ''TECHNICAL'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''a vendor selected under paragraph (2)'' and inserting ''1 or more vendors selected under paragraph (2)(A)'';

(ii) by inserting ''and business'' before ''assistance services''; and

(iii) by inserting ''assistance with product sales, intellectual property protections, market research, market validation, and development of regulatory plans and manufacturing plans,'' after ''technologies,''; and

(B) in subparagraph (D), by inserting '', including intellectual property protections'' before the period at the end;

(3) in paragraph (2)—

(A) by striking ''Each agency may select a vendor to assist small business concerns to meet'' and inserting the following:

''(A) IN GENERAL.—Each agency may select 1 or more vendors from which small business concerns may obtain assistance in meeting''; and

(B) by adding at the end the following:

''(B) SELECTION BY SMALL BUSINESS CONCERN.—A small business concern may, by contract or otherwise, select 1 or more vendors to assist the small business concern in meeting the goals listed in paragraph (1).''; and

(4) in paragraph (3)—

(A) by inserting ''(A)'' after ''paragraph (2)'' each place it appears;

(B) in subparagraph (A), by striking ''$5,000 per year'' each place it appears and inserting ''$6,500 per project'';

(C) in subparagraph (B)—

(i) by striking ''$5,000 per year'' each place it appears and inserting ''$35,000 per project''; and

(ii) in clause (ii), by striking ''which shall be in addition to the amount of the recipient's award'' and inserting ''which may, as determined appropriate by the head of the Federal agency, be included as part of the recipient's award or be in addition to the amount of the recipient's award'';

(D) in subparagraph (C)—

(i) by inserting ''or business'' after ''technical'';

(ii) by striking ''the vendor'' and inserting ''a vendor''; and

(iii) by adding at the end the following: ''Business-related services aimed at improving the commercialization success of a small business concern may be obtained from an entity, such as a public or private organization or an agency of or other entity established or funded by a State that facilitates or accelerates the commercialization of technologies or assists in the creation and growth of private enterprises that are commercializing technology.'';

(E) in subparagraph (D)—

(i) by inserting ''or business'' after ''technical'' each place it appears; and

(ii) in clause (i)—

(I) by striking ''the vendor'' and inserting ''1 or more vendors''; and

(II) by striking ''provides'' and inserting ''provide''; and

(F) by adding at the end the following:

''(E) MULTIPLE AWARD RECIPIENTS.—The Administrator shall establish a limit on the amount of technical and business assistance services that may be received or purchased under subparagraph (B) by small business concerns with respect to multiple Phase II SBIR or STTR awards for a fiscal year.''.

TITLE LXIV—PROGRAM DIVERSIFICATION INITIATIVES

SEC. 6401. REGIONAL SBIR STATE COLLABORATIVE INITIATIVE PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (mm)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''2017'' and inserting ''2021'';

(ii) in subparagraph (I), by striking ''and'' at the end;

(iii) in subparagraph (J), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(K) funding for improvements that increase commonality across data systems, reduce redundancy, and improve data oversight and accuracy.''; and

(B) by adding at the end the following:

''(7) SBIR AND STTR PROGRAMS; FAST PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'covered Federal agency' means a Federal agency that—

''(i) is required to conduct an SBIR program; and

''(ii) elects to use the funds allocated to the SBIR program of the Federal agency for the purposes described in paragraph (1).

''(B) REQUIREMENT.—Each covered Federal agency shall transfer an amount equal to 15 percent of the funds that are used for the purposes described in paragraph (1) to the Administration—

''(i) for the Regional SBIR State Collaborative Initiative Pilot Program established under subsection (uu);

''(ii) for the Federal and State Technology Partnership Program established under section 34; and

''(iii) to support the Office of the Administration that administers the SBIR program and the STTR program, subject to agreement from other agencies about how the funds will be used, in carrying out those programs and the programs described in clauses (i) and (ii).

''(8) PILOT PROGRAM.—

''(A) IN GENERAL.—Of amounts provided to the Administration under paragraph (7), not less than $5,000,000 shall be used to provide awards under the Regional SBIR State Collaborative Initiative Pilot Program established under subsection (uu) for each fiscal year in which the program is in effect.

''(B) DISBURSEMENT FLEXIBILITY.—The Administration may use any unused funds made available under subparagraph (A) as of April 1 of each fiscal year for awards to carry out clauses (ii) and (iii) of paragraph (7)(B) after providing written notice to—

''(i) the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate; and

''(ii) the Committee on Small Business and the Committee on Appropriations of the House of Representatives.''; and

(2) by adding after subsection (tt), as added by section 6304 of this Act, the following:

''(uu) REGIONAL SBIR STATE COLLABORATIVE INITIATIVE PILOT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible entity' means—

''(i) a research institution; and

''(ii) a small business concern;

''(B) the term 'eligible State' means—

''(i) a State that the Administrator determines is in the bottom half of States, based on the average number of annual SBIR program awards made to companies in the State for the preceding 3 years for which the Administration has applicable data; and

''(ii) an EPSCoR State that—

''(I) is a State described in clause (i); or

''(II) is—

''(aa) not a State described in clause (i); and

''(bb) invited to participate in a regional collaborative;

''(C) the term 'EPSCoR State' means a State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

''(D) the term 'FAST program' means the Federal and State Technology Partnership Program established under section 34;

''(E) the term 'pilot program' means the Regional SBIR State Collaborative Initiative Pilot Program established under paragraph (2);

''(F) the term 'regional collaborative' means a collaborative consisting of eligible entities that are located in not less than 3 eligible States; and

''(G) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

''(2) ESTABLISHMENT.—The Administrator shall establish a pilot program, to be known as the Regional SBIR State Collaborative Initiative Pilot Program, under which the Administrator shall provide awards to regional collaboratives to address the needs of small business concerns in order to be more competitive in the proposal and selection process for awards under the SBIR program and the STTR program and to increase technology transfer and commercialization.

''(3) GOALS.—The goals of the pilot program are—

''(A) to create regional collaboratives that allow eligible entities to work cooperatively to leverage resources to address the needs of small business concerns;

''(B) to grow SBIR program and STTR program cooperative research and development and commercialization through increased awards under those programs;

''(C) to increase the participation of States that have historically received a lower level of awards under the SBIR program and the STTR program;

''(D) to utilize the strengths and advantages of regional collaboratives to better leverage resources, best practices, and economies of scale in a region for the purpose of increasing awards and increasing the commercialization of the SBIR program and STTR projects;

''(E) to increase the competitiveness of the SBIR program and the STTR program;

''(F) to identify sources of outside funding for applicants for an award under the SBIR program or the STTR program, including venture capitalists, angel investor groups, private industry, crowd funding, and special loan programs; and

''(G) to offer increased one-on-one engagements with companies and entrepreneurs for SBIR program and STTR program education, assistance, and successful outcomes.

''(4) APPLICATION.—

''(A) IN GENERAL.—A regional collaborative that desires to participate in the pilot program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(B) INCLUSION OF LEAD ELIGIBLE ENTITIES AND COORDINATOR.—A regional collaborative shall include in an application submitted under subparagraph (A)—

''(i) the name of each lead eligible entity from each eligible State in the regional collaborative, as designated under paragraph (5)(A); and

''(ii) the name of the coordinator for the regional collaborative, as designated under paragraph (6).

''(C) AVOIDANCE OF DUPLICATION.—A regional collaborative shall include in an application submitted under subparagraph (A) an explanation as to how the activities of the regional collaborative under the pilot program would differ from other State and Federal outreach activities in each eligible State in the regional collaborative.

''(5) LEAD ELIGIBLE ENTITY.—

''(A) IN GENERAL.—Each eligible State in a regional collaborative shall designate 1 eligible entity located in the eligible State to serve as the lead eligible entity for the eligible State.

''(B) AUTHORIZATION BY GOVERNOR.—Each lead eligible entity designated under subparagraph (A) shall be authorized to act as the lead eligible entity by the Governor of the applicable eligible State.

''(C) RESPONSIBILITIES.—Each lead eligible entity designated under subparagraph (A) shall be responsible for administering the activities and program initiatives described in paragraph (7) in the applicable eligible State.

''(6) REGIONAL COLLABORATIVE COORDINATOR.—Each regional collaborative shall designate a coordinator from amongst the eligible entities located in the eligible States in the regional collaborative, who shall serve as the interface between the regional collaborative and the Administration with respect to measuring cross-State collaboration and program effectiveness and documenting best practices.

''(7) USE OF FUNDS.—Each regional collaborative that is provided an award under the pilot program may, in each eligible State in which an eligible entity of the regional collaborative is located—

''(A) establish an initiative under which first-time applicants for an award under the SBIR program or the STTR program are reviewed by experienced, national experts in the United States, as determined by the lead eligible entity designated under paragraph (5)(A);

''(B) engage national mentors on a frequent basis to work directly with applicants for an award under the SBIR program or the STTR program, particularly during Phase II, to assist with the process of preparing and submitting a proposal;

''(C) create and make available an online mechanism to serve as a resource for applicants for an award under the SBIR program or the STTR program to identify and connect with Federal labs, prime government contractor companies, other industry partners, and regional industry cluster organizations;

''(D) conduct focused and concentrated outreach efforts to increase participation in the SBIR program and the STTR program by small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined in section 8(d)(3)(C)), and historically black colleges and universities;

''(E) administer a structured program of training and technical assistance—

''(i) to prepare applicants for an award under the SBIR program or the STTR program—

''(I) to compete more effectively for Phase I and Phase II awards; and

''(II) to develop and implement a successful commercialization plan;

''(ii) to assist eligible States focusing on transition and commercialization to win Phase III awards from public and private partners;

''(iii) to create more competitive proposals to increase awards from all Federal sources, with a focus on awards under the SBIR program and the STTR program; and

''(iv) to assist first-time applicants by providing small grants for proof of concept research; and

''(F) assist applicants for an award under the SBIR program or the STTR program to identify sources of outside funding, including venture capitalists, angel investor groups, private industry, crowd funding, and special loan programs.

''(8) AWARD AMOUNT.—

''(A) IN GENERAL.—The Administrator shall provide an award to each eligible State in which an eligible entity of a regional collaborative is located in an amount that is not more than $300,000 to carry out the activities described in paragraph (7).

''(B) LIMITATION.—

''(i) IN GENERAL.—An eligible State may not receive an award under both the FAST program and the pilot program for the same year.

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to prevent an eligible State from applying for an award under the FAST program and the pilot program for the same year.

''(9) DURATION OF AWARD.—An award provided under the pilot program shall be for a period of not more than 1 year, and may be renewed by the Administrator for 1 additional year.

''(10) TERMINATION.—The pilot program shall terminate on September 30, 2021.

''(11) REPORT.—Not later than February 1, 2021, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the pilot program, which shall include—

''(A) an assessment of the pilot program and the effectiveness of the pilot program in meeting the goals described in paragraph (3);

''(B) an assessment of the best practices, including an analysis of how the pilot program compares to the FAST program and a single-State approach; and

''(C) recommendations as to whether any aspect of the pilot program should be extended or made permanent.''.

SEC. 6402. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h)—

(A) in paragraph (1), by striking ''2001 through 2005'' and inserting ''2017 through 2021''; and

(B) in paragraph (2), by striking ''fiscal years 2001 through 2005'' and inserting ''each of fiscal years 2017 through 2021''; and

(2) in subsection (i), by striking ''September 30, 2005'' and inserting ''September 30, 2021''.

TITLE LXV—OVERSIGHT AND SIMPLIFICATION INITIATIVES

SEC. 6501. DATA MODERNIZATION SUMMIT.

(a) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the Small Business Administration;

(2) the term ''Committee'' means the SBIR and STTR Interagency Policy Committee established under subsection (b);

(3) the terms ''Federal agency'', ''SBIR'', and ''STTR'' have the meanings given such terms under section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(4) the term ''participating Federal agency'' means a Federal agency with an SBIR program or an STTR program;

(5) the term ''phase'' means Phase I, Phase II, and Phase III, as those terms are defined under section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT.—There is established an interagency committee to be known as the ''SBIR and STTR Interagency Policy Committee''.

(c) MEMBERSHIP.—The Committee shall include—

(1) 2 representatives from each participating Federal agency, of which—

(A) 1 shall have expertise with respect to the SBIR program and STTR program of the Federal agency; and

(B) 1 shall have expertise with respect to the information technology systems of the Federal agency; and

(2) 2 representatives from the Administration, of which—

(A) 1 shall serve as chairperson of the Committee; and

(B) 1 shall be from the Information Technology Development Team of the Office of Investment and Innovation of the Administration.

(d) DUTIES.—The Committee shall review the recommendations made in the report to Congress by the Office of Science and Technology of the Administration entitled ''SBIR/STTR TechNet Public & Government Databases'', dated September 15, 2014, and the practices of participating Federal agencies to—

(1) determine how to collect data on achievements by small business concerns in each phase of the SBIR program and the STTR program and ensure collection and dissemination of such data in a timely, efficient, and uniform manner;

(2) establish a uniform baseline for metrics that support improving the solicitation, contracting, funding, and execution of program management in the SBIR program and the STTR program;

(3) normalize formatting and database usage across participating Federal agencies; and

(4) determine the feasibility of developing a common system across all participating Federal agencies and the paperwork requirements under such a common system.

(e) IMPLEMENTATION.—Not later than September 31, 2018, the Committee shall brief the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the solutions identified by the Committee under subsection (d) and resources needed to execute the solutions.

SEC. 6502. IMPLEMENTATION OF OUTSTANDING REAUTHORIZATION PROVISIONS.

(a) IN GENERAL.—Section 9(mm) of the Small Business Act (15 U.S.C. 638(mm)), as amended by section 6401(1) of this Act, is amended—

(1) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (9)''; and

(2) by adding at the end the following:

''(9) SUSPENSION OF FUNDING.—

''(A) FOR FEDERAL AGENCIES.—

''(i) IN GENERAL.—For fiscal years 2018 and 2019, any Federal agency that has not implemented each provision of law described in clause (ii)—

''(I) shall continue to provide amounts to the Administration in accordance with paragraph (7)(B); and

''(II) may not use any additional amounts as described in paragraph (1) until 30 days after the date on which the Federal agency submits to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives documentation demonstrating that the Federal agency has implemented and is in compliance with each provision of law described in clause (ii).

''(ii) PROVISIONS.—The provisions of law described in this subparagraph are the following:

''(I) Subsection (r)(4), relating to Phase III preferences.

''(II) Paragraphs (5) and (6) of subsection (y), relating to insertion goals.

''(III) Subsection (g)(4)(B), relating to shortening the decision time for SBIR awards.

''(IV) Subsection (o)(4)(B), relating to shortening the decision time for STTR awards.

''(V) Subsection (v), relating to reducing paperwork and compliance burdens.

''(B) FOR ADMINISTRATION.—For fiscal years 2018 and 2019, if the Administration is not in compliance with subsection (b)(7), relating to annual reports to Congress, the Administration may not use amounts received under paragraph (7)(B) of this subsection for a purpose described in clause (iii) of such paragraph (7)(B).''.

(b) CLARIFICATION OF REPORTING REQUIREMENT.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended in the matter preceding subparagraph (A), by striking ''not less than annually'' and inserting ''not later than December 31 of each year''.

SEC. 6503. STRENGTHENING OF THE REQUIREMENT TO SHORTEN THE APPLICATION REVIEW AND DECISION TIME.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4), by striking subparagraph (B) and inserting the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) for the Department of Health and Human Services, not later than 1 year after the date on which the applicable solicitation closes, with a goal to reduce the review and decision time to less than 10 months by September 30, 2019;

''(ii) for the Department of Agriculture and the National Science Foundation, not later than 6 months after the date on which the applicable solicitation closes; or

''(iii) for any other Federal agency—

''(I) not later than 90 days after the date on which the applicable solicitation closes; or

''(II) if the Administrator authorizes an extension with respect to a solicitation, not later than 90 days after the date that would otherwise be applicable to the Federal agency under subclause (I);''; and

(2) in subsection (o)(4), by striking subparagraph (B) and inserting the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) for the Department of Health and Human Services, not later than 1 year after the date on which the applicable solicitation closes, with a goal to reduce the review and decision time to less than 10 months by September 30, 2019;

''(ii) for the Department of Agriculture and the National Science Foundation, not later than 6 months after the date on which the applicable solicitation closes; or

''(iii) for any other Federal agency—

''(I) not later than 90 days after the date on which the applicable solicitation closes; or

''(II) if the Administrator authorizes an extension with respect to a solicitation, not later than 90 days after the date that would otherwise be applicable to the Federal agency under subclause (I);''.

SEC. 6504. CONTINUED GAO OVERSIGHT OF ALLOCATION COMPLIANCE AND ACCURACY IN FUNDING BASE CALCULATIONS.

Section 5136(a) of the National Defense Authorization Act for Fiscal Year 2012 (15 U.S.C. 638 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''until the date that is 5 years after the date of enactment of this Act'' and insert ''until the date on which the Comptroller General of the United States submits the report relating to fiscal year 2019'';

(2) in paragraph (1), by striking subparagraph (C) and inserting the following:

''(C) assess whether the change in the base funding for the Department of Defense as required by subparagraphs (J) and (K) of section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1))—

''(i) improves transparency for determining whether the Department is complying with the allocation requirements;

''(ii) reduces the burden of calculating the allocations; and

''(iii) improves the compliance of the Department with the allocation requirements; and''; and

(3) in paragraph (2) by striking ''under subparagraph (B)'' and inserting ''under subparagraphs (B) and (C)''.

TITLE LXVI—PARTICIPATION BY WOMEN AND MINORITIES

SEC. 6601. SBA COORDINATION ON INCREASING OUTREACH FOR WOMEN AND MINORITY-OWNED BUSINESSES.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) to coordinate with participating agencies on efforts to increase outreach and awards under each of the SBIR and STTR programs to small business concerns owned and controlled by women and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4).''.

SEC. 6602. FEDERAL AGENCY OUTREACH REQUIREMENTS FOR WOMEN AND MINORITY-OWNED BUSINESSES.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) implement an outreach program to small business concerns for the purpose of enhancing its SBIR program, under which the Federal agency shall—

''(A) provide outreach to small business concerns owned and controlled by women and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4); and

''(B) establish goals for outreach by the Federal agency to the small business concerns described in subparagraph (A).''; and

(2) in subsection (o)(14), by striking ''SBIR program;'' and inserting ''SBIR program, under which the Federal agency shall—

''(A) provide outreach to small business concerns owned and controlled by women and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4); and

''(B) establish goals for outreach by the Federal agency to the small business concerns described in subparagraph (A).''.

SEC. 6603. STTR POLICY DIRECTIVE MODIFICATION.

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)) is amended by adding at the end the following:

''(4) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to provide for enhanced outreach efforts to increase the participation of small business concerns owned and controlled by women and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4), in technological innovation and in STTR programs.''.

SEC. 6604. INTERAGENCY SBIR/STTR POLICY COMMITTEE.

Section 5124 of the SBIR/STTR Reauthorization Act of 2011 (Public Law 112–81; 125 Stat. 1837) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) MEETINGS.—

''(1) IN GENERAL.—The Interagency SBIR/STTR Policy Committee shall meet not less than twice per year to carry out the duties under subsection (c).

''(2) OUTREACH AND TECHNICAL ASSISTANCE ACTIVITIES.—If the Interagency SBIR/STTR Policy Committee meets to discuss outreach and technical assistance activities to increase the participation of small business concerns that are underrepresented in the SBIR and STTR programs, the Committee shall invite to the meeting—

''(A) a representative of the Minority Business Development Agency; and

''(B) relevant stakeholders that work to advance the interests of—

''(i) small business concerns owned and controlled by women, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

''(ii) socially and economically disadvantaged small business concerns, as defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).''.

SEC. 6605. DIVERSITY AND STEM WORKFORCE DEVELOPMENT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''covered STEM intern'' means a student at, or recent graduate from, an institution of higher education serving as an intern—

(A) whose course of study studied is focused on the STEM fields; and

(B) who is a woman or a person from an underrepresented population in the STEM fields;

(3) the term ''eligible entity'' means a small business concern that—

(A) is receiving amounts under an award under the SBIR program or the STTR program of a Federal agency on the date on which the Federal agency awards a grant to the small business concern under subsection (b); and

(B) provides internships for covered STEM interns;

(4) the terms ''Federal agency'', ''SBIR'', and ''STTR'' have the meanings given those terms under section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(5) the term ''institution of higher education'' has the meaning given the term under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(6) the term ''person from an underrepresented population in the STEM fields'' means a person from a group that is underrepresented in the population of STEM students, as determined by the Administrator;

(7) the term ''pilot program'' means the Diversity and STEM Workforce Development Pilot Program established under subsection (b);

(8) the term ''recent graduate'', relating to a woman or a person from an underrepresented population in the STEM fields, means that the woman or person from an underrepresented population in the STEM fields earned an associate degree, baccalaureate degree, or postbaccalaureate from an institution of higher education during the 1-year period beginning on the date of the internship;

(9) the term ''small business concern'' has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632); and

(10) the term ''STEM fields'' means the fields of science, technology, engineering, and math.

(b) PILOT PROGRAM FOR INTERNSHIPS FOR WOMEN AND PEOPLE FROM UNDERREPRESENTED POPULATIONS.—The Administrator shall establish a Diversity and STEM Workforce Development Pilot Program to encourage the business community to provide workforce development opportunities for covered STEM interns, under which a Federal agency participating in the SBIR program or STTR program may make a grant to 1 or more eligible entities for the costs of internships for covered STEM interns.

(c) AMOUNT AND USE OF GRANTS.—

(1) AMOUNT.—A grant under subsection (b)—

(A) may not be in an amount of more than $15,000 per fiscal year; and

(B) shall be in addition to the amount of the award to the recipient under the SBIR program or the STTR program.

(2) USE.—Not less than 90 percent of the amount of a grant under subsection (b) shall be used by the eligible entity to provide stipends or other similar payments to interns.

(d) EVALUATION.—Not later than January 31 of the first calendar year after the third fiscal year during which the Administrator carries out the pilot program, the Administrator shall submit to Congress—

(1) data on the results of the pilot program, such as the number and demographics of the covered STEM interns participating in an internship funded under the pilot program and the amount spent on such internships; and

(2) an assessment of whether the pilot program helped the SBIR program and STTR program achieve the congressional objective of fostering and encouraging the participation of women and persons from underrepresented populations in the STEM fields.

(e) TERMINATION.—The pilot program shall terminate after the end of the fourth fiscal year during which the Administrator carries out the pilot program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the pilot program.

TITLE LXVII—TECHNICAL CHANGES

SEC. 6701. UNIFORM REFERENCE TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (cc), by striking ''National Institutes of Health'' and inserting ''Department of Health and Human Services''; and

(2) in subsection (dd)(1)(A), by striking ''Director of the National Institutes of Health'' and inserting ''Secretary of Health and Human Services''.

SEC. 6702. FLEXIBILITY FOR PHASE II AWARD INVITATIONS.

Section 9(e)(4)(B) of the Small Business Act (15 U.S.C. 638(e)(4)(B)) is amended in the matter preceding clause (i)—

(1) by striking '', which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II,''; and

(2) by inserting ''in which eligibility for an award shall not be based only on an invitation, pre-screening, or pre-selection process and'' before ''in which awards''.

SA 4254. Mr. WYDEN (for himself, Mr. PAUL, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.

(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (16)—

(A) by striking ''(16) The'' and inserting ''(16)(A) The''; and

(B) by adding at the end the following:

''(B) The term 'marihuana' does not include industrial hemp.''; and

(2) by adding at the end the following:

''(57) The term 'industrial hemp' means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.''.

(b) INDUSTRIAL HEMP DETERMINATION BY STATES.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

''(k) INDUSTRIAL HEMP DETERMINATION.—If a person grows or processes Cannabis sativa L. for purposes of making industrial hemp in accordance with State law, the Cannabis sativa L. shall be deemed to meet the concentration limitation under section 102(57), unless the Attorney General determines that the State law is not reasonably calculated to comply with section 102(57).''.

SA 4255. Mr. REID (for Mr. BLUMENTHAL (for himself, Mrs. MURRAY, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. BROWN, Mr. SANDERS, Mr. LEAHY, Ms. BALDWIN, Mr. MERKLEY, Mr. REED, and Mrs. BOXER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 829H.

SA 4256. Mr. REID (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. PARTICIPATION OF VETERANS IN TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall enter into a memorandum of understanding under which a veteran, during the one-year period beginning on the date on which the veteran is discharged or separates from service in the Armed Forces, may participate in the Transition Assistance Program (TAP) of the Department of Defense.

(b) COUNSELING AT MILITARY INSTALLATIONS.—As part of their participation in the Transition Assistance Program under subsection (a), veterans may receive transition assistance counseling under the program at any military installation at which transition assistance counseling is being provided to members of the Armed Forces under the program.

(c) VETERAN DEFINED.—In this section, the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

SA 4257. Mr. HELLER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 740. IMPLEMENTATION OF RECOMMENDATIONS REGARDING INTEROPERABLE ELECTRONIC HEALTH RECORD BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than September 30, 2017, the Secretary of Defense and the Secretary of Veterans Affairs shall implement all recommendations set forth by the Comptroller General of the United States before the date of the enactment of this Act regarding the achievement of an interoperable electronic health record between the Department of Defense and the Department of Veterans Affairs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the progress of the Secretary of Defense and the Secretary of Veterans Affairs in completing each action relating to the achievement of an interoperable electronic health record between the Department of Defense and the Department of Veterans Affairs that the Comptroller General determines has not been addressed.

SA 4258. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. EXCEPTION FROM PUBLIC DISCLOSURE OF MANIFEST INFORMATION FOR THE SHIPMENT OF HOUSEHOLD GOODS OF MEMBERS OF THE UNIFORMED FORCES AND FEDERAL EMPLOYEES.

Section 431(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(2)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon and ''or''; and

(3) by adding at the end the following new subparagraph:

''(C) the shipment consists of used household goods and personal effects, including personally owned vehicles, which are items that are for residential or professional use, are not for commercial resale, and are owned by a private individual who is—

''(i) an employee, as that term is defined in section 2105 of title 5, United States Code, who is shipping the goods and effects as part of a transfer of the employee from one official station to another for permanent duty or the spouse or dependent, as that term is defined in section 8901 of such title, of such employee; or

''(ii) a member of a uniformed service, as that term is defined in section 101 of title 37, United States Code, who is shipping the goods and effects as part of a permanent change of station or a dependent, as that term is defined in section 401 of such title, of such member.''.

SA 4259. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899C. STRATEGIC SOURCING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Department'' means the Department of Defense;

(2) the term ''Secretary'' means the Secretary of Defense; and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Congress supports efforts by agencies to achieve efficiencies in the procurement of goods and services.

(B) The Government Accountability Office has reported that efficiencies and savings

may be possible through the use of strategic sourcing, which is a process that moves an organization away from numerous individual procurements toward a broader, more aggregate approach.

(C) At the same time, Congress is concerned that strategic sourcing could have a negative impact on some small business concerns.

(D) The Department has taken steps to consider this potential impact, but the Government Accountability Office has found that more could be done.

(2) PURPOSE.—The purpose of this section is to require the Department implement strategic sourcing in a manner consistent with the recommendations of Government Accountability Office, which are intended to maximize the benefits derived through strategic sourcing while minimizing any undue negative impacts on small business concerns.

(c) IMPROVING THE USE OF STRATEGIC SOURCING.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish performance measures for the inclusion of small business concerns in Department-wide strategic sourcing initiatives, including efforts being conducted through the Federal Strategic Sourcing Initiative and the Category Management Initiative;

(2) the Secretary shall submit to the Director of the Office of Management and Budget, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives baseline data on, and performance measures for, the participation of small business concerns in strategic sourcing initiatives established by the Department, which shall include participation as subcontractors to the extent feasible and that data is available; and

(3) the Administrator for Federal Procurement Policy shall begin monitoring the inclusion of small business concerns in strategic sourcing initiatives by the Department, including evaluating whether the Department is meeting the performance measures described in paragraph (2).

SA 4260. Mr. DAINES (for himself, Mr. MCCAIN, Mr. CARDIN, Mrs. ERNST, Ms. MIKULSKI, Mr. BLUMENTHAL, Mr. GARDNER, Mr. BENNET, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 926. ESTABLISHMENT OF A UNIFIED COMBATANT COMMAND FOR CYBER OPERATIONS FORCES.

With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President shall, through the Secretary of Defense, establish a unified combatant command for cyber operations forces. The principal function of the command is to prepare cyber operations forces to carry out assigned missions and to execute such missions when directed.

SA 4261. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ___. ENROLLMENT OF CIVILIAN EMPLOYEES OF THE HOMELAND SECURITY INDUSTRY IN THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) ENROLLMENT AUTHORIZED.—Section 9314a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''and homeland security industry employees'' after ''defense industry employees'';

(ii) by inserting ''or homeland security industry employee'' after ''defense industry employee''; and

(iii) by inserting ''or homeland security-focused'' after ''defense-focused'';

(B) in paragraph (2), by striking ''125 defense industry employees'' and inserting ''an aggregate of 125 defense industry employees and homeland security industry employees''; and

(C) in paragraph (3), by inserting ''or homeland security industry employee'' after ''defense industry employee'' each place it appears;

(2) in subsection (c), by inserting ''and homeland security industry employees'' after ''defense industry employees'' each place it appears;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''and homeland security industry employees'' after ''defense industry employees''; and

(ii) by inserting ''or homeland security'' after ''and defense''; and

(B) in paragraph (2), by inserting ''or the Department of Homeland Security, as applicable'' after ''the Department of Defense'';

(4) in subsection (f), by inserting ''and homeland security industry employees'' after ''defense industry employees''.

(b) HOMELAND SECURITY INDUSTRY EMPLOYEES.—Subsection (b) of such section is amended—

(1) by inserting after the first sentence the following new sentence: ''For purposes of this section, an eligible homeland security industry employee is an individual employed by a private firm in one of the critical infrastructure sectors identified in Presidential Policy Directive 21 (Critical Infrastructure Security and Resilience).''; and

(2) in the last sentence, by inserting ''or homeland security industry employee'' after ''defense industry employee''.

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 9314a. United States Air Force Institute of Technology: admission of defense industry civilians; admission of homeland security industry civilians''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9314a and inserting the following new item:

''9314a. United States Air Force Institute of Technology: admission of defense industry civilians; admission of homeland security industry civilians.''.

SA 4262. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. QUALIFICATIONS FOR ENLISTMENT IN THE ARMED FORCES.

(a) ADDITIONAL QUALIFIED PERSONS.—Paragraph (1) of subsection (b) of section 504 of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

''(C) A person who, at the time of enlistment in an armed force, has resided continuously in a lawful status in the United States for at least two years.

''(D) A person who, at the time of enlistment in an armed force, possesses an employment authorization document issued by United States Citizenship and Immigration Services under the requirements of the Department of Homeland Security policy entitled 'Deferred Action for Childhood Arrivals' (DACA).''.

(b) ADMISSION TO PERMANENT RESIDENCE OF CERTAIN ENLISTEES.—Such section is further amended by adding at the end the following new subsection:

''(c) ADMISSION TO PERMANENT RESIDENCE OF CERTAIN ENLISTEES.—(1) A person described in subsection (b) who, at the time of enlistment in an armed force, is not a citizen or other national of the United States or lawfully admitted for permanent residence shall be adjusted to the status of an alien lawfully admitted for permanent residence under the provisions of section 249 of the Immigration and Nationality Act (8 U.S.C. 1259), except that the alien need not—

''(A) establish that he or she entered the United States prior to January 1, 1972; and

''(B) comply with section 212(e) of such Act (8 U.S.C. 1182(e)).

''(2) The Secretary of Homeland Security shall rescind the lawful permanent resident status of a person whose status was adjusted under paragraph (1) if the person is separated from the armed forces under other than honorable conditions before the person served for a period or periods aggregating five years. Such grounds for rescission are in addition to any other provided by law. The fact that the person was separated from the armed forces under other than honorable conditions shall be proved by a duly authenticated certification from the armed force in which the person last served. The service of the person in the armed forces shall be proved by duly authenticated copies of the service records of the person.

''(3) Nothing in this subsection shall be construed to alter the process prescribed by sections 328, 329, and 329A of the Immigration and Nationality Act (8 U.S.C. 1439, 1440, 1440–1) by which a person may naturalize through service in the armed forces.''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 504. Persons not qualified; citizenship or residency requirements; exceptions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 31 of such

title is amended by striking the item relating to section 504 and inserting the following new item:

''504. Persons not qualified; citizenship or residency requirements; exceptions.''.

SEC. 539. TREATMENT OF CERTAIN PERSONS AS HAVING SATISFIED ENGLISH AND CIVICS, GOOD MORAL CHARACTER, AND HONORABLE SERVICE AND DISCHARGE REQUIREMENTS FOR NATURALIZATION.

(a) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 329A (8 U.S.C. 1440–1) the following:

''SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE PARTICIPATION IN COMBAT.

''(a) IN GENERAL.—

''(1) IN GENERAL.—For purposes of naturalization and continuing citizenship under the following provisions of law, a person who has received an award described in subsection (b) shall be treated—

''(A) as having satisfied the requirements under sections 312(a) and 316(a)(3), and subsections (b)(3), (c), and (e) of section 328; and

''(B) except as provided in paragraph (2), under sections 328 and 329—

''(i) as having served honorably in the Armed Forces for (in the case of section 328) a period or periods aggregating 1 year; and

''(ii) if separated from such service, as having been separated under honorable conditions.

''(2) REVOCATION.—Notwithstanding paragraph (1)(B), any person who separated from the Armed Forces under other than honorable conditions may be subject to revocation of citizenship under section 328(f) or 329(c) if the other requirements under such section are met.

''(b) APPLICATION.—This section shall apply with respect to the following awards from the Armed Forces of the United States:

''(1) The Combat Infantryman Badge from the Army.

''(2) The Combat Medical Badge from the Army.

''(3) The Combat Action Badge from the Army.

''(4) The Combat Action Ribbon from the Navy, the Marine Corps, or the Coast Guard.

''(5) The Air Force Combat Action Medal.

''(6) Any other award that the Secretary of Defense determines to be an equivalent award for engagement in active combat or active participation in combat.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 329A the following:

''Sec. 329B. Persons who have received an award for engagement in active combat or active participation in combat.''.

SA 4263. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1667. SENSE OF CONGRESS ON THE BALLISTIC MISSILE THREAT OF NORTH KOREA AND THE DEPLOYMENT OF TERMINAL HIGH ALTITUDE AREA DEFENSE IN SOUTH KOREA.

It is the sense of Congress—

(1) that the short-range, medium-range, and long-range ballistic missile programs of the Democratic People's Republic of Korea (DPRK) represent an imminent and growing threat to the Republic of Korea (ROK), Japan, and the United States homeland;

(2) that, according to open sources, the Democratic People's Republic of Korea currently fields an estimated 700 short-range ballistic missiles, 200 Nodong medium-range ballistic missiles, and 100 Musudan intermediate-range ballistic missiles;

(3) that, in March 2016, the United States and Republic of Korea officially began formal consultations regarding the deployment of the Terminal High Altitude Area Defense (THAAD) missile defense system to the Republic of Korea;

(4) that the Terminal High Altitude Area Defense missile defense system would effectively complement and significantly strengthen the existing missile defense capabilities of the United States on the Korean Peninsula;

(5) that the Terminal High Altitude Area Defense missile defense system is a limited defensive system that does not represent a threat to any of the neighbors of the Republic of Korea;

(6) to welcome deployment consultation talks between United States and the Republic of Korea on the Terminal High Altitude Area Defense missile defense system and to consider the deployment of that system as a sovereign choice of the Republic of Korean Government and a bilateral decision of the alliance between the United States and the Republic of Korea to protect the citizens of the Republic of Korea against the growing ballistic missile threat from the Democratic People's Republic of Korea and provide further protection to alliance forces serving on the Korean Peninsula; and

(7) to welcome joint missile defenses exercises between the United States, the Republic of Korea, and Japan against the ballistic missile threat from the Democratic People's Republic of Korea and encourage further trilateral defense cooperation between the United States, the Republic of Korea, and Japan.

SA 4264. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 1 through 13 and insert the following:

SEC. 125. BASELINE ESTIMATE FOR THE ADVANCED ARRESTING GEAR PROGRAM.

The Secretary of Defense

SA 4265. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 20 and all that follows through page 47, line 22, and insert the following:

SEC. 126. REPORTING ON USS JOHN F. KENNEDY (CV–79) AND USS ENTERPRISE (CVN–80).

(a) REPORT ON CVN–79 AND CVN–80.—Not later than December 1, 2016, the Secretary of the Navy and the Chief of Naval Operations shall submit to the congressional defense committees a report on alternatives, including de-scoping requirements if necessary, to achieve a CVN–80 procurement end cost of $12,000,000,000. In addition, the report shall describe all applicable CVN–80 alternatives that could be applied to CVN–79 to enable an $11,000,000,000 procurement end cost.

(b) ANNUAL REPORT ON CVN–79 AND CVN–80.—

(1) IN GENERAL.—The Secretary of the Navy and the Chief of Naval Operations shall annually submit, with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, a progress report describing efforts to attain the CVN–79 and CVN–80 procurement end costs specified in subsection (a).

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

(A) A description of progress made toward achieving the procurement end costs specified in subsection (a), including realized cost savings.

(B) A description of specific low value-added or unnecessary elements of program cost that have been reduced or eliminated.

(C) Cost savings estimates for current and planned initiatives.

(D) A schedule including a spend plan with phasing of key obligations and outlays, decision points when savings could be realized, and key events that must take place to execute initiatives and achieve savings.

(E) Instances of lower estimates used in contract negotiations.

(F) A description of risks to achieving the procurement end costs specified in subsection (a).

(G) A description of incentives or rewards provided or planned to be provided for meeting the procurement end costs specified in subsection (a).

SA 4266. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 127.

SA 4267. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 844, strike subsection (e).

SA 4268. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1038.

SA 4269. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1260.

SA 4270. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1611.

SA 4271. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. LIMITATION ON USE OF FUNDS TO PROCURE, OR ENTER INTO ANY CONTRACT FOR THE PROCUREMENT OF, ANY GOODS OR SERVICES FROM PERSONS THAT PROVIDE MATERIAL SUPPORT TO CERTAIN IRANIAN PERSONS.

(a) LIMITATION.—No funds authorized to be appropriated for the Department of Defense for fiscal year 2017 may be used to procure, or enter into any contract for the procurement of, any goods or services from any person that provides material support to, including engaging in a significant transaction or transactions with, a covered Iranian person during such fiscal year.

(b) CERTIFICATION.—The Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that such person does not engage in any of the conduct described in subsection (a). Such revision shall apply with respect to contracts in an amount greater than the simplified acquisition threshold (as defined in section 134 of title 41, United States Code) for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State and the Secretary of the Treasury, may, on a case-by-case basis, waive the limitation in subsection (a) with respect to a person if the Secretary of Defense, in consultation with the Secretary of State and the Secretary of the Treasury—

(1) determines that the waiver is important to the national security interest of the United States; and

(2) submits to the appropriate committees of Congress a notification of, and detailed justification for, the waiver not less than 30 days before the date on which the waiver is to take effect.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED IRANIAN PERSON.—The term ''covered Iranian person'' means an Iranian person that—

(A) is included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury and the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) for acting on behalf of or at the direction of, or being owned or controlled by, the Government of Iran;

(B) is included on the list of persons identified as blocked solely pursuant to Executive Order 13599; or

(C) in the case of an Iranian person described in paragraph (3)(B)—

(i) is owned, directly or indirectly, by—

(I) Iran's Revolutionary Guard Corps, or any agent or affiliate thereof; or

(II) one or more other Iranian persons that are included on the list of specially designated nationals and blocked persons as described in subparagraph (A) if such Iranian persons collectively own a 25 percent or greater interest in the Iranian person; or

(ii) is controlled, managed, or directed, directly or indirectly, by Iran's Revolutionary Guard Corps, or any agent or affiliate thereof, or by one or more other Iranian persons described in clause (i)(II).

(3) IRANIAN PERSON.—The term ''Iranian person'' means—

(A) an individual who is a national of Iran; or

(B) an entity that is organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(4) PERSON.—The term ''person'' means has the meaning given such term in section 560.305 of title 31, Code of Federal Regulation, as such section 560.305 was in effect on April 22, 2016.

(5) SIGNIFICANT TRANSACTION OR TRANSACTIONS.—The term ''significant transaction or transactions'' shall be determined, for purposes of this section, in accordance with section 561.404 of title 31, Code of Federal Regulations, as such section 561.404 was in effect on January 1, 2016.

SA 4272. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 212 and insert the following:

SEC. 212. ENHANCEMENT AND PERMANENT AUTHORITY FOR DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

(a) COORDINATION OF PROGRAM.—Subsection (a) of section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4366; 10 U.S.C. 2359 note) is amended by adding at the end the following: ''The program shall be coordinated with the senior acquisition executives of the departments, Agencies, and components of the Department of Defense.''.

(b) DEPARTMENT OF DEFENSE EXPENDITURES.—Subsection (d) of such section is amended to read as follows:

''(d) DOD EXPENDITURES.—(1) For fiscal year 2018 and each fiscal year thereafter, the Department of Defense shall obligate for expenditure for eligible technologies not less than 0.5 percent of the aggregate budget of the Department of Defense for such fiscal year for research, development, test, and evaluation and available for projects and activities at the level of Advanced Component Development Prototypes and above (referred to as '6.4' and above).

''(2) Nothing in paragraph (1) may be construed to prohibit the departments, Agencies, and components of the Department from expending on eligible technologies in a fiscal year an amount for that fiscal year in excess of the amount otherwise required by that paragraph.''.

(c) PERMANENT AUTHORITY.—Such section is further amended by striking subsection (f).

SA 4273. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899C. PILOT PROGRAM FOR STREAMLINED TECHNOLOGY TRANSITION FROM THE SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) DEFINITIONS.—In this section—

(1) the terms ''commercialization'', ''SBIR'', ''STTR'', ''Phase I'', ''Phase II'', and ''Phase III'' have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(2) the term ''covered small business concern'' means—

(A) a small business concern that completed a Phase II award under the SBIR or STTR program of the Department of Defense; or

(B) a small business concern that—

(i) completed a Phase I award under the SBIR or STTR program of the Department of Defense; and

(ii) a contracting officer for the Department of Defense recommends for inclusion in a multiple award contract described in subsection (b);

(3) the term ''multiple award contract'' has the meaning given the term in section 3302(a) of title 41, United States Code;

(4) the term ''pilot program'' means the pilot program established under subsection (b); and

(5) the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT.—The Secretary of the Defense may establish a pilot program under which the Department of Defense shall award multiple award contracts to covered

small business concerns for the purchase of technologies, supplies, or services that the covered small business concern has developed through the SBIR or STTR program.

(c) WAIVER OF COMPETITION IN CONTRACTING ACT REQUIREMENTS.—The Secretary of the Defense may establish procedures to waive provisions of section 2304 of title 10, United States Code, for purposes of carrying out the pilot program.

(d) USE OF CONTRACT VEHICLE.—A multiple award contract described in subsection (b) may be used by any service or component of the Department of Defense.

(e) TERMINATION.—The pilot program established under this section shall terminate on September 30, 2022.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the commercialization of products and services produced by a small business concern under an SBIR or STTR program of a Federal agency through—

(1) direct awards for Phase III of an SBIR or STTR program; or

(2) any other contract vehicle.

SA 4274. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1114. PAY PARITY FOR DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED AT JOINT BASES.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered joint military installation'' means a joint military installation—

(A) created as a result of the recommendations of the Defense Base Closure and Realignment Commission in the 2005 base closure round; and

(B) for which the Federal Prevailing Rate Advisory Committee has recommended that the Office of Personnel Management consolidate to be within the same pay locality;

(2) the term ''joint military installation'' means 2 or more military installations reorganized or otherwise associated and operated as a single military installation;

(3) the term ''locality pay'' means any amount payable under section 5304 or 5304a of title 5, United States Code; and

(4) the term ''pay locality'' has the meaning given that term by section 5302(5) of title 5, United States Code.

(b) PAY PARITY AT JOINT BASES.—If 2 or more military installations were reorganized or otherwise associated as a single covered joint military installation, and the constituent installations are not all located within the same pay locality, all Department of Defense employees of the respective installations constituting the covered joint military installation (who are otherwise entitled to locality pay) shall receive locality pay at a uniform percentage equal to the percentage which is payable with respect to the pay locality which includes the constituent installation then receiving the highest locality pay (expressed as a percentage).

(c) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out this section.

(d) APPLICABILITY.—This section shall apply with respect to pay periods beginning on or after such date (not later than 1 year after the date of enactment of this Act) as the Secretary of Defense shall determine, in consultation with the Director of the Office of Personnel Management.

SA 4275. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. CERTAIN SERVICE DEEMED TO BE ACTIVE MILITARY SERVICE FOR PURPOSES OF LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—For purposes of section 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note), the Secretary of Defense is deemed to have determined that qualified service of an individual constituted active military service.

(b) DETERMINATION OF DISCHARGE STATUS.—The Secretary of Defense shall issue an honorable discharge under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 to each person whose qualified service warrants an honorable discharge. Such discharge shall be issued before the end of the one-year period beginning on the date of the enactment of this Act.

(c) PROHIBITION OF RETROACTIVE BENEFITS.—No benefits may be paid to any individual as a result of the enactment of this section for any period before the date of the enactment of this Act.

(d) QUALIFIED SERVICE DEFINED.—In this section, the term ''qualified service'' means service of an individual as a member of the organization known as the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 15, 1945.

SA 4276. Mr. LEE (for himself, Mr. CRUZ, Mr. INHOFE, Mr. ROUNDS, Mr. SASSE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 591 and insert the following:

SEC. 591. MODIFICATION OF PERSONS SUBJECT TO REGISTER FOR MILITARY SELECTIVE SERVICE ONLY PURSUANT TO STATUTE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the decision of the Secretary of Defense to open all military occupational specialties to women raises important legal, political, and social questions about who should be required to register for military selective service and how the Military Selective Service Act currently benefits the national security of the United States.

(b) REPORT.—Not later than July 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current and future need for a centralized registration system for military selective service. The report shall include an assessment of—

(1) whether a continuing need exists for a selective service system designed to produce large quantities of combat troops; and

(2) if so, whether that system should include mandatory registration by citizens and residents regardless of gender.

(c) MODIFICATION ONLY PURSUANT TO STATUTE.—Section 3 of the Military Selective Service Act (50 U.S.C. 3802) is amended by adding at the end the following new subsection:

''(c) Any modification or change to the persons subject to register pursuit to this section may be made only through an Act of Congress.''.

(d) PROHIBITION ON COURT JURISDICTION OF CLAIMS REGARDING CLASS OF PERSONS WITH DUTY TO REGISTER.—No court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question or claim, whether filed before, on, or after the date of the enactment of this Act, pertaining to the interpretation of, or the validity under the Constitution of, the class of persons subject to the duty to register for purposes of the Military Selective Service Act (50 U.S.C. 3801 et seq.).

SA 4277. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1613. COMMERCIAL USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES BY UNITED STATES COMMERCIAL SPACE TRANSPORTATION SERVICES PROVIDERS.

(a) IN GENERAL.—Section 50134(b) of title 51, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND UNITED STATES COMMERCIAL'' after ''AUTHORIZED FEDERAL''; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''A missile described'' and all that follows through ''such missile—'' and inserting the following: ''A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government or a United States commercial provider if, except as provided in paragraph (2) and at least 30 days before such conversion, the agency seeking to use the missile as a space transportation vehicle, or to provide the missile to a United States commercial provider for use as a space transportation vehicle, as the case may be, transmits to the Committee on Armed Services and the Committee on Science and Technology of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a certification that the use of such missile, or the provision of such missile to a United States commercial provider for such use, as applicable—'';

(B) in subparagraph (A), by striking ''when compared'' and all that follows and inserting a semicolon; and

(C) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) if such missile is being provided to a United States commercial provider, such missile was made broadly available to

United States commercial providers before being provided to the United States commercial provider concerned;''.

(b) ADDITIONAL LIMITATIONS; TERMINATION.—Section 50134 of such title is further amended by adding at the end the following new subsection:

''(d) ADDITIONAL LIMITATIONS.—

''(1) NUMBER OF FLIGHT VEHICLES PRODUCED YEARLY BY ANY SINGLE PROVIDER.—The total number of space transportation vehicles produced by any United States commercial provider in a year using motors from missiles transferred or otherwise provided to the United States commercial provider under this section in any year may not 5 exceed vehicles.

''(2) NUMBER OF FLIGHT VEHICLES PRODUCED YEARLY BY ALL PROVIDERS.—The total number of space transportation vehicles produced by United States commercial providers in a year using motors from missiles transferred or otherwise provided to United States commercial providers under this section may not exceed 15 vehicles.

''(3) MINIMUM PAYLOAD MASS.—No space transportation vehicle produced by a United States commercial provider in any year using motors from missiles transferred or otherwise provided to the United States commercial provider under this section may be used to launch multiple payloads from more than one manufacturer that have a combined mass of 200 kg or less.

''(e) TERMINATION OF UNITED STATES COMMERCIAL PROVIDER AUTHORITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the authority under this section to transfer or otherwise provide a missile described in subsection (c) to a United States commercial provider for use as a space transportation vehicle shall terminate on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

''(2) EXCEPTION.—The termination of authority under paragraph (1) shall not affect the use of motors from missiles transferred or provided to a United States commercial provider under this section pursuant to contracts entered into before such termination.''.

(c) MULTIAGENCY REVIEW.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a multiagency review of the authority provided under section 50134 of title 51, United States Code, as amended by this section, to provide excess intercontinental ballistic missiles to United States commercial space transportation services providers for use as space transportation vehicles, and the limitations under subsection (d) of that section, including an assessment of the costs and benefits of that authority and those limitations and the consequences of that authority and those limitations for the industrial base of the United States.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, if no significant consequences to the industrial base of the United States are found in the multiagency review required by subsection (c), the authority to provide excess intercontinental ballistic missiles to United States commercial space transportation services providers for use as space transportation vehicles under section 50134 of title 51, United States Code, should be extended before the termination date under subsection (e) of that section.

SA 4278. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2814. DURATION OF UTILITY ENERGY SERVICE CONTRACTS.

Section 2913 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) DURATION OF CONTRACTS.—An utility energy service contract entered into under this section may have a contract period not to exceed 25 years.''.

SA 4279. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. RECEIPT BY MEMBERS OF THE ARMED FORCES WITH PRIMARY MARINER DUTIES OF TRAINING THAT COMPLIES WITH NATIONAL STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—Section 2015 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) MEMBERS WITH PRIMARY MARINER DUTIES.—(1) For purposes of the program under this section, the Secretary of Defense and the Secretary of Homeland Security shall each ensure that members of the armed forces with primary mariner duties receive training that complies with national standards and requirements under the International Convention on Standards of Training, Certification, and Watchkeeping (STCW).

''(2) The following shall comply with basic training standards under national requirements and the International Convention on Standards of Training, Certification, and Watchkeeping:

''(A) The recruit training provided to each member of the armed forces.

''(B) The training provided to each member of the armed forces who is assigned to a vessel.

''(3) Under the program, each member of the armed forces who is assigned to a vessel of at least 100 gross tons (GRT) in a deck or engineering career field shall be provided the following:

''(A) A designated path to applicable credentials under the national requirements and the International Convention on Standards of Training, Certification, and Watchkeeping consistent with the responsibilities of the position to which assigned.

''(B) The opportunity, at Government expense, to attend credentialing programs that provide merchant mariner training not offered by the armed forces.

''(4)(A) For purposes of the program, the material specified in subparagraph (B) shall be submitted to the National Maritime Center of the Coast Guard for assessment of the compliance of such material with national requirements and the International Convention on Standards of Training, Certification, and Watchkeeping.

''(B) The material specified in this subparagraph is as follows:

''(i) The course material of each unclassified course for members of the armed forces in marine navigation, leadership, and operation and maintenance.

''(ii) The unclassified qualifications for assignment for deck or engineering positions on waterborne vessels.

''(C) The National Maritime Center shall conduct assessments of material for purposes of this paragraph. Such assessments shall evaluate the suitability of material for the service at sea addressed by such material and without regard to the military pay grade of the intended beneficiaries of such material.

''(D) If material submitted to the National Maritime Center pursuant to this paragraphs is determined not to comply as described in subparagraph (A), the Secretary offering such material to members of the armed forces shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the actions to be taken by such Secretary to bring such material into compliance.''.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—Each Secretary concerned shall establish, for members of the Armed Forces under the jurisdiction of such Secretary, procedures as follows:

(A) Procedures by which members identify qualification gaps in training and proficiency assessments and complete training or assessments approved by the Coast Guard in addressing such gaps.

(B) Procedures by which members obtain service records of any service at sea.

(C) Procedures by which members may submit service records of service at sea and other military qualifications to the National Maritime Center for evaluation and issuance of a Merchant Marine Credential.

(D) Procedures by which members may obtain a medical certificate for use in applications for Merchant Marine Credentials.

(2) USE OF MILITARY DRUG TEST RESULTS IN MERCHANT MARINE CREDENTIAL APPLICATIONS.—The Secretaries of the military departments and the Secretary of Homeland Security shall jointly establish procedures by which the results of appropriate drug tests administered to members of the Armed Forces by the military departments may be used for purposes of applications for Merchant Marine Credentials.

(3) SECRETARY CONCERNED DEFINED.—In this subsection, the term ''Secretary concerned'' has the meaning given that term in section 101(a) of title 10, United States Code.

(c) DEADLINE FOR IMPLEMENTATION.—This section and the amendments made by this section shall be fully implemented by not later than the date that is two years after the date of the enactment of this Act.

SA 4280. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2804. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION AUTHORITIES.

Section 2805 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project.''.

SA 4281. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. AUTHORITY TO USE ENERGY SAVINGS INVESTMENT FUND FOR ENERGY MANAGEMENT INITIATIVES.

Section 2919(b)(2) of title 10, United States Code, is amended by striking '', to the extent provided for in an appropriations Act,''.

SA 4282. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1114. SENSE OF CONGRESS ON BUSINESS CASES ANALYSES FOR DECISIONS AFFECTING THE WORKFORCE AND MODIFYING LOCATIONS OF WHERE WORK WILL BE EXECUTED OR COMPLETED.

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

(1) in a budget constrained environment, the military departments and Defense Agencies must utilize all available tools to make informed, supportable decisions in moving workforce and workload from one location or entity to another;

(2) such tools should include a properly supported and documented business case analysis (BCA);

(3) several military departments and Defense Agencies have fallen short of proper analysis and support with respect to decision described in paragraph (1) in recent months;

(4) in one such case—

(A) the Air Force relied exclusively on a rough order economic analysis on an engine source of repair as justification for moving nearly $40,000,000 per year of workload; and

(B) before reversing its decision, the Air Force had only planned to accomplish business case analyses to shift work after award of the solicitation;

(5) in another case—

(A) the Defense Health Agency announced that it would be closing the Pacific Joint Information Technology Center (PJITC), with an annual operation and maintenance cost of $5,800,000, without supporting documentation or analysis;

(B) the center performs Health Information Technology (HIT) research and innovation and serves as a test center for joint concept technology development (JCTD) prototyping for the Department of Defense and the Department of Veterans Affairs for information technology products and services;

(C) if the center is closed, ongoing interoperability projects between the Department of Defense and the Department of Veterans Affairs will lose a critical health information technology research hub which was responsible for the Joint Legacy Viewer (JLV) which, in turn, is deployed throughout the Department of Defense and the Department of Veterans Affairs and meets required interoperability standards;

(D) Defense Health Agency officials contend that the quality of the work completed at the center is not at issue, and they plan to continue the work at a different facility which is not a joint research facility and does not have the capability or capacity to continue the work of the center;

(6) before a military department or Defense Agency embarks on a workforce decision of workload in excess of $3,000,000 per year, the Department of Defense needs to understand the possible costs, benefits, risks, and impacts to the small business goals, small and disadvantaged contracting agreements, and other sensitivities of the Department associated with such a decision;

(7) the military departments and Defense Agencies should perform a business case analysis, as part of any workforce decision described in paragraph (6);

(8) any such business case analysis for a workforce decision having an annual estimated cost of $5,000,0000 or more should be reviewed and approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary should provide such business case analysis to the congressional defense committees at least 30 days before taking any action to effect a shift in the workload concerned;

(9) the Assistant Secretary of Defense for Logistics, Materiel, and Readiness, working with the Cost Analysis Program Evaluation office, should develop minimum standards and criteria for business case analyses covered by this section and a process for the review and transparency of such business case analyses; and

(10) the Assistant Secretary should submit to the congressional defense committees, by not later than 180 days after the date of the enactment of this Act, a report on the plan of the Assistant Secretary plan to implement the standards and criteria described in paragraph (9).

(b) BUSINESS CASE ANALYSIS DEFINED.—In this section, the term ''business case analysis'' means a structured methodology and decision support document that aids decision making by identifying and comparing alternatives by examining the mission and business impacts (both financial and non-financial), risks, and sensitivities.

SA 4283. Mr. REID (for Mr. BLUMENTHAL (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 663. LIMITATION ON SALE OF DIETARY SUPPLEMENTS IN COMMISSARY AND EXCHANGE STORES.

(a) LIMITATION.—Section 2484(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) The Secretary of Defense, in consultation with the Commissioner of Food and Drugs, the Federal Trade Commission, and the Office of Dietary Supplements at the National Institutes of Health, shall establish a definition for a product category for dietary supplements that are considered to be high risk. The dietary supplements included within the product category shall include dietary supplements that are marketed for muscle building, weight loss, and sexual enhancement.

''(B) A dietary supplement in the product category of dietary supplements considered to be high risk under subparagraph (A) may be sold by a commissary store or exchange store, or a retail establishment operating on a military installation, only if the dietary supplement has been verified by an independent third party for recognized public standards of identity, purity, strength, and composition, and adherence to related process standards.

''(C) The Secretary of Defense and the Commissioner of Food and Drugs shall jointly identify the third parties that may provide verification under subparagraph (B).

''(D) In this paragraph, the term 'dietary supplement' has the meaning given that term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 15 321(ff).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act, and shall apply with respect to sales that occur on or after such effective date.

SA 4284. Mr. REID (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 597. ENHANCEMENT OF USE OF VETERANS' SERVICE ORGANIZATIONS TO CARRY OUT THE TRANSITION ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (d)(4), by inserting ''subject to subsection (e),'' before ''use representatives'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

''(e) USE OF VETERANS' SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Veterans Affairs, and appropriate veterans' service organizations shall jointly enter into a memorandum of understanding regarding the manner in which representatives of veterans' service organizations are used for purposes of the program established under this section, including the nature and

scope of access of such representatives to military installations for that purpose. The memorandum of understanding shall apply to any veterans' service organization whose representatives are used for purposes of the program, regardless of whether or not the organization is expressly a party to the memorandum of understanding.''.

(b) VETERANS' SERVICE ORGANIZATION DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(h) VETERANS' SERVICE ORGANIZATION DEFINED.—In this section, the term 'veterans' service organization' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

SA 4285. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRITICAL LANGUAGES PROFICIENCY BONUSES.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''§ 5762. Critical languages proficiency bonuses

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered agency' means—

''(A) the Central Intelligence Agency;

''(B) the Defense Intelligence Agency;

''(C) the Federal Bureau of Investigation;

''(D) the National Geospatial-Intelligence Agency;

''(E) the National Reconnaissance Office;

''(F) the National Security Agency; and

''(G) the Office of the Director of National Intelligence;

''(2) the term 'critical language' means—

''(A) Arabic;

''(B) Urdu;

''(C) Pashto;

''(D) Farsi;

''(E) Dari;

''(F) Tajiki;

''(G) Kurdish;

''(H) Turkish;

''(I) Somali; and

''(J) Hausa; and

''(3) the term 'ILR' means the Interagency Language Roundtable.

''(b) BONUSES.—

''(1) RECRUITING BONUS.—

''(A) IN GENERAL.—The head of a covered agency may pay a bonus under this section to an individual who is newly appointed as an employee of the covered agency in a national security position.

''(B) AMOUNT.—The bonus described in subparagraph (A) shall be equal to—

''(i) $25,000 if the individual has been assigned an ILR skill level of 3, as of the date on which the individual is appointed;

''(ii) $31,250 if the individual has been assigned an ILR skill level of 4, as of the date on which the individual is appointed; and

''(iii) $37,500 if the individual has been assigned an ILR skill level of 5, as of the date on which the individual is appointed.

''(2) INCENTIVE BONUS.—

''(A) IN GENERAL.—The head of a covered agency may pay a bonus under this section to an individual employed by the covered agency in a national security position if—

''(i) before the date on which the individual is appointed as an employee of the covered agency in a national security position, the individual was not employed in a national security position; and

''(ii) while employed by the covered agency in a national security position, the individual is assigned an ILR skill level of not lower than 3.

''(B) AMOUNT.—The bonus described in subparagraph (A) shall be equal to—

''(i) $20,000 if the individual is assigned an ILR skill level of 3;

''(ii) $25,000 if the individual is assigned an ILR skill level of 4; and

''(iii) $30,000 if the individual is assigned an ILR skill level of 5.

''(C) LIMITATION.—An individual may receive only 1 bonus under this paragraph.

''(3) ADJUSTMENT OF AMOUNT.—The head of a covered agency may adjust the amounts of the bonuses described in paragraph (1) and (2) equal to amounts that the head of the covered agency determines is necessary to maintain staff in the covered agency with proficiency in critical languages.

''(4) EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.—A bonus under this section may be awarded to an employee of the Federal Bureau of Investigation in addition to any cash award described in section 5761.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5762. Critical languages proficiency bonuses.''.

SA 4286. Mr. CORNYN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Vietnam Sanctions

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Vietnam Human Rights Sanctions Act''.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) ADMITTED; ALIEN; IMMIGRATION LAWS; NATIONAL.—The terms ''admitted'', ''alien'', ''immigration laws'', and ''national'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Ways and Means, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

(3) CONVENTION AGAINST TORTURE.—The term ''Convention against Torture'' means the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1283. LIMITATIONS ON ARMS TRANSFERS TO VIETNAM.

(a) LIMITATION ON ARMS TRANSFERS.—No letter of offer to sell major defense equipment to Vietnam may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Vietnam may be issued pursuant to that Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification described in subsection (b) for that fiscal year.

(b) CERTIFICATION DESCRIBED.—The certification described in this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that the Government of Vietnam has substantially improved its human rights practices, including, at a minimum, the following problems identified by the Secretary of State in the Country Reports on Human Rights Practices for 2015:

(1) Severe government restrictions of the political rights of citizens, particularly their right to change their government through free and fair elections.

(2) Limits on the civil liberties of citizens, including freedom of assembly, association, and expression.

(3) Inadequate protection of the due process rights of citizens, including protection against arbitrary detention.

(4) Arbitrary and unlawful deprivation of life.

(5) Police attacks and corporal punishment.

(6) Continued police mistreatment of suspects during arrest and detention, including the use of lethal force and austere prison conditions.

(7) Denial of the right to a fair and expeditious trial.

SEC. 1284. IMPOSITION OF SANCTIONS ON CERTAIN INDIVIDUALS WHO ARE COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST NATIONALS OF VIETNAM OR THEIR FAMILY MEMBERS.

(a) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to each individual on the list required by subsection (b)(1).

(b) LIST OF INDIVIDUALS WHO ARE COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of individuals who are nationals of Vietnam that the President determines are complicit in human rights abuses committed against nationals of Vietnam or their family members, regardless of whether such abuses occurred in Vietnam.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) as new information becomes available and not less frequently than annually.

(3) PUBLIC AVAILABILITY.—The list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider data already obtained by other countries and nongovernmental organizations, including organizations in Vietnam, that monitor the

human rights abuses of the Government of Vietnam.

(c) SANCTIONS.—

(1) PROHIBITION ON ENTRY AND ADMISSION TO THE UNITED STATES.—

(A) IN GENERAL.—An individual on the list required by subsection (b)(1) may not—

(i) be admitted to, enter, or transit through the United States;

(ii) receive any lawful immigration status in the United States under the immigration laws, including any relief under the Convention Against Torture; or

(iii) file any application or petition to obtain such admission, entry, or status.

(B) EXCEPTIONS TO COMPLY WITH INTERNATIONAL AGREEMENTS.—The President may, by regulation, authorize exceptions to subparagraph (A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, and other applicable international agreements.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of a person on the list required by subsection (b)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) GOOD.—In this paragraph, the term ''good'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(C) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subparagraph (A) or any regulation, license, or order issued to carry out subparagraph (A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) WAIVER.—The President may waive the requirement to impose or maintain sanctions with respect to an individual under subsection (a) or the requirement to include an individual on the list required by subsection (b)(1) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(e) TERMINATION OF SANCTIONS.—The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Vietnam has—

(1) unconditionally released all political prisoners;

(2) ceased its practices of violence, unlawful detention, torture, and abuse of nationals of Vietnam while those nationals are engaging in peaceful political activity; and

(3) conducted a transparent investigation into the killings, arrest, and abuse of peaceful political activists in Vietnam and prosecuted those responsible.

SEC. 1285. SENSE OF CONGRESS ON DESIGNATION OF VIETNAM AS A COUNTRY OF PARTICULAR CONCERN WITH RESPECT TO RELIGIOUS FREEDOM.

It is the sense of Congress that—

(1) the relationship between the United States and Vietnam cannot progress while the record of the Government of Vietnam with respect to human rights and the rule of law continues to deteriorate;

(2) the designation of Vietnam as a country of particular concern for religious freedom pursuant to section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)) would be a powerful and effective tool in highlighting abuses of religious freedom in Vietnam and in encouraging improvement in the respect for human rights in Vietnam; and

(3) the Secretary of State should, in accordance with the recommendation of the United States Commission on International Religious Freedom, designate Vietnam as a country of particular concern for religious freedom.

SA 4287. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 563 and insert the following:

SEC. 563. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS OF INSTITUTIONS OF HIGHER EDUCATION PROVIDING CERTAIN ADVISING AND STUDENT SUPPORT SERVICES.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2012 the following new section:

''§ 2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services

''(a) ACCESS.—

''(1) IN GENERAL.—The Secretary of Defense may grant access to Department of Defense installations to any institution of higher education that—

''(A) has—

''(i) entered into a Voluntary Education Partnership Memorandum of Understanding with the Department for the purpose of providing at the installation concerned timely face-to-face student advising and related support services to members of the armed forces and other persons who are eligible for assistance under Department of Defense educational assistance programs and authorities; and

''(ii) been approved to provide such advising and support services by the educational service office of the installation concerned; or

''(B) has been approved by the base transition office of the installation concerned to educate members of the armed forces about education and employment after military service.

''(2) SCOPE OF ACCESS.—Access under paragraph (1) shall be granted in a nondiscriminatory manner to any institution covered by that paragraph.

''(b) REGULATIONS.—The Secretary shall prescribe in regulations the time and place of access authorized pursuant to subsection (a). The regulations shall provide the following:

''(1) The opportunity for institutions of higher education to receive access at times and places that ensure sufficient opportunity for students to obtain advising and support services described in subsection (a).

''(2) The opportunity for institutions of higher education to receive sufficient access at times and places that ensure maximum opportunity for members of the armed forces transitioning to life after military service, as determined by the base transition officer concerned, to receive advising, student support services, and education pursuant to this section.

''(3) Access shall be limited to face-to-face student advisement and related support services for students and members of the armed forces who have elected to participate in the higher education track of the Transition Assistance Program, and may not otherwise be used as an opportunity to conduct recruitment or marketing activities.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Department of Defense educational assistance programs and authorities' has the meaning given the term 'Department of Defense educational assistance programs and authorities covered by this section' in section 2006a(c)(1) of this title.

''(2) The term 'institution of higher education' has the meaning given that term in section 2006a(c)(2) of this title.

''(3) The term 'Voluntary Education Partnership Memorandum of Understanding' has the meaning given that term in Department of Defense Instruction 1322.25, entitled 'Voluntary Education Programs', or any successor Department of Defense Instruction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2012 the following new item:

''2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services.''.

SA 4288. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. PRIORITIZING SPECIAL IMMIGRANT VISAS FOR IRAQI AND AFGHAN TRANSLATORS.

The Secretary of State shall prioritize the issuance of special immigrant visas authorized under—

(1) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note);

(2) section 1244 of the Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note); and

(3) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note).

SA 4289. Mr. CRUZ (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1667. INCREASED FUNDING FOR CERTAIN MISSILE DEFENSE ACTIVITIES.

(a) PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 101 is hereby increased by $290,000,000, with the amount of increase to be available for procurement, Defense-wide, as specified in the funding table in section 4101 and available for procurement for purposes, and in amounts, as follows:

(1) Iron Dome, $20,000,000.

(2) David's Sling Weapon System, $150,000,000.

(3) Arrow 3 Upper Tier, $120,000,000.

(b) RDT&E, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department by section 201 is hereby increased by $12,300,000, with the amount of increase to be available for research, development, test, and evaluation, Defense-wide, as specified in the funding table in section 4201 and available for research, development, test, and evaluation for purposes, and in amounts, as follows:

(1) David's Sling Weapon System, $10,000,000.

(2) Arrow 3 Upper Tier, $2,300,000.

(c) CONSTRUCTION.—Amounts available under this section for purposes specified in this section are in addition to any other amounts available for such purposes in this Act.

SA 4290. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. RISK MANAGEMENT WITH RESPECT TO CIVIL UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Administrator of the Federal Aviation Administration and the heads of other relevant Federal agencies, submit to Congress an assessment of risk posed by civil unmanned aircraft systems operating at or below 400 feet above ground level to—

(1) the safety of aircraft of the Armed Forces operating in military special use airspace and on military training routes; and

(2) the security of military installations located in the United States that directly support strategic operations of the Armed Forces.

(b) ADDRESSING IDENTIFIED RISKS.—Not later than 180 days after the Secretary submits to Congress the assessment described in subsection (a), the Secretary and the Administrator shall jointly, and in coordination with the heads of other relevant Federal agencies—

(1) assess the adequacy of current laws, regulations, procedures, and activities to address risks described in the assessment and identify additional actions that may be appropriate and necessary to address such risks; and

(2) submit to Congress a summary of the assessment and any additional actions identified under paragraph (1).

(c) CIVIL UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ''civil unmanned aircraft system'' means an unmanned aircraft system (as that term is defined in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note)) that is a civil aircraft (as that term is defined in section 40102 of title 49, United States Code).

SA 4291. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. TRANSFER OF HUMAN REMAINS.

(a) DEFINITIONS.—In this section:

(1) CLAIMANT TRIBES.—The term ''claimant tribes'' means the Indian tribes and band referred to in the letter from Secretary of the Interior Bruce Babbitt to Secretary of the Army Louis Caldera, relating to the human remains and dated September 21, 2000.

(2) DEPARTMENT.—The term ''Department'' means the Washington State Department of Archaeology and Historic Preservation.

(3) HUMAN REMAINS.—The term ''human remains'' means the human remains—

(A) that are known as Kennewick Man or the Ancient One, which includes the projectile point lodged in the right ilium bone, as well as any residue from previous sampling and studies; and

(B) that are part of archaeological collection number 45BN495.

(b) TRANSFER.—Notwithstanding any other provision of Federal law or law of the State of Washington, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), not later than 90 days after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the remains and repatriates the remains to claimant tribes.

(c) COST.—The Corps of Engineers shall be responsible for any costs associated with the transfer.

(d) LIMITATIONS.—

(1) IN GENERAL.—The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) CORPS OF ENGINEERS.—The Corps of Engineers shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

SA 4292. Mr. CASEY (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 582. AUTHORITY FOR REIMBURSEMENT OF SPOUSES FOR COSTS OF PROFESSIONAL RE-LICENSURE AND RE-CERTIFICATION IN A NEW STATE IN CONNECTION WITH PERMANENT CHANGES OF STATION OF MEMBERS OF THE ARMED FORCES.

Section 1784a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) If established under this subsection, the program under this subsection shall provide for the reimbursement of a spouse of a member of the armed forces described in subsection (b) (and without regard to the exception in subsection (c)) for costs incurred by the spouse in obtaining professional re-licensure or re-certification in a new State in association with the member's permanent change of station to a location in such State.

''(B) Reimbursement under this paragraph shall be available for any of the following:

''(i) Application fees to a State board, bar association, or other certifying or licensing body.

''(ii) Exam fees and registration fees paid to a licensing body.

''(iii) Costs of additional coursework required for eligibility for licensing or certification specific to State concerned (other than costs in connection with continuing education courses).

''(C)(i) The total amount of reimbursement of a spouse under this paragraph in connection with a particular change of station may not exceed $500.

''(ii) Eligibility for reimbursement may not be limited by the grade of the member concerned.

''(D) The total amount reimbursement under this paragraph in any fiscal year may not exceed $2,000,000.

''(E) Reimbursements under this paragraph shall be distributed on a quarterly basis.

''(F) This paragraph shall expire on the enactment of a credit against the tax imposed by subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to the qualified re-licensing costs of an individual who is married to a member of the armed forces and who moves to another State with such member under a permanent change of station order.''.

SA 4293. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1422. NATIONAL ACADEMIES OF SCIENCES STUDY ON CONVENTIONAL MUNITIONS DEMILITARIZATION ALTERNATIVE TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of the Army shall enter into an arrangement with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall include the following:

(1) A review of the current conventional munitions demilitarization stockpile, including types of munitions and types of materials contaminated with propellants or energetics, and the disposal technologies used.

(2) An analysis of disposal, treatment, and reuse technologies, including technologies currently used by the Department and emerging technologies used or being developed by private or other governmental agencies, including a comparison of cost, throughput capacity, personnel safety, and environmental impacts.

(3) An identification of munitions types for which alternatives to open burning, open detonation, or non-closed loop incineration/combustion are not used.

(4) An identification and evaluation of any barriers to full-scale deployment of alternatives to open burning, open detonation, or non-closed loop incineration/combustion, and recommendations to overcome such barriers.

(5) An evaluation whether the maturation and deployment of governmental or private technologies currently in research and development would enhance the conventional munitions demilitarization capabilities of the Department.

(c) SUBMITTAL TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study conducted pursuant to subsection (a).

SA 4294. Mr. WYDEN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. REQUIREMENT TO ESTABLISH REPOSITORY FOR OPERATIONAL ENERGY-RELATED RESEARCH AND DEVELOPMENT EFFORTS OF DEPARTMENT OF DEFENSE.

(a) REPOSITORY REQUIRED.—Not later than December 31, 2017, the Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering and in collaboration with the Assistant Secretary of Defense for Operational Energy Plans and Programs and the Secretaries of the military departments, shall establish a centralized repository for all operational energy-related research and development efforts of the Department of Defense, including with respect to the inception, operational, and complete phases of such efforts.

(b) INTERNET ACCESS.—The Secretary of Defense shall ensure that the repository required by subsection (a) is accessible through an Internet website of the Department of Defense and by all employees of the Department and members of the Armed Forces whom the Secretary determines appropriate, including all program managers involved in such research and development efforts, to enable improved collaboration between military departments on research and development efforts described in subsection (a), enable sharing of best practices and lessons learned relating to such efforts, and reduce redundancy in such efforts.

SA 4295. Mrs. SHAHEEN (for herself, Mr. BLUMENTHAL, Mr. MURPHY, Mrs. BOXER, Mrs. MURRAY, Mrs. GILLIBRAND, and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 740. REMOVAL OF RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) RESTRICTION ON USE OF FUNDS.—''.

SA 4296. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 332 the following:

SEC. 332A. REVISED POLICY ON GROUND COMBAT AND CAMOUFLAGE UTILITY UNIFORMS.

(a) ESTABLISHMENT OF POLICY.—Not later than October 1, 2018, the Secretary of Defense shall eliminate the development and fielding of Armed Force-specific combat and camouflage utility uniforms and families of uniforms in order to adopt and field a common combat and camouflage utility uniform or family of uniforms for specific combat environments to be used by all members of the Armed Forces.

(b) PROHIBITION.—Except as provided in subsection (c), after the date of the enactment of this Act, the Secretary of a military department may not adopt any new camouflage pattern design or uniform fabric for any combat or camouflage utility uniform or family of uniforms for use by an Armed Force, unless—

(1) the new design or fabric is a combat or camouflage utility uniform or family of uniforms that will be adopted by all Armed Forces;

(2) the Secretary adopts a uniform already in use by another Armed Force; or

(3) the Secretary of Defense grants an exception based on unique circumstances or operational requirements.

(c) EXCEPTIONS.—Nothing in subsection (b) shall be construed as—

(1) prohibiting the development of combat and camouflage utility uniforms and families of uniforms for use by personnel assigned to or operating in support of the unified combatant command for special operations forces described in section 167 of title 10, United States Code;

(2) prohibiting engineering modifications to existing uniforms that improve the performance of combat and camouflage utility uniforms, including power harnessing or generating textiles, fire resistant fabrics, and anti-vector, anti-microbial, and anti-bacterial treatments;

(3) prohibiting the Secretary of a military department from fielding ancillary uniform items, including headwear, footwear, body armor, and any other such items as determined by the Secretary; or

(4) prohibiting the Secretary of a military department from issuing vehicle crew uniforms.

(d) REGISTRATION REQUIRED.—The Secretary of a military department shall formally register with the Joint Clothing and Textiles Governance Board all uniforms in use by an Armed Force under the jurisdiction of the Secretary and all such uniforms planned for use by such an Armed Force.

(e) LIMITATION ON RESTRICTION.—The Secretary of a military department may not prevent the Secretary of another military department from authorizing the use of any combat or camouflage utility uniform or family of uniforms.

(f) GUIDANCE REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement this section.

(2) CONTENT.—At a minimum, the guidance required by paragraph (1) shall require the Secretary of each of the military departments—

(A) in cooperation with the commanders of the combatant commands, including the unified combatant command for special operations forces, to establish, by not later than 180 days after the date of the enactment of this Act, joint criteria for combat and camouflage utility uniforms and families of uniforms, which shall be included in all new requirements documents for such uniforms;

(B) to continually work together to assess and develop new technologies that could be incorporated into future combat and camouflage utility uniforms and families of uniforms to improve war fighter survivability;

(C) to ensure that new combat and camouflage utility uniforms and families of uniforms meet the geographic and operational requirements of the commanders of the combatant commands; and

(D) to ensure that all new combat and camouflage utility uniforms and families of uniforms achieve interoperability with all components of individual war fighter systems, including body armor, organizational clothing and individual equipment, and other individual protective systems.

(g) REPEAL OF POLICY.—Section 352 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84, 123 Stat. 2262; 10 U.S.C. 771 note prec.) is repealed.

SA 4297. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 740. USE OF INPUT FROM SECRETARY OF VETERANS AFFAIRS IN DEVELOPING MENTAL HEALTH PROVIDER READINESS DESIGNATION FOR DEPARTMENT OF DEFENSE.

Section 717 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)(1)—

(A) by inserting '', with input from the Secretary of Veterans Affairs,'' after ''Secretary of Defense''; and

(B) by striking ''established by the Secretary'' and inserting ''established by the Secretary of Defense'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting '', with input from the Secretary of Veterans Affairs,'' after ''Secretary of Defense''; and

(B) in paragraph (2), by striking ''The Secretary shall update'' and inserting ''The Secretary of Defense shall update'';

(3) in subsection (c)(1), by amending subparagraph (B) to read as follows:

''(B) is not a health care provider of the Department of Defense or the Department of Veterans Affairs at a facility of the Department of Defense or the Department of Veterans Affairs; and'';

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection (c):

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the Secretary of Defense to indicate that the Department of Veterans Affairs has certified or otherwise approved of health care providers with a mental health provider readiness designation under this section.''.

SA 4298. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. NATIVE HAWAIIAN ORGANIZATION.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8(a) (15 U.S.C. 637(a))—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(III), by striking ''an economically disadvantaged Native Hawaiian organization'' and inserting ''a Native Hawaiian Organization''; and

(II) in clause (ii)(III), by striking ''an economically disadvantaged Native Hawaiian organization'' and inserting ''a Native Hawaiian Organization''; and

(ii) in subparagraph (B)(iii), by striking ''organizations'' and inserting ''Organizations''; and

(B) in paragraph (15)(C), by striking ''such'' and inserting ''economically disadvantaged individuals who are''; and

(2) in section 15(h)(2)(E)(vi) (15 U.S.C. 644(h)(2)(E)(vi)), in the matter preceding subclause (I), by inserting ''(as defined in section 8(a)(15))'' after ''Organization''.

SA 4299. Mr. MURPHY (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. LIMITATIONS ON TRANSFER OF CERTAIN UNITED STATES MUNITIONS TO SAUDI ARABIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no funds authorized for the Defense Security Cooperation Agency by this Act, any previous Act, or otherwise available to the Agency may be used to carry out the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the purposes of implementing a sale of air to ground munitions to Saudi Arabia unless the Government of Saudi Arabia—

(1) demonstrates an ongoing effort to combat the mutual threat our nations face from designated foreign terrorist organizations; and

(2) takes all feasible precautions to reduce the risk of harm to civilians and civilian objects, in compliance with international humanitarian law, in the course of military actions it pursues for the purpose of legitimate self-defense as described in section 4 of the Arms Export Control Act (22 U.S.C. 2754).

(b) DEFINITIONS.—In this section:

(1) AIR-TO-GROUND MUNITIONS.—The term ''air-to-ground'' munitions means any United States bomb or missile designed as a Category IV item on the United States Munitions List pursuant to section 38 (a)(1) of the Arms Export Control Act (22 U.S.C. 2778 (a)(1)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(3) AUTHORIZED SALE.—The term ''authorized sale'' means any sale of United States defense articles or services authorized pursuant to the Arms Export Control Act.

(4) DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—The term ''designated foreign terrorist organizations'' means groups designated by the United States as foreign terrorist organizations pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or Specially Designated Global Terrorists pursuant to Executive Order 13224 (50 U.S.C. 1701 note).

(5) PROPOSED SALE.—The term ''proposed sale'' means any sale notified to Congress pursuant to subsections (b) or (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776).

(c) CONDITIONS OF TRANSFER.—

(1) LIMITATION.—No transfer to Saudi Arabia of United States air-to-ground munitions may occur until the President makes the certification described under subsection (d).

(2) CERTIFICATION AT TIME OF CONGRESSIONAL NOTIFICATION.—Any notification to Congress made on or after the date of the enactment of this Act with respect to a proposed sale to Saudi Arabia of air-to-ground munitions shall be accompanied by the certification described under subsection (d).

(d) CONDITIONS REQUIRED PRIOR TO SALE.—The certification described under this subsection is a certification by the President to the appropriate congressional committees as follows:

(1) The Government of Saudi Arabia and its coalition partners are taking all feasible precautions to reduce the risk of harm to civilians and civilian objects to comply with their obligations under international humanitarian law, which includes minimizing harm to civilians, discriminating between civilian objects and military objectives, and exercising proportional use of force in the course of military actions it pursues for the purpose of legitimate self-defense as described in section 4 of the Arms Export Control Act (22 U.S.C. 2754).

(2) The Government of Saudi Arabia and its coalition partners are making demonstrable efforts to facilitate the flow of critical humanitarian aid and commercial goods, including commercial fuel and commodities not subject to sanction or prohibition under United Nations Security Council Resolution 2216 (2015).

(3) The Government of Saudi Arabia is taking all necessary measures to target designated foreign terrorist organizations, including al Qaeda in the Arabian Peninsula and affiliates of the Islamic State of Iraq and the Levant as part of its military operations in Yemen.

(e) REPORTING REQUIREMENTS.—

(1) REPORTING REQUIREMENTS.—Prior to any transfer of United States air-to-ground munitions to Saudi Arabia pursuant to an authorized sale to Saudi Arabia of air-to-ground munitions or the notification to Congress of a proposed sale to Saudi Arabia of air-to-ground munitions, the President or the President's designee shall provide a briefing to the appropriate congressional committees. The briefing shall include—

(A) a description of the nature, content, costs, and purposes of any United States support for the Government of Saudi Arabia's coalition military operations in Yemen on or after March 26, 2015;

(B) an assessment of whether the Government of Saudi Arabia's coalition operations have deliberately targeted civilian infrastructure in Yemen on or after March 26, 2015, and whether the armed forces of the Government of Saudi Arabia and its coalition partners have taken all possible steps to comply with the rules of distinction, proportionality, and precautions, as regulated by Additional Protocol I to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, done at Geneva June 8, 1977;

(C) an assessment of whether the armed forces of Saudi Arabia have used United States-origin munitions, including cluster munitions, in any attacks against civilians or civilian infrastructure in Yemen on or after March 26, 2015, and how that affects the United States' credibility in the region; and

(D) an assessment of the effect of Saudi Arabia's military operations in Yemen on its ability to contribute to United States efforts to defeat al Qaeda in the Arabian Peninsula and the Islamic State of Iraq and the Levant.

(2) FORM OF BRIEFING.—The briefing required under paragraph (1) shall be conducted in an unclassified forum but may be conducted in a classified setting as required.

(f) SUNSET.—This section shall cease to have effect three years after the date of the enactment of this Act, unless renewed.

SA 4300. Mr. MURPHY (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 221. RESEARCH AND DEVELOPMENT ON SMART GUN TECHNOLOGY.

The Director of the Defense Advanced Research Projects Agency may, using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Defense Advanced Research Projects Agency, carry out research, development, test, and evaluation activities relating to smart gun technology.

SA 4301. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 882.

SA 4302. Mr. DONNELLY (for himself, Mr. CRUZ, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XI, add the following:

SEC. 1138. TIERED PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by adding ''and'' at the end; and

(C) by inserting after subparagraph (H) the following:

''(I) a qualified reservist;'';

(2) in paragraph (4), by striking ''and'' at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(6) 'qualified reservist' means an individual who is a member of a reserve component of the Armed Forces on the date of the applicable determination—

''(A) who—

''(i) has completed at least 6 years of service in a reserve component of the Armed Forces; and

''(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; or

''(B) who—

''(i) has completed at least 10 years of service in a reserve component of the Armed Forces; and

''(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; and

''(7) 'reserve component of the Armed Forces' means a reserve component specified in section 101(27) of title 38.''.

(b) TIERED HIRING PREFERENCE FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 3309 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end; 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:

''(3) a preference eligible described in section 2108(6)(B) — 3 points; and

''(4) a preference eligible described in section 2108(6)(A) — 2 points.''.

(c) GAO REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses Federal employment opportunities for members of a reserve component of the Armed Forces;

(2) evaluates the impact of the amendments made by this section on the hiring of reservists and veterans by the Federal Government; and

(3) provides recommendations, if any, for strengthening Federal employment opportunities for members of a reserve component of the Armed Forces.

SA 4303. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 526. PLAN TO MEET THE DEMAND FOR CYBERSPACE CAREER FIELDS IN THE RESERVE COMPONENTS OF THE AIR FORCE.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report setting forth a plan for meeting the increased demand for cyberspace career fields in the reserve components of the Air Force, in accordance with the recommendations of the National Commission on the Structure of the Air Force.

(b) ELEMENTS.—The plan shall take into account the following:

(1) The availability of qualified local workforces.

(2) Potential synergies with private sector companies involved in cyberspace or educational institutions with established cyberspace-related academic programs.

(3) The potential for or proven record of Total Force Integration with associated units or organizations in the regular Air Force.

(c) METRICS.—The plan shall include appropriate metrics for use in the evaluation of the implementation of the plan.

SA 4304. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. 554. REPORTS ON INCIDENTS OF SEXUAL ASSAULT MADE BY MEMBERS OF THE ARMED FORCES TO HEALTH CARE PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS TREATABLE AS DEPARTMENT OF DEFENSE RESTRICTED REPORTS.

(a) TREATMENT AT ELECTION OF MEMBERS.—Under procedures established by the Secretary of Veterans Affairs, a report on an incident of sexual assault made by a member of the Armed Forces to such health care personnel of the Department of Veterans Affairs as the Secretary shall specify for purposes of such procedures may, at the election of the member, be treated as a Restricted Report on the incident for Department of Defense purposes.

(b) TRANSMITTAL TO DEPARTMENT OF DEFENSE.—Under procedures jointly established by the Secretary of Veterans Affairs and the Secretary of Defense, a report on an incident of sexual assault treated as a Restricted Report pursuant to subsection (a) shall be transmitted by the Department of Veterans Affairs to such personnel of the Department of Defense who are authorized to access Restricted Reports on incidents of sexual assault as the Secretary of Defense shall specify for purposes of such procedures. The transmittal shall be made in a manner that preserves for all purposes the confidential nature of the report as a Restricted Report.

SA 4305. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 562 and insert the following:

SEC. 562. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

(a) SCOPE OF PROGRAM.—Subsection (a)(1) of section 2015 of title 10, United States Code, is amended by striking ''incident to the performance of their military duties''.

(b) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', or meets the requirements in paragraph (3)''; and

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

''(3) A credentialing program used in connection with the program under subsection (a) is eligible for funds under subsection (b) if successful completion of the program results in a recognized postsecondary credential, meaning an industry recognized certificate or certification, a certificate of completion of an apprenticeship, or a license recognized by a State or the Federal Government, and is provided by an eligible training provider under section 122 of the Workforce Innovation and Opportunity Act (Public Law 113–128).''.

SA 4306. Mr. INHOFE (for himself, Mr. CRUZ, Mr. ROUNDS, Mr. COTTON, Mr. HATCH, Mr. TILLIS, Mr. RUBIO, Mr. MORAN, Mr. THUNE, Mr. ISAKSON, Mr. LANKFORD, Mr. SESSIONS, and Mrs. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1031. ADVANCE NOTICE TO THE PUBLIC ON THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) ADVANCE NOTICE REQUIRED.—The Secretary of Defense shall make public, not later than 21 days before the intended date of transfer or release, a notice on the decision to transfer or release any individual detained at Guantanamo.

(b) ELEMENTS OF NOTICE.—The notice on an individual pursuant to subsection (a) shall include the following:

(1) The name of the individual.

(2) The location to which the individual will be transferred or released.

(3) A summary of the agreement, if any, made with the government of the location accepting the transfer or release of the individual.

(4) The actions taken to mitigate the risks of the transfer or release of the individual from United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay.

SA 4307. Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. JURISDICTION OVER OFFENSES COMMITTED BY CERTAIN UNITED STATES PERSONNEL STATIONED IN CANADA.

(a) SHORT TITLE.—This section may be cited as the ''Promoting Travel, Commerce, and National Security Act of 2016''.

(b) AMENDMENT.—Chapter 212A of title 18, United States Code, is amended—

(1) in the chapter heading, by striking ''**TRAFFICKING IN PERSONS**''; and

(2) by adding after section 3272 the following:

''§ 3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives

''(a) IN GENERAL.—Whoever, while employed by the Department of Homeland Security or the Department of Justice and stationed or deployed in Canada pursuant to a treaty, executive agreement, or bilateral memorandum in furtherance of a border security initiative, engages in conduct (or conspires or attempts to engage in conduct) in Canada that would constitute an offense for which a person may be prosecuted in a court of the United States had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be fined or imprisoned, or both, as provided for that offense.

''(b) DEFINITION.—In this section, the term 'employed by the Department of Homeland Security or the Department of Justice' means—

''(1) being employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Homeland Security or the Department of Justice;

''(2) being present or residing in Canada in connection with such employment; and

''(3) not being a national of or ordinarily resident in Canada.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Part II of title 18, United States Code, is amended—

(1) in the table of chapters, by striking the item relating to chapter 212A and inserting the following:

''212A. Extraterritorial jurisdiction over certain offenses ..... 3271''; and

(2) in the table of sections for chapter 212A, by inserting after the item relating to section 3272 the following:

''3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to infringe upon or otherwise affect the exercise of prosecutorial discretion by the Department of Justice in implementing this section and the amendments made by this section.

SA 4308. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.

(a) IN GENERAL.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term ''qualified hazardous duty area'' means the Sinai Peninsula of Egypt, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger) for services performed in such location. Such term includes such location only during the period such entitlement is in effect.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of this section shall take effect on June 9, 2015.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

SA 4309. Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mr. KIRK, Mr. COONS, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. REPORT ON AIRPORTS USED BY MAHAN AIR.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter through 2020, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landings of aircraft owned or controlled by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION OF LIST.—The list required by subsection (a)(1) shall be publicly and prominently posted on the website of the Department of Homeland Security on the date on which the report required by subsection (a) is submitted to Congress.

SA 4310. Mrs. GILLIBRAND (for herself, Ms. BALDWIN, Mr. WYDEN, Mr. UDALL, Mr. KIRK, Ms. MURKOWSKI, Mr. GRASSLEY, Mr. PAUL, Mr. BLUMENTHAL, Ms. STABENOW, Mr. HELLER, Mrs. BOXER, Ms. HIRONO, Mr. VITTER, Ms. KLOBUCHAR, Mr. BROWN, Ms. WARREN, Mr. LEAHY, Mr. DURBIN, Mr. DONNELLY, Mr. HEINRICH, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. MERKLEY, Mr. FRANKEN, Mr. CRUZ, Mrs. SHAHEEN, Ms. HEITKAMP, Mr. BOOKER, Mr. SANDERS, Mr. CASEY, Mr. PETERS, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

PART III—UNIFORM CODE OF MILITARY JUSTICE REFORM

SEC. 556. SHORT TITLE.

This part may be cited as the ''Military Justice Improvement Act of 2016''.

SEC. 557. MODIFICATION OF AUTHORITY TO DETERMINE TO PROCEED TO TRIAL BY COURT-MARTIAL ON CHARGES ON CERTAIN OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—

(A) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3), the Secretary of Defense shall require the Secretaries of the military departments to provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(B) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(2) COVERED OFFENSES.—An offense specified in this paragraph is an offense as follows:

(A) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(B) An offense of retaliation for reporting a crime under section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), as amended by section 559B of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(C) An offense under section 907a of title 10, United States Code (article 107a of the Uniform Code of Military Justice), as added by section 559C of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(D) A conspiracy to commit an offense specified in subparagraph (A) through (C) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(E) A solicitation to commit an offense specified in subparagraph (A) through (C) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(F) An attempt to commit an offense specified in subparagraphs (A) through (E) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(3) EXCLUDED OFFENSES.—Paragraph (1) does not apply to an offense as follows:

(A) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(B) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(C) A conspiracy to commit an offense specified in subparagraph (A) or (B) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(D) A solicitation to commit an offense specified in subparagraph (A) or (B) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(E) An attempt to commit an offense specified in subparagraph (A) through (D) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(4) REQUIREMENTS AND LIMITATIONS.—The disposition of charges pursuant to paragraph (1) shall be subject to the following:

(A) The determination whether to try such charges by court-martial shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O–6 or higher who—

(i) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(ii) have significant experience in trials by general or special court-martial; and

(iii) are outside the chain of command of the member subject to such charges.

(B) Upon a determination under subparagraph (A) to try such charges by court-martial, the officer making that determination shall determine whether to try such charges by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(C) A determination under subparagraph (A) to try charges by court-martial shall include a determination to try all known offenses, including lesser included offenses.

(D) The determination to try such charges by court-martial under subparagraph (A), and by type of court-martial under subparagraph (B), shall be binding on any applicable convening authority for a trial by court-martial on such charges.

(E) The actions of an officer described in subparagraph (A) in determining under that subparagraph whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion.

(F) The determination under subparagraph (A) not to proceed to trial of such charges by general or special court-martial shall not operate to terminate or otherwise alter the authority of commanding officers to refer such charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(5) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this subsection shall be construed to alter or affect the disposition of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(6) POLICIES AND PROCEDURES.—

(A) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this subsection.

(B) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this paragraph in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(7) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this subsection.

(b) EFFECTIVE DATE AND APPLICABILITY.—Subsection (a), and the revisions required by that subsection, shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to charges preferred under section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), on or after such effective date.

SEC. 558. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) the officers in the offices established pursuant to section 558(c) of the National Defense Authorization Act for Fiscal Year 2017 or officers in the grade of O–6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, but only with respect to offenses to which section 557(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 applies;''.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.''.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10, United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section 557(a)(1) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) PERSONNEL.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or

Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence on the date of the enactment of this Act.

SEC. 559. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.

(a) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections 557 and 558 using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections 557 and 558 shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. 559A. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES ON COURTS-MARTIAL BY INDEPENDENT PANEL ON REVIEW AND ASSESSMENT OF PROCEEDINGS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Section 576(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1762) is amended—

(1) by redesignating subparagraph (J) as subparagraph (K); and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

''(J) Monitor and assess the implementation and efficacy of sections 557 through 559 of the National Defense Authorization Act for Fiscal Year 2017.''.

SEC. 559B. EXPLICIT CODIFICATION OF RETALIATION FOR REPORTING A CRIME AS AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—Section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a)'' before ''Any person'';

(2) in subsection (a), as so designated, by inserting '', or retaliating against any person subject to his orders for reporting a criminal offense,'' after ''any person subject to his orders''; and

(3) by adding at the end the following new subsection:

''(b) This section (article) is the sole section of this chapter under which the offense of retaliating against any person subject to a person's orders for reporting a criminal offense as described in subsection (a) is punishable.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION (ARTICLE) HEADING.—The heading of such section (article) is amended to read as follows:

''§ 893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime''.

(2) TABLE OF SECTIONS (ARTICLES).—The table of sections at the beginning of subchapter X of chapter 47 of such title is amended by striking the item relating to section 893 (article 93) and inserting the following new item:

''893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime.''.

(c) REPEAL OF SUPERSEDED PROHIBITION.—Section 1709 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 962; 10 U.S.C. 113 note) is repealed.

SEC. 559C. ESTABLISHMENT OF OBSTRUCTION OF JUSTICE AS A SEPARATE OFFENCE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PUNITIVE ARTICLE.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 907 (article 107) the following new section (article):

''§ 907a. Art. 107a. Obstruction of justice

''(a) Any person subject to this chapter who wrongfully does a certain act with the intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct, except that the maximum punishment authorized for such offense may not exceed dishonorable discharge, forfeiture of all pay and allowances, and confinement for not more than five years.

''(b) This section (article) is the sole section of this chapter under which an offense described in subsection (a) is punishable.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of such title, as amended by section 559B(b)(2) of this Act, is further amended by inserting after the item relating to section 907 (article 107) the following new item:

''907a. Art. 107a. Obstruction of justice.''.

SA 4311. Mr. PETERS (for himself, Ms. HIRONO, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 221. AUTHORIZATION FOR RESEARCH TO IMPROVE MILITARY VEHICLE TECHNOLOGY TO INCREASE FUEL ECONOMY OR REDUCE FUEL CONSUMPTION OF MILITARY GROUND VEHICLES USED IN COMBAT.

(a) RESEARCH AUTHORIZED.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering and in collaboration with the Secretary of the Army, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency, may carry out research to improve military ground vehicle technology to increase fuel economy or reduce fuel consumption of military ground vehicles used in combat.

(b) PREVIOUS SUCCESSES.—The Secretary of Defense shall ensure that research carried out under subsection (a) takes into account the successes of, and lessons learned during, previous Department of Defense, Department of Energy, and private sector efforts to identify, assess, develop, demonstrate, and prototype technologies that support increasing fuel economy or decreasing fuel consumption of military ground vehicles, while balancing survivability, in furtherance of military missions.

SA 4312. Mr. PETERS (for himself, Ms. HIRONO, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. ESTABLISHMENT OF DEPARTMENT OF DEFENSE ALTERNATIVE FUELED VEHICLE INFRASTRUCTURE FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a fund to be known as the ''Department of Defense Alternative Fuel Vehicle Infrastructure Fund''.

(b) DEPOSITS.—The Fund shall consist of the following:

(1) Amounts appropriated to the Fund.

(2) Amounts earned through investment under subsection (c).

(3) Any other amounts made available to the Fund by law.

(c) INVESTMENTS.—The Secretary shall invest any part of the Fund that the Secretary decides is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States Government, or an obligation that has its principal and interest guaranteed by the Government, that the Secretary decides has a maturity suitable for the Fund.

(d) USE OF FUNDS.—Amounts in the Fund shall be available to the Secretary, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, to install, operate, and maintain alternative fuel dispensing stations for use by alternative fueled vehicles of the Department of Defense and other infrastructure necessary to fuel alternative fueled vehicles of the Department.

(e) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given such term in section 32901 of title 49, United States Code.

(2) ALTERNATIVE FUELED VEHICLE.—The term ''alternative fueled vehicle'' means a vehicle that operates on alternative fuel.

(3) FUND.—The term ''Fund'' means the fund established under subsection (a).

SA 4313. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. REPORT ON DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT PROJECTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Joint Comprehensive Plan of Action (JCPOA) provides for the long term presence of the International Atomic Energy Agency (IAEA) in Iran using modern technologies in Annex I, section N.

(2) The JCPOA allows the IAEA to utilize on-line enrichment measurement and electronic seals as well as other internationally accepted modern technologies for inspection and verification of compliance.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Deputy Administrator for Defense Nuclear Nonproliferation shall submit to Congress a report that contains at a minimum the following elements:

(1) A description of ongoing, planned, and anticipated defense nuclear nonproliferation research and development projects and activities.

(2) A strategy for improving arms control agreement verification capabilities, including improving the capability and accuracy of nonproliferation verification technologies that comply with the JCPOA.

(c) JOINT COMPREHENSIVE PLAN OF ACTION DEFINED.—The term ''Joint Comprehensive Plan of Action'' means the Joint Comprehensive Plan of Action signed at Vienna on July

14, 2015, by Iran and by France, Germany, the Russian Federation, the People's Republic of China, the United Kingdom, and the United States.

SA 4314. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. AUTHORITY TO PROVIDE ASSISTANCE AND TRAINING TO INCREASE MARITIME SECURITY AND DOMAIN AWARENESS OF FOREIGN COUNTRIES BORDERING THE PERSIAN GULF, ARABIAN SEA, OR MEDITERRANEAN SEA.

(a) PURPOSE.—The purpose of this section is to authorize assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, the Arabian Sea, or the Mediterranean Sea in order to deter and counter illicit smuggling and related maritime activity by Iran, including illicit Iranian weapons shipments.

(b) AUTHORITY.—

(1) IN GENERAL.—To carry out the purpose of this section as described in subsection (a), the Secretary of Defense, with the concurrence of the Secretary of State, is authorized—

(A) to provide training to the national military or other security forces of Israel, Bahrain, Saudi Arabia, the United Arab Emirates, Oman, Kuwait, and Qatar that have among their functional responsibilities maritime security missions; and

(B) to provide training to ministry, agency, and headquarters level organizations for such forces.

(2) DESIGNATION.—The provision of assistance and training under this section may be referred to as the ''Counter Iran Maritime Initiative''.

(c) TYPES OF TRAINING.—

(1) AUTHORIZED ELEMENTS OF TRAINING.—Training provided under subsection (b)(1)(A) may include the provision of de minimis equipment, supplies, and small-scale military construction.

(2) REQUIRED ELEMENTS OF TRAINING.—Training provided under subsection (b) shall include elements that promote the following:

(A) Observance of and respect for human rights and fundamental freedoms.

(B) Respect for legitimate civilian authority within the country to which the assistance is provided.

(d) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for the provision of assistance and training under subsection (b).

(e) COST SHARING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, given income parity among recipient countries, the Secretary of Defense, with the concurrence of the Secretary of State, should seek, through appropriate bilateral and multilateral arrangements, payments sufficient in amount to offset any training costs associated with implementation of subsection (b).

(2) COST-SHARING AGREEMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall negotiate a cost-sharing agreement with a recipient country regarding the cost of any training provided pursuant to section (b). The agreement shall set forth the terms of cost sharing that the Secretary of Defense determines are necessary and appropriate, but such terms shall not be less than 50 percent of the overall cost of the training.

(3) CREDIT TO APPROPRIATIONS.—The portion of such cost-sharing received by the Secretary of Defense pursuant to this subsection may be credited towards appropriations available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301.

(f) NOTICE TO CONGRESS ON TRAINING.—Not later than 15 days before exercising the authority under subsection (b) with respect to a recipient country, the Secretary of Defense shall submit to the appropriate congressional committees a notification containing the following:

(1) An identification of the recipient country.

(2) A detailed justification of the program for the provision of the training concerned, and its relationship to United States security interests.

(3) The budget for the program, including a timetable of planned expenditures of funds to implement the program, an implementation time-line for the program with milestones (including anticipated delivery schedules for any assistance and training under the program), the military department or component responsible for management of the program, and the anticipated completion date for the program.

(4) A description of the arrangements, if any, to support recipient country sustainment of any capability developed pursuant to the program, and the source of funds to support sustainment efforts and performance outcomes to be achieved under the program beyond its completion date, if applicable.

(5) A description of the program objectives and an assessment framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient force.

(6) Such other matters as the Secretary considers appropriate.

(g) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) TERMINATION.—Assistance and training may not be provided under this section after September 30, 2020.

SA 4315. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. REPORT ON MILITARY TRAINING FOR OPERATIONS IN DENSELY POPULATED URBAN TERRAIN.

(a) FINDINGS.—Congress makes the following findings:

(1) Despite years of contingency operations in densely populated urban areas, the United States Armed Forces continue to rely on crude mock-ups of city blocks for urban training.

(2) Current urban training complexes do not offer sufficient capability to train or exercise joint, combined arms or large units in a dense urban landscape of tall buildings and other obstacles inhabited by millions of people.

(3) Combat units from all military services train in facilities that are significantly smaller and less complex than the real-world urban environments of today and of the megacity challenges anticipated in the future.

(4) The military services have identified the training gap, but do not have the resources or funding to invest in the development of massive cities with the infrastructure and obstacles that would be encountered during a contingency in dense urban environments.

(5) In 2015, the Chief of Staff of the Army published guidance to subordinate organizations to continue to develop concepts and capabilities related to all aspects of the dense urban terrain challenge.

(6) The United States Army Training and Doctrine Command (TRADOC) was directed to assume the leadership for the development of solutions to address the myriad of challenges operating in dense urban terrain, including requirements for the developing an urban studies program to increase operational leader understanding of urban environments, advancing material solutions for current and future megacity challenges, and improving urban systems modeling capabilities.

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on plans and initiatives to enhance existing urban training concepts, capabilities, and facilities, and to provide for new training opportunities that will more closely resemble large, dense, heavily populated urban environments. The report should include specific efforts to provide for a realistic environment for the training of large units with joint assets and recently fielded technologies to exercise new tactics, techniques, and procedures, including consideration of anticipated urban military operations in or near the littoral environment and maritime domain as well as the cyber domain.

(2) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

SA 4316. Mr. ROUNDS (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 709. EXPEDITED EVALUATION AND TREATMENT FOR PRENATAL SURGERY UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall implement processes and procedures to ensure that a covered beneficiary under the TRICARE program whose pregnancy is complicated with a fetal anomaly or suspected of being complicated with a fetal anomaly receives, in an expedited manner and at the discretion of the covered beneficiary, evaluation and treatment from a perinatal or pediatric specialist capable of providing surgical management and intervention in utero.

(b) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SA 4317. Ms. HIRONO (for herself, Ms. MURKOWSKI, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, insert the following:

SEC. 1277. SENSE OF CONGRESS ON COMMITMENT TO THE REPUBLIC OF PALAU.

(a) FINDINGS.—Congress makes the following findings:

(1) The Republic of Palau is comprised of 300 islands and covers roughly 177 square miles strategically located in the western Pacific Ocean between the Philippines and the United States territory of Guam.

(2) The United States and Palau have forged close security, economic and cultural ties since the United States defeated the armed forces of Imperial Japan in Palau in 1944.

(3) The United States administered Palau as a District of the United Nations Trust Territory of the Pacific Islands from 1947 to 1994.

(4) In 1994, the United States and Palau entered into a 50-year Compact of Free Association which provided for the independence of Palau and set forth the terms for close and mutually beneficial relations in security, economic, and governmental affairs.

(5) The security terms of the Compact grant the United States full authority and responsibility for the security and defense of Palau, including the exclusive right to deny any nation's military forces access to the territory of Palau except the United States, an important element of our Pacific strategy for defense of the United States homeland, and the right to establish and use defense sites in Palau.

(6) The Compact entitles any citizen of Palau to volunteer for service in the United States Armed Forces, and they do so at a rate that exceeds that of any of the 50 States.

(7) In 2009, and in accordance with section 432 of the Compact, the United States and Palau reviewed their overall relationship. In 2010, the two nations signed an agreement updating and extending several provisions of the Compact, including an extension of United States financial and program assistance to Palau, and establishing increased post-9/11 immigration protections. However, the United States has not yet approved this Agreement or provided the assistance as called for in the Agreement.

(8) Beginning in 2010 and most recently on February 22, 2016, the Department of the Interior, the Department of State, and the Department of Defense have sent letters to Speaker of the House of Representatives and the President Pro Tempore of the Senate transmitting the legislation to approve the 2010 United States Palau Agreement including an analysis of the budgetary impact of the legislation.

(9) The February 22, 2016, letter concluded, ''Approving the results of the Agreement is important to the national security of the United States, stability in the Western Pacific region, our bilateral relationship with Palau and to the United States' broader strategic interest in the Asia-Pacific region.''

(10) On May 20, 2016, the Department of Defense submitted a letter to the Chairmen and Ranking Members of the congressional defense committees in support of including legislation enacting the agreement in the fiscal year 2017 National Defense Authorization Act and concluded that its inclusion advances United States national security objectives in the region.

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

(1) to fulfill the promise and commitment of the United States to its ally, the Republic of Palau, and reaffirm this special relationship and strengthen the ability of the United States to defend the homeland, Congress and the President should promptly enact the Compact Review Agreement signed by the United States and Palau in 2010; and

(2) Congress and the President should immediately seek a mutually acceptable solution to approving the Compact Review Agreement and ensuring adequate budgetary resources are allocated to meet United States obligations under the Compact through enacting legislation, including through this Act.

SA 4318. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. AIR FORCE REPORT ON PERFLUOROOCTANOIC ACID (PFOA) AND PERFLUOROOCTANE SULFONATES (PFOS) CONTAMINATION AT CERTAIN MILITARY INSTALLATIONS.

(a) FINDING.—Congress makes the following findings:

(1) An increasing number of communities across New York have reportedly identified the presence of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonates (PFOS), which can contaminate water and cause adverse health effects.

(2) According to reports, levels of PFOA and PFOS have been detected in the public and private water supplies in the cities of Newburgh and Plattsburgh and the towns of Hoosick Falls and Petersburgh, New York. Public and private wells in these communities are being tested by the New York Department of Environmental Conservation (DEC) and the New York Department of Health (DOH) .

(3) The Environmental Protection Agency (EPA) has identified PFOA as an ''emerging contaminant,'' and in 2009, the EPA issued an updated provisional health advisory for drinking water of 70 parts per trillion for PFOA and PFOS.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2016, the Secretary of the Air Force, in collaboration with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on perfluorooctanoic acid (PFOA) and perfluorooctane sulfonates (PFOS) contamination at Stewart Air National Guard Base, Newburgh, Plattsburgh, Hoosick Falls, and Petersburgh, New York.

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

(A) An update on the cleanups underway at Stewart Air National Guard Base, Newburgh, Plattsburgh, Hoosick Falls, and Petersburgh.

(B) An update on the Air Force's efforts to identify and notify everyone affected or impacted by the contamination.

(C) An assessment of the Air Force's role, if any, in the new contaminations.

(D) A summary of the Air Force's support, where appropriate, for the EPA with respect to the latest contaminations.

SA 4319. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. USE OF REVENUE AT A PREVIOUSLY ASSOCIATED AIRPORT.

Section 40117 of title 49, United States Code, is amended by adding at the end the following:

''(n) USE OF REVENUES AT A PREVIOUSLY ASSOCIATED AIRPORT.—Notwithstanding the requirements relating to airport control under subsection (b)(1), the Secretary may authorize use of a passenger facility charge under subsection (b) to finance an eligible airport-related project if—

''(1) the eligible agency seeking to impose the new charge controls an airport where a $2.00 passenger facility charge became effective on January 1, 2013; and

''(2) the location of the project to be financed by the new charge is at an airport that was under the control of the same eligible agency that had controlled the airport described in paragraph (1).''.

SA 4320. Mr. SCHATZ (for himself, Mrs. GILLIBRAND, Mr. MURPHY, Mr. WHITEHOUSE, Ms. BALDWIN, Ms. WARREN, Mr. BROWN, Mr. DURBIN, Mr. WYDEN, Mrs. BOXER, Mr. TESTER, Mr. BLUMENTHAL, Mr. UDALL, Mr. MERKLEY, Mr. SANDERS, Mrs. MCCASKILL, Mr. LEAHY, Ms. CANTWELL, Mrs. MURRAY, Ms. HIRONO, Mr. CARPER, Ms. HEITKAMP, Mr. COONS, Mr. BENNET, Mr. BOOKER, Mrs. SHAHEEN, Mr. HEINRICH, Mr. PETERS, Mr. SCHUMER, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 536 the following:

SEC. 536A. REVIEW OF DISCHARGE CHARACTERIZATION.

(a) IN GENERAL.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) CRITERIA.—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as ''DADT'') or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or the member's representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD–214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or the member's representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) REQUEST FOR REVIEW.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) REVIEW.—

(1) IN GENERAL.—After a request has been made under subsection (c), the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) ADDITIONAL MATERIALS.—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or the member's representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) CHANGE OF CHARACTERIZATION.—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the member's representative, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) CHANGE OF RECORDS.—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD–214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or the member's representative a revised DD–214 form that reflects the following:

(1) For each covered member discharged, the Separation Code, Reentry Code, Narrative Code, and Separation Authority shall not reflect the sexual orientation of the member and shall be placed under secretarial authority. Any other similar indication of the sexual orientation or reason for discharge shall be removed or changed accordingly to be consistent with this paragraph.

(2) For each covered member whose discharge occurred prior to the creation of general secretarial authority, the sections of the DD–214 form referred to paragraph (1) shall be changed to similarly reflect a universal authority with codes, authorities, and language applicable at the time of discharge.

(g) STATUS.—

(1) IN GENERAL.—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) REINSTATEMENT.—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(h) REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under section 2.

(2) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(i) HISTORICAL REVIEW.—The Secretary of each military department shall ensure that oral historians of the department—

(1) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member; and

(2) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

(j) DEFINITIONS.—In this section:

(1) The term ''appropriate discharge board'' means the boards for correction of military records under section 1552 of title 10, United States Code, or the discharge review boards under section 1553 of such title, as the case may be.

(2) The term ''covered member'' means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of the member.

(3) The term ''discharge characterization'' means the characterization under which a member of the Armed Forces is discharged or released, including ''dishonorable'', ''general'', ''other than honorable'', and ''honorable''.

(4) The term ''Don't Ask Don't Tell'' means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111–321).

(5) The term ''representative'' means the surviving spouse, next of kin, or legal representative of a covered member.

SA 4321. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1247. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) REPORT REQUIRED.—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the results of a study, conducted by the Comptroller General for purposes of the report, on United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(2) The economic assistance practices of the People's Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) Any other matters the Comptroller General considers appropriate.

(c) CONSULTATION.—The Comptroller General shall consult in the preparation of the

report with other departments and agencies of the United States Government, including elements of the intelligence community.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified for, but may include a classified annex.

SA 4322. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. GAO REPORT ON IMPACT AID CONSTRUCTION PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a comprehensive study that—

(1) examines the implementation of section 8007 of the Elementary and Secondary Education Act of 1965 (for fiscal year 2016 and any preceding fiscal year, and as in effect for such fiscal year) and section 7007 of that Act (for each of fiscal years 2017 and 2018, and as in effect for such fiscal year), including a comparison of—

(A) the distribution of payments between subparagraphs (A) and (B) of subsection (a)(3) of those sections, as applicable, for the period of the 10 fiscal years preceding the fiscal year of the study;

(B) other Federal funding made available to local educational agencies eligible to receive funding under subsection (a)(3) of those sections; and

(C) the overall level of available capital funding of local educational agencies eligible to receive funding under subsection (a)(3) of those sections compared to other comparable local educational agencies;

(2) evaluates unmet need as of the date of enactment of this section for housing of professionals employed to work at schools operated by local educational agencies eligible to receive funding under subsection (a)(3)(B) of section 7007 of the Elementary and Secondary Education Act of 1965 (as in effect for fiscal year 2017);

(3) to the extent practicable, determines the age, condition, and remaining utility of school facilities for those local educational agencies enrolling students described in subparagraph (B) or (C) of section 7003(a)(1) of that Act (as in effect for fiscal year 2017) that are eligible to receive a basic support payment under—

(A) section 8003(b) of that Act (for any of fiscal years 2009 through 2016, and as in effect for such fiscal year); and

(B) section 7003(b) of that Act (for any of fiscal years 2017 and 2018, and as in effect for such fiscal year); and

(4) recommends a method by which the Federal Government may develop a school facility condition index for a school facility of a local educational agency eligible to receive funding under 7007(a)(3) of that Act (as in effect for fiscal year 2017) that limits the reporting burden to the maximum extent practicable on the eligible local educational agencies included in the index.

(b) REPORTING.—The Comptroller General shall submit a report containing the conclusions of the study under subsection (a) to—

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

(2) the Subcommittee on Indian, Insular, and Alaska Native Affairs and the Committees on Education and the Workforce and Armed Services of the House of Representatives.

(c) TIMEFRAME.—The Comptroller General shall complete the study under subsection (a) and submit the report under subsection (b) by the date that is not later than 18 months after the date of enactment of this Act.

(d) DEFINITION OF SCHOOL FACILITY.—In this section, the term ''school facility'' has the meaning given the term in section 7013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713), as in effect for fiscal year 2017.

SA 4323. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 604.

SA 4324. Mr. SCOTT (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. MILITARY SCHOLARSHIPS.

(a) PURPOSE.—The purpose of this section is to ensure high-quality education for children of military personnel who live on military installations and thus have less freedom to exercise school choice for their children, in order to improve the ability of the Armed Forces to retain such military personnel.

(b) MILITARY SCHOLARSHIP PROGRAM.—

(1) DEFINITIONS.—In this section:

(A) ESEA DEFINITIONS.—The terms ''child'', ''elementary school'', ''secondary school'', and ''local educational agency'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(B) ELIGIBLE MILITARY STUDENT.—The term ''eligible military student'' means a child who—

(i) is a military dependent student;

(ii) lives on a military installation selected to participate in the program under paragraph (2)(B); and

(iii) chooses to attend a participating school, rather than a school otherwise assigned to the child.

(C) MILITARY DEPENDENT STUDENT.—The term ''military dependent student'' has the meaning given the term in section 572(e) of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b(e)).

(D) PARTICIPATING SCHOOL.—The term ''participating school'' means a public or private elementary school or secondary school that—

(i) accepts scholarship funds provided under this section on behalf of an eligible military student for the costs of tuition, fees, or transportation of the eligible military student; and

(ii) is accredited, licensed, or otherwise operating in accordance with State law.

(E) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From amounts made available under paragraph (7) and beginning for the first full school year following the date of enactment of this Act, the Secretary shall carry out a 5-year pilot program to award scholarships to enable eligible military students to attend the public or private elementary schools or secondary schools selected by the eligible military students' parents.

(B) SCOPE OF PROGRAM.—

(i) IN GENERAL.—The Secretary shall select not less than 5 military installations to participate in the pilot program described in subparagraph (A). In making such selection, the Secretary shall choose military installations that where eligible military students would most benefit from expanded educational options.

(ii) INELIGIBILITY.—A military installation that provides, on its premises, education for all elementary school and secondary school grade levels through 1 or more Department of Defense dependents' schools shall not be eligible for participation in the program.

(C) AMOUNT OF SCHOLARSHIPS.—

(i) IN GENERAL.—The annual amount of each scholarship awarded to an eligible military student under this section shall not exceed the lesser of—

(I) the cost of tuition, fees, and transportation associated with attending the participating school selected by the parents of the student; or

(II)(aa) in the case of an eligible military student attending elementary school—

(AA) $8,000 for the first full school year following the date of enactment of this Act; or

(BB) the amount determined under clause (ii) for each school year following such first full school year; or

(bb) in the case of an eligible military student attending secondary school—

(AA) $12,000 for the first full school year following the date of enactment of this Act; or

(BB) the amount determined under clause (ii) for each school year following such first full school year.

(ii) ADJUSTMENT FOR INFLATION.—For each school year after the first full school year following the date of enactment of this Act, the amounts specified in items (aa) and (bb) of clause (i)(II) shall be adjusted to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(D) PAYMENTS TO PARENTS.—The Secretary shall make scholarship payments under this section to the parent of the eligible military student in a manner that ensures such payments will be used for the payment of tuition, fees, and transportation expenses (if any) in accordance with this section.

(3) SELECTION OF SCHOLARSHIPS RECIPIENTS.—

(A) RANDOM SELECTION.—If more eligible military students apply for scholarships under the program under this section than the Secretary can accommodate, the Secretary shall select the scholarship recipients through a random selection process from students who submitted applications by the application deadline specified by the Secretary.

(B) CONTINUED ELIGIBILITY.—

(i) IN GENERAL.—An individual who is selected to receive a scholarship under the program under this section shall continue to receive a scholarship for each year of the program until the individual—

(I) graduates from secondary school or elects to no longer participate in the program;

(II) exceeds the maximum age for which the State in which the student lives provides a free public education; or

(III) is no longer an eligible military student.

(ii) CONTINUED PARTICIPATION FOR MILITARY TRANSFERS.—

(I) TRANSFER TO PRIVATE NON-MILITARY HOUSING.—Notwithstanding clause (i)(III), an individual receiving a scholarship under this section for a school year who meets the requirements of clauses (i) and (iii) of paragraph (1)(B) and whose family, during such school year, moves into private non-military housing that is not considered to be part of the military installation, shall continue to receive the scholarship for use at the participating school for the remaining portion of the school year.

(II) TRANSFER TO A DIFFERENT MILITARY INSTALLATION.—Notwithstanding clause(i)(III), an individual receiving a scholarship under this section for a school year whose family is transferred to a different military installation shall no longer be eligible to receive such scholarship beginning on the date of the transfer. Such individual may apply to participate in any program offered under this section for the new military installation for a subsequent school year, if such individual qualifies as an eligible military student for such school year.

(4) NONDISCRIMINATION AND OTHER PROVISIONS.—

(A) NON-DISCRIMINATION.—A participating school shall not discriminate against program participants or applicants on the basis of race, color, national origin, or sex.

(B) APPLICABILITY AND SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subparagraph (A) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subparagraph (A) is inconsistent with the religious tenets or beliefs of the school.

(ii) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subparagraph (A) or any other provision of law, a parent may choose, and a participating school may offer, a single-sex school, class, or activity.

(C) CHILDREN WITH DISABILITIES.—Nothing in this section may be construed to alter or modify the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(D) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A participating school, including the schools described in paragraph (5), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(5) RELIGIOUSLY AFFILIATED SCHOOLS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a participating school that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title.

(B) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this section to eligible military students that are received by a participating school, as a result of their parents' choice, shall not, consistent with the first amendment of the Constitution of the United States—

(i) necessitate any change in the participating school's teaching mission;

(ii) require any private participating school to remove religious art, icons, scriptures, or other symbols; or

(iii) preclude any private participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(6) REPORTS.—

(A) ANNUAL REPORTS.—Not later than July 30 of the year following the year of the date of enactment of this Act, and each subsequent year through the year in which the final report is submitted under subparagraph (B), the Secretary shall prepare and submit to Congress an interim report on the scholarships awarded under the pilot program under this section that includes the content described in subparagraph (C) for the applicable school year of the report.

(B) FINAL REPORT.—Not later than 90 days after the end of the pilot program under this section, the Secretary shall prepare and submit to Congress a report on the scholarships awarded under the program that includes the content described in subparagraph (C) for each school year of the program.

(C) CONTENT.—Each annual report under subparagraph (A) and the final report under subparagraph (B) shall contain—

(i) the number of applicants for scholarships under this section;

(ii) the number, and the average dollar amount, of scholarships awarded;

(iii) the number of participating schools;

(iv) the number of elementary school students receiving scholarships under this section and the number of secondary school students receiving such scholarships; and

(v) the results of a survey, conducted by the Secretary, regarding parental satisfaction with the scholarship program under this section.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2017 through 2021.

(8) OFFSET IN DEPARTMENT OF EDUCATION SALARIES.—Notwithstanding any other provision of law, for fiscal year 2017 and each of the 4 succeeding fiscal years, the Secretary of Education shall return to the Treasury $10,000,000 of the amounts made available to the Secretary for salaries and expenses of the Department of Education for such year.

SA 4325. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1031. ADDITIONAL REPORTS ON TRANSFER OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES.

(a) REPORT REQUIRED UPON TRANSFER.—

(1) REPORT.—Upon the transfer of an individual detained at Guantanamo to a foreign country, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any written or unwritten agreement or memorandum of understanding between the United States Government and the government of the country regarding the transfer of the individual.

(2) ELEMENTS.—The report on an individual under paragraph (1) shall set forth the following:

(A) The prospective status of the individual after transfer to the country concerned.

(B) The capacity of the country to securely detain or monitor the individual, or both.

(C) The actions the country will take to mitigate the risk of recidivism by the individual.

(D) An assessment of the security environment in the country.

(E) A list of individuals detained at Guantanamo previously transferred to the country, if any, and the current known status of each such individual.

(F) A plan to periodically assess the status of the individual and the compliance of the country with any written or unwritten agreement or memorandum of understanding described in subsection (a).

(G) An assessment of security cooperation between the United States and the country, and a description of any security assistance provided to the country—

(i) in connection with the transfer; and

(ii) during the two-year period ending on the date of the report.

(H) Any other incentives provided by the United States Government to the country to accept the transfer of the individual.

(b) REPORTS REQUIRED AFTER TRANSFER.—

(1) IN GENERAL.—The Secretary shall submit to the appropriate committees of Congress, with the frequency specified in paragraph (2), a report on each individual detained at Guantanamo who is transferred to a foreign county. Each such report shall include the following:

(A) A description of the compliance of such country with any written or unwritten agreement or memorandum of understanding between the United States Government and the government of such country regarding the transfer of the individual.

(B) A description of the status of each individual detained at Guantanamo who was previously transferred to such country, regardless of when transferred.

(2) FREQUENCY.—A report shall be submitted under paragraph (1) on an individual as follows:

(A) Not later than six months after transfer.

(B) Not later than one year after transfer.

(C) Not later than annually thereafter.

(c) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—The reports required under this section in connection with the transfer of an individual detained at Guantanamo are in addition to any other reports required in connection with the transfer of the individual under any other provision of law.

(d) PUBLICATION.—Each report under this section shall be published in the Federal Register in unclassified form.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1032. REPORT ON INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, WHOSE STATUS WAS REVISED AFTER 2010 FINAL REPORT OF THE GUANTANAMO REVIEW TASK FORCE.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the individuals detained at United States Naval Station, Guantanamo Bay, Cuba, whose status was revised after the January 22, 2010, Final Report of the Guantanamo Review Task Force.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) Name and number of each individual detained at Guantanamo whose status was revised after the January 22, 2010, Final Report of the Guantanamo Review Task Force.

(2) An explanation for the revision in status of each such individual.

(3) The name of each individual detained at Guantanamo who was designated in the Final Report of the Guantanamo Review Task Force as too dangerous to transfer, but had the status revised and was subsequently transferred from United States Naval Station, Guantanamo Bay, Cuba.

(4) The place to which each individual covered by paragraph (3) was transferred.

(5) The current status of each individual covered by paragraph (3).

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SA 4326. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. LIMITATION ON USE OF FUNDS TO PROCURE GOODS OR SERVICES FROM PERSONS THAT ENGAGE IN SIGNIFICANT TRANSACTIONS WITH CERTAIN IRANIAN PERSONS.

(a) LIMITATION.—No funds authorized to be appropriated for the Department of Defense for fiscal year 2017 may be used to procure, or enter into any contract for the procurement of, any goods or services from any person that knowingly engages in a significant transaction or transactions with a covered Iranian person during such fiscal year.

(b) CERTIFICATION.—The Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that such person does not engage in any transaction described in subsection (a). Such revision shall apply with respect to contracts in an amount greater than the simplified acquisition threshold (as defined in section 134 of title 41, United States Code) for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State and the Secretary of the Treasury, may, on a case-by-case basis, waive the limitation in subsection (a) with respect to a person if the Secretary of Defense, in consultation with the Secretary of State and the Secretary of the Treasury—

(1) determines that the waiver is important to the national security interest of the United States; and

(2) not less than 30 days before the date on which the waiver is to take effect, submits to the appropriate committees of Congress—

(A) a notification of, and detailed justification for, the waiver; and

(B) a certification that—

(i) the person to which the waiver is to apply is no longer engaging in transactions described in subsection (a) or has taken significant verifiable and credible steps toward stopping such transactions, including winding down contracts or other agreements that were in effect before the date of the enactment of this Act; and

(ii) the Secretary of Defense has received reliable assurances in writing that the person will not knowingly engage in a transaction described in subsection (a) in the future.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED IRANIAN PERSON.—The term ''covered Iranian person'' means an Iranian person that—

(A) is included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury and the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) for acting on behalf of or at the direction of, or being owned or controlled by, the Government of Iran;

(B) is included on the list of persons identified as blocked solely pursuant to Executive Order 13599; or

(C) in the case of an Iranian person described in paragraph (3)(B)—

(i) is owned, directly or indirectly, by—

(I) Iran's Revolutionary Guard Corps, or any agent or affiliate thereof; or

(II) one or more other Iranian persons that are included on the list of specially designated nationals and blocked persons as described in subparagraph (A) if such Iranian persons collectively own a 25 percent or greater interest in the Iranian person; or

(ii) is controlled, managed, or directed, directly or indirectly, by Iran's Revolutionary Guard Corps, or any agent or affiliate thereof, or by one or more other Iranian persons described in clause (i)(II).

(3) IRANIAN PERSON.—The term ''Iranian person'' means—

(A) an individual who is a national of Iran; or

(B) an entity that is organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(4) KNOWINGLY.—The term ''knowingly'' shall be determined, for the purposes of this section, in accordance with section 561.314 of title 31, Code of Federal Regulations, as such section 561.314 was in effect on January 1, 2016.

(5) PERSON.—The term ''person'' means has the meaning given such term in section 560.305 of title 31, Code of Federal Regulation, as such section 560.305 was in effect on April 22, 2016.

(6) SIGNIFICANT TRANSACTION OR TRANSACTIONS.—The term ''significant transaction or transactions'' shall be determined, for purposes of this section, in accordance with section 561.404 of title 31, Code of Federal Regulations, as such section 561.404 was in effect on January 1, 2016.

SA 4327. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. VEHICLE INSPECTIONS.

(a) IN GENERAL.—As an interim safety measure, the Transportation Protective Service of the Department of Defense shall ensure that all commercial transportation service providers transporting explosives or potentially hazardous or sensitive cargo have a vehicle out-of-service percentage rate of not more than 10 percent, as determined by the Federal Motor Carrier Safety Administration, until the Department of Transportation concludes its current study to determine fair and accurate scoring methodology for the Safety Measurement System.

(b) COMPLIANCE.—The Transportation Protective Service may give a provider that exceeds the allowable vehicle out-of-service percentage rate under subsection (a) up to 90 days to bring such rate in compliance with subsection (a).

SA 4328. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1266. REPORT ON SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE INTENDED TO BUILD PARTNER CAPACITY OF FOREIGN COUNTRIES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the appropriate committees of Congress a report on the security cooperation programs and activities of the Department of Defense that are intended to build partner capacity of foreign countries.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An identification of each current security cooperation program or activity of the

Department of Defense that is intended to build partner capacity of a foreign country.

(2) A description of the manner in which each program and activity identified pursuant to paragraph (1) is intended to build partner capacity of a foreign country.

(3) An assessment whether the programs and activities identified pursuant to paragraph (1) have effectively contributed to the accomplishment of strategic-level objectives.

(c) ASSESSMENT.—In preparing the assessment of a program or activity required pursuant to subsection (b)(3), the Secretary shall do a comparative analysis of the short-term, medium-term, and long-term effectiveness of the program or activity from the perspective of the United States Government and from the perspective of the government of the country concerned.

(d) DEFINITIONS.—In this section, the terms ''appropriate committees of Congress'' and ''security cooperation programs and activities of the Department of Defense'' have the meaning given those terms in section 301 of title 10, United States Code, as added by section 1252 of this Act.

SA 4329. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (d) of section 876, add the following:

(8) Secure laser communications systems with high data rates to provide low probability of interception by adversaries.

(9) Advanced additive manufacturing capabilities that can be deployed in combat zones for use in areas without adequate access to parts and supplies or out at sea.

SA 4330. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Organ Mountains-Desert Peaks

SEC. 1099A. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term ''Monument'' means the Organ Mountains-Desert Peaks National Monument established by Presidential Proclamation 9131 (79 Fed. Reg. 30431).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of New Mexico.

(4) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area designated by section 1099B(a).

SEC. 1099B. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) ADEN LAVA FLOW WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 27,673 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated April 19, 2016, which shall be known as the ''Aden Lava Flow Wilderness''.

(2) BROAD CANYON WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 13,902 acres, as generally depicted on the map entitled ''Desert Peaks Wilderness'' and dated April 19, 2016, which shall be known as the ''Broad Canyon Wilderness''.

(3) CINDER CONE WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,935 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated April 19, 2016, which shall be known as the ''Cinder Cone Wilderness''.

(4) ORGAN MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 19,197 acres, as generally depicted on the map entitled ''Organ Mountains Area'' and dated April 19, 2016, which shall be known as the ''Organ Mountains Wilderness'', the boundary of which shall be offset 400 feet from the centerline of Dripping Springs Road in T. 23 S., R. 04 E., sec. 7, New Mexico Principal Meridian.

(5) POTRILLO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 125,854 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated April 19, 2016, which shall be known as the ''Potrillo Mountains Wilderness''.

(6) ROBLEDO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,776 acres, as generally depicted on the map entitled ''Desert Peaks Complex'' and dated April 19, 2016, which shall be known as the ''Robledo Mountains Wilderness''.

(7) SIERRA DE LAS UVAS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 11,114 acres, as generally depicted on the map entitled ''Desert Peaks Complex'' and dated April 19, 2016, which shall be known as the ''Sierra de las Uvas Wilderness''.

(8) WHITETHORN WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 9,616 acres, as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated April 19, 2016, which shall be known as the ''Whitethorn Wilderness''.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary—

(1) as components of the National Landscape Conservation System; and

(2) in accordance with—

(A) this subtitle; and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(i) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(ii) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(d) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a wilderness area that is acquired by the United States shall—

(1) become part of the wilderness area within the boundaries of which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this subtitle; and

(C) any other applicable laws.

(e) GRAZING.—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(f) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(2) the designation of new units of special airspace over the wilderness areas; or

(3) the use or establishment of military flight training routes over the wilderness areas.

(g) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any wilderness area.

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside any wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(h) PARAGLIDING.—The use of paragliding within areas of the Potrillo Mountains Wilderness designated by subsection (a)(5) in which the use has been established before the date of enactment of this Act, shall be allowed to continue in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), subject to any terms and conditions that the Secretary determines to be necessary.

(i) CLIMATOLOGIC DATA COLLECTION.—Subject to such terms and conditions as the Secretary may prescribe, nothing in this subtitle precludes the installation and maintenance of hydrologic, meteorologic, or climatologic collection devices in wilderness areas if the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(j) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establish periods during which, no hunting or fishing shall be

permitted for reasons of public safety, administration, or compliance with applicable law.

(k) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights, the Federal land within the wilderness areas and any land or interest in land that is acquired by the United States in the wilderness areas after the date of enactment of this Act is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) PARCEL B.—The approximately 6,500 acres of land generally depicted as ''Parcel B'' on the map entitled ''Organ Mountains Area'' and dated April 19, 2016, is withdrawn in accordance with paragraph (1), except that the land is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(3) PARCEL C.—The approximately 1,300 acres of land generally depicted as ''Parcel C'' on the map entitled ''Organ Mountains Area'' and dated April 19, 2016, is withdrawn in accordance with paragraph (1), except that the land is not withdrawn from disposal under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(4) PARCEL D.—

(A) IN GENERAL.—The Secretary of the Army shall allow for the conduct of certain recreational activities on the approximately 2,050 acres of land generally depicted as ''Parcel D'' on the map entitled ''Organ Mountains Area'' and dated April 19, 2016 (referred to in this paragraph as the ''parcel''), which is a portion of the public land withdrawn and reserved for military purposes by Public Land Order 833 dated May 21, 1952 (17 Fed. Reg. 4822).

(B) OUTDOOR RECREATION PLAN.—

(i) IN GENERAL.—The Secretary of the Army shall develop a plan for public outdoor recreation on the parcel that is consistent with the primary military mission of the parcel.

(ii) REQUIREMENT.—In developing the plan under clause (i), the Secretary of the Army shall ensure, to the maximum extent practicable, that outdoor recreation activities may be conducted on the parcel, including, hunting, hiking, wildlife viewing, and camping.

(C) CLOSURES.—The Secretary of the Army may close the parcel or any portion of the parcel to the public as the Secretary of the Army determines to be necessary to protect—

(i) public safety; or

(ii) the safety of the military members training on the parcel.

(D) TRANSFER OF ADMINISTRATIVE JURISDICTION; WITHDRAWAL.—

(i) IN GENERAL.—On a determination by the Secretary of the Army that military training capabilities, personnel safety, and installation security would not be hindered as a result of the transfer to the Secretary of administrative jurisdiction over the parcel, the Secretary of the Army shall transfer to the Secretary administrative jurisdiction over the parcel.

(ii) WITHDRAWAL.—On transfer of the parcel under clause (i), the parcel shall be—

(I) under the jurisdiction of the Director of the Bureau of Land Management; and

(II) withdrawn from—

(aa) entry, appropriation, or disposal under the public land laws;

(bb) location, entry, and patent under the mining laws; and

(cc) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(iii) RESERVATION.—On transfer under clause (i), the parcel shall be reserved for management of the resources of, and military training conducted on, the parcel in accordance with a memorandum of understanding entered into under subparagraph (E).

(E) MEMORANDUM OF UNDERSTANDING RELATING TO MILITARY TRAINING.—

(i) IN GENERAL.—If, after the transfer of the parcel under subparagraph (D)(i), the Secretary of the Army requests that the Secretary enter into a memorandum of understanding, the Secretary shall enter into a memorandum of understanding with the Secretary of the Army providing for the conduct of military training on the parcel.

(ii) REQUIREMENTS.—The memorandum of understanding entered into under clause (i) shall—

(I) address the location, frequency, and type of training activities to be conducted on the parcel;

(II) provide to the Secretary of the Army access to the parcel for the conduct of military training;

(III) authorize the Secretary or the Secretary of the Army to close the parcel or a portion of the parcel to the public as the Secretary or the Secretary of the Army determines to be necessary to protect—

(aa) public safety; or

(bb) the safety of the military members training; and

(IV) to the maximum extent practicable, provide for the protection of natural, historic, and cultural resources in the area of the parcel.

(F) MILITARY OVERFLIGHTS.—Nothing in this paragraph restricts or precludes—

(i) low-level overflights of military aircraft over the parcel, including military overflights that can be seen or heard within the parcel;

(ii) the designation of new units of special airspace over the parcel; or

(iii) the use or establishment of military flight training routes over the parcel.

(l) POTENTIAL WILDERNESS AREA.—

(1) ROBLEDO MOUNTAINS POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management, comprising approximately 100 acres as generally depicted as ''Potential Wilderness'' on the map entitled ''Desert Peaks Complex'' and dated April 19, 2016, is designated as a potential wilderness area.

(B) USES.—The Secretary shall permit only such uses on the land described in subparagraph (A) that were permitted on the date of enactment of this Act.

(C) DESIGNATION AS WILDERNESS.—

(i) IN GENERAL.—On the date on which the Secretary publishes in the Federal Register the notice described in clause (ii), the potential wilderness area designated under subparagraph (A) shall be—

(I) designated as wilderness and as a component of the National Wilderness Preservation System; and

(II) incorporated into the Robledo Mountains Wilderness designated by subsection (a)(6).

(ii) NOTICE.—The notice referred to in clause (i) is notice that—

(I) the communications site within the potential wilderness area designated under subparagraph (A) is no longer used;

(II) the associated right-of-way is relinquished or not renewed; and

(III) the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.).

(m) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in Doña Ana County administered by the Bureau of Land Management not designated as wilderness by subsection (a)—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this subtitle; and

(C) any other applicable laws.

SEC. 1099C. BORDER SECURITY.

(a) IN GENERAL.—Nothing in this subtitle—

(1) prevents the Secretary of Homeland Security from undertaking law enforcement and border security activities, in accordance with section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)), within the wilderness areas, including the ability to use motorized access within a wilderness area while in pursuit of a suspect;

(2) affects the 2006 Memorandum of Understanding among the Department of Homeland Security, the Department of the Interior, and the Department of Agriculture regarding cooperative national security and counterterrorism efforts on Federal land along the borders of the United States; or

(3) prevents the Secretary of Homeland Security from conducting any low-level overflights over the wilderness areas that may be necessary for law enforcement and border security purposes.

(b) WITHDRAWAL AND ADMINISTRATION OF CERTAIN AREA.—

(1) WITHDRAWAL.—The area identified as ''Parcel A'' on the map entitled ''Potrillo Mountains Complex'' and dated April 19, 2016, is withdrawn in accordance with section 1099B(k)(1).

(2) ADMINISTRATION.—Except as provided in paragraphs (3) and (4), the Secretary shall administer the area described in paragraph (1) in a manner that, to the maximum extent practicable, protects the wilderness character of the area.

(3) USE OF MOTOR VEHICLES.—The use of motor vehicles, motorized equipment, and mechanical transport shall be prohibited in the area described in paragraph (1) except as necessary for—

(A) the administration of the area (including the conduct of law enforcement and border security activities in the area); or

(B) grazing uses by authorized permittees.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection precludes the Secretary from allowing within the area described in paragraph (1) the installation and maintenance of communication or surveillance infrastructure necessary for law enforcement or border security activities.

(c) RESTRICTED ROUTE.—The route excluded from the Potrillo Mountains Wilderness identified as ''Restricted—Administrative Access'' on the map entitled ''Potrillo Mountains Complex'' and dated April 19, 2016, shall be—

(1) closed to public access; but

(2) available for administrative and law enforcement uses, including border security activities.

SEC. 1099D. ORGAN MOUNTAINS-DESERT PEAKS NATIONAL MONUMENT.

(a) MANAGEMENT PLAN.—In preparing and implementing the management plan for the Monument, the Secretary shall include a watershed health assessment to identify opportunities for watershed restoration.

(b) INCORPORATION OF ACQUIRED STATE TRUST LAND AND INTERESTS IN STATE TRUST LAND.—

(1) IN GENERAL.—Any land or interest in land that is within the State trust land described in paragraph (2) that is acquired by the United States shall—

(A) become part of the Monument; and

(B) be managed in accordance with—

(i) Presidential Proclamation 9131 (79 Fed. Reg. 30431); and

(ii) any other applicable laws.

(2) DESCRIPTION OF STATE TRUST LAND.—The State trust land referred to in paragraph (1) is the State trust land in T. 22 S., R 01 W., New Mexico Principal Meridian and T. 22 S., R. 02 W., New Mexico Principal Meridian.

(c) LAND EXCHANGES.—

(1) IN GENERAL.—Subject to paragraphs (3) through (6), the Secretary shall attempt to enter into an agreement to initiate an exchange under section 2201.1 of title 43, Code of Federal Regulations (or successor regulations), with the Commissioner of Public Lands of New Mexico, by the date that is 18 months after the date of enactment of this Act, to provide for a conveyance to the State of all right, title, and interest of the United States in and to Bureau of Land Management land in the State identified under paragraph (2) in exchange for the conveyance by the State to the Secretary of all right, title, and interest of the State in and to parcels of State trust land within the boundary of the Monument identified under that paragraph or described in subsection (b)(2).

(2) IDENTIFICATION OF LAND FOR EXCHANGE.—The Secretary and the Commissioner of Public Lands of New Mexico shall jointly identify the Bureau of Land Management land and State trust and eligible for exchange under this subsection, the exact acreage and legal description of which shall be determined by surveys approved by the Secretary and the New Mexico State Land Office.

(3) APPLICABLE LAW.—A land exchange under paragraph (1) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(4) CONDITIONS.—A land exchange under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such terms as the Secretary and the State shall establish.

(5) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Bureau of Land Management land and the State trust land to be conveyed in a land exchange under this subsection—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Bureau of Land Management land and State trust land to be exchanged under this subsection shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the State.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(C) EQUALIZATION.—

(i) IN GENERAL.—If the value of the Bureau of Land Management land and the State trust land to be conveyed in a land exchange under this subsection is not equal, the value may be equalized by—

(I) making a cash equalization payment to the Secretary or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(II) reducing the acreage of the Bureau of Land Management land or State trust land to be exchanged, as appropriate.

(ii) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under clause (i)(I) shall be—

(I) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(II) used in accordance with that Act.

(6) LIMITATION.—No exchange of land shall be conducted under this subsection unless mutually agreed to by the Secretary and the State.

SA 4331. Mr. UDALL (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1221, add the following:

(c) LIMITATION ON USE OF FUNDS FOR LETHAL ARMS FOR THE VETTED SYRIAN OPPOSITION.—

(1) LIMITATION.—Amounts authorized to be appropriated by this Act may not be expended for procuring or transferring lethal arms to the vetted Syrian opposition until the Secretary of Defense determines, and certifies in writing, that such arms are not being transferred to individuals or groups who are allied, working with, or otherwise associated with Al Qaeda and its affiliates, Al Nusrah, the Islamic State of Iraq and the Levant (ISIL), or other terrorists groups identified by the United States Government.

(2) CONSULTATION IN DETERMINATION.—In making a determination for purposes of paragraph (1), the Secretary of Defense shall consult with the Secretary of State, the Director of National Intelligence, and the elements of the intelligence community.

(3) WAIVER AUTHORITY.—The President may waive the limitation in paragraph (1) with respect to the procurement or transfer of lethal arms if the President determines that the transfer of such arms is in the national security interests of the United States.

(4) PROVISION TO CONGRESS.—The President shall provide each waiver under paragraph (3), and an unclassified summary thereof, to—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 4332. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. INTERNATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) ESTABLISHMENT.—Using existing funds, the Secretary of Defense shall work in consultation with the Secretary of Energy and the Secretary of State to develop an International Infrastructure Simulation and Analysis Center.

(b) PURPOSE.—The International Infrastructure Simulation and Analysis Center shall serves as the focal point for gathering, analyzing, and disseminating information to the Department of Defense, Secretary of State, the Department of Energy, and National Security Council for the purposes of—

(1) providing advanced modeling, simulation, and analysis capabilities to analyze critical infrastructure interdependencies, vulnerabilities, and complexities outside the United States;

(2) providing analysis and data to policy makers and decision makers to aid in the prevention or response to humanitarian or other threats outside the United States; and

(3) providing strategic, multidisciplinary analyses of infrastructure interdependencies and the consequences of infrastructure disruptions across multiple infrastructure sectors outside the United States.

(c) USE OF EXISTING FACILITIES.—The International Infrastructure Simulation and Analysis Center shall utilize existing Department of Defense or Department of Energy facilities.

(d) CAPABILITIES.—The Center should include the following capabilities:

(1) Process-based systems dynamic models.

(2) Mathematical network optimization models.

(3) Physics-based models of existing infrastructure.

(4) High fidelity, agent-based simulations of systems.

(5) Other systems capabilities as deemed necessary by the Secretary of Defense to fulfil the mission needs of the Department of Defense.

SA 4333. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. RESEARCH ON IMPACT OF OPEN BURN PITS ON MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) ESTABLISHMENT OF RESEARCH NETWORK.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish a research network in which public and private entities assist the Secretary in conducting research on—

(A) the impact on the health of members of the Armed Forces and veterans of exposure by such members and veterans to open burn pits in Iraq and Afghanistan; and

(B) treatment for health conditions related to such exposure.

(2) RESEARCH CONDUCTED.—The research conducted pursuant to this section shall include the following:

(A) Scientific studies that advance knowledge of the diagnosis and treatment of health conditions among members of the Armed Forces and veterans associated with exposure of such members and veterans to toxic chemicals that are known or likely to

be present in smoke from open burn pits used in Afghanistan and Iraq after September 11, 2001.

(B) Research on the impact of exposure of individuals to open burn pits from the following fields:

(i) Environmental medicine.

(ii) Occupational medicine.

(iii) Inhalation toxicology.

(C) Research on the feasibility and advisability of using complementary and alternative medicine to treat members of the Armed Forces and veterans for health conditions arising from exposure to open burn pits.

(3) USE OF RESEARCH.—The Secretary shall use research conducted pursuant to this section as follows:

(A) To assist in developing best practices for treatment of health conditions caused by exposure of members of the Armed Forces or veterans to open burn pits.

(B) To assist in determining a disability rating for any veteran filing a claim for benefits under the laws administered by the Secretary based on the exposure of the veteran to an open burn pit while serving as a member of the Armed Forces.

(b) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available to eligible entities described in paragraph (2) the information contained in the open burn pit registry for purposes of conducting research described in subsection (a)(2).

(2) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity described in this paragraph is any private research institution or medical research center of an institution of higher education that—

(A) is dedicated to the conduct of research on health conditions caused by exposure to air pollutants; and

(B) is licensed and accredited under all applicable Federal, State, and local laws to conduct research described in subsection (a)(2).

(3) SUBMITTAL OF RESEARCH.—Any eligible entity that conducts research described in subsection (a)(2) using information from the open burn pit registry shall submit such research to the Secretary for inclusion in the database established under subsection (c).

(c) ESTABLISHMENT OF DATABASE.—The Secretary shall publish on an Internet database of the Department available to the public all research described in subsection (a)(2) that is submitted to the Secretary pursuant to this section to allow peer review and analysis of such research from the public.

(d) PRIVACY.—Any medical or other personal information obtained by the Department under this section or by an entity conducting research under this section shall be protected from disclosure or misuse in accordance with the laws on privacy applicable to such information.

(e) DEFINITIONS.—In this section:

(1) COMPLEMENTARY AND ALTERNATIVE MEDICINE.—The term ''complementary and alternative medicine'' shall have the meaning given that term in regulations the Secretary shall prescribe for purposes of this section and shall—

(A) to the degree practicable, be consistent with the meaning given such term by the Secretary of Health and Human Services; and

(B) include medicine or treatment that is a cultural tradition of members of Indian tribes and Native Hawaiians.

(2) INDIAN TRIBE DEFINED.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) OPEN BURN PIT.—The term ''open burn pit'' has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(4) OPEN BURN PIT REGISTRY.—The term ''open burn pit registry'' means the registry established by the Department of Veterans Affairs under section 201(a) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012.

SA 4334. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Matters Relating to Cuba

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Cuba Digital and Telecommunications Advancement Act of 2016'' or the ''Cuba DATA Act''.

SEC. 1282. EXPORTATION OF CONSUMER COMMUNICATION DEVICES AND TELECOMMUNICATIONS SERVICES TO CUBA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may permit any person subject to the jurisdiction of the United States—

(1) to export consumer communication devices and other telecommunications equipment to Cuba;

(2) to provide telecommunications services involving Cuba or persons in Cuba;

(3) to establish facilities to provide telecommunications services connecting Cuba with another country or to provide telecommunications services in Cuba;

(4) to conduct any transaction incident to carrying out an activity described in any of paragraphs (1) through (3); and

(5) to enter into, perform, and make and receive payments under a contract with any individual or entity in Cuba with respect to the provision of telecommunications services involving Cuba or persons in Cuba.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter for 4 years, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on—

(1) the percentage of individuals in Cuba who are able to access the Internet and the infrastructure that would be needed in Cuba to reach the goal of increasing that percentage to 50 percent by 2020;

(2) the ability of individuals in Cuba, including foreign tourists, to access data through the use of cell phones and the infrastructure that would be needed to bring the capability to access that data to rural and urban population centers in Cuba;

(3) the impact of access to telecommunications technology on the development of new businesses, co-ops, and educational opportunities in Cuba; and

(4) the impact of the telecommunications equipment and telecommunications services provided under this section on advancing the human rights objectives of the United States and how such equipment and services are being used to advance those objectives.

(c) DEFINITIONS.—In this section:

(1) CONSUMER COMMUNICATION DEVICES.—The term ''consumer communication devices'' means commodities and software described in section 740.19(b) of title 15, Code of Federal Regulations (or any successor regulation).

(2) PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ''person subject to the jurisdiction of the United States'' means—

(A) any individual, wherever located, who is a citizen or resident of the United States;

(B) any person located in the United States;

(C) any corporation, partnership, association, or other organization organized under the laws of the United States or of any State, territory, possession, or district of the United States; and

(D) any corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled by a person described in subparagraph (A), (B), or (C).

(3) TELECOMMUNICATIONS SERVICES.—The term ''telecommunications services'' includes—

(A) data, telephone, telegraph, Internet connectivity, radio, television, news wire feeds, and similar services, regardless of the medium of transmission and including transmission by satellite;

(B) services incident to the exchange of communications over the Internet;

(C) domain name registration services; and

(D) services that are related to consumer communication devices and other telecommunications equipment to install, repair, or replace such devices and equipment.

SEC. 1283. REPEAL OF CERTAIN AUTHORITIES PREVENTING FINANCING AND MARKET REFORM FOR CUBA.

(a) CUBAN DEMOCRACY ACT.—

(1) IN GENERAL.—Section 1704 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003) is repealed.

(2) CONFORMING AMENDMENTS.—Section 204 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6064) is amended—

(A) in subsection (b), by amending paragraph (3) to read as follows:

''(3) sections 1705(d) and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(d) and 6005);''; and

(B) in subsection (d), by amending paragraph (3) to read as follows:

''(3) sections 1705(d) and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(d) and 6005) are repealed; and''.

(b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT.—

(1) IN GENERAL.—Sections 102, 103, 104, 105, and 108 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032, 6033, 6034, 6035, and 6038) are repealed.

(2) CONFORMING AMENDMENT.—Section 109(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039(a)) is amended by striking ''(including section 102 of this Act)''.

SA 4335. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 663. COMMISSARY, EXCHANGE, AND MORALE, WELFARE, AND RECREATION BENEFITS FOR CERTAIN SAME-SEX SURVIVING SPOUSES OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—A qualifying same-sex surviving spouse of a member or former member of the uniformed services is entitled to commissary, exchange, and morale, welfare, and recreation privilege benefits, and shall be issued a Department of Defense Identification Card for purposes of receipt of such benefits, to the same extent, and on the same basis, as the surviving spouse of a retired member of the uniformed services who is not a qualifying same-sex surviving spouse but is entitled to such benefits.

(b) QUALIFYING SAME-SEX SURVIVING SPOUSE.—For purposes of this section, an individual is a qualifying same-sex surviving spouse of a member or former member of the uniformed services if the individual is the same-sex surviving spouse of any member of the uniformed services as follows:

(1) A member who died while on active duty.

(2) A member who was awarded the medal of honor.

(3) A former member who was a veteran with a service-connected disability or combination of disabilities rated as 100 percent disabling under the schedule of ratings of disabilities of the Department of Veterans Affairs.

(4) A retired member.

(c) DOCUMENTATION.—An individual seeking to be treated as a qualifying same-sex surviving spouse under subsection (a) shall submit to the Secretary of Defense documentation to establish the status of the individual under subsection (b) as the Secretary shall specify for purposes of this section. Such documentation shall include the following:

(1) To establish former marital status, any one of the following:

(A) A marriage certificate.

(B) A certification of domestic partnership.

(C) A death certificate for the member concerned.

(D) An affidavit by a judge advocate certifying a common-law marriage.

(E) Any other documentation the Secretary considers appropriate.

(2) To establish identity, one of the following:

(A) An identification card issued by the Federal Government.

(B) A driver's license issued by a State.

(C) A birth certificate.

(D) Any other documentation the Secretary considers appropriate.

(d) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on extent of the inclusion by the Department of Defense of same-sex spouses and same-sex widows and widowers in the benefits provided by the Department to spouses and surviving spouses in their status as current or former military dependents (as applicable).

(2) ELEMENTS.—The report required by paragraph (1) shall set forth the following:

(A) The number of same-sex spouses, widows, and widowers who are eligible for benefits described in paragraph (3) as current or former military dependents.

(B) The number of individuals described in subparagraph (A) who are receiving benefits for which they are eligible.

(C) An analysis, including a complete file review of a representative sample of military personnel files, identifying policy or procedural barriers that prevent same-sex military spouses, widows, and widowers from receiving benefits as current or former military dependents.

(D) An evaluation of the compliance by Army Human Resources Command with the requirements of subsection (a).

(E) An evaluation of the compliance by Army Human Resources Command with policies in place before the date of the enactment of this Act with respect to the equitable treatment of same-sex spouses, widows, and widowers in eligibility for benefits as current or former military dependents.

(F) Recommendations for actions to correct any noncompliance identified pursuant to subparagraphs (D) and (E).

(G) Recommendations for actions to ensure that individuals described in subparagraph (A) who were inappropriately denied benefits described in paragraph (3) are notified and assisted in receiving such benefits.

(H) Any other matters the Comptroller General considers appropriate.

(3) BENEFITS.—The benefits described in this paragraph are as follows:

(A) Commissary, exchange and morale, welfare and recreation privileges and benefits.

(B) Health care, including medical, dental, and pharmacy services.

(C) Education benefits.

(D) Life Insurance.

(E) On-installation housing.

SA 4336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1059. PROHIBITION ON USE BY EDUCATIONAL INSTITUTIONS OF REVENUES DERIVED FROM EDUCATIONAL ASSISTANCE FURNISHED UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE FOR ADVERTISING, MARKETING, OR RECRUITING.

(a) IN GENERAL.—As a condition on the receipt of Department of Defense educational assistance funds, an institution of higher education, or other postsecondary educational institution, may not use revenues derived from Department of Defense educational assistance funds for advertising, recruiting, or marketing activities described in subsection (b).

(b) COVERED ACTIVITIES.—Except as provided in subsection (c), the advertising, recruiting, and marketing activities subject to subsection (a) shall include the following:

(1) Advertising and promotion activities, including paid announcements in newspapers, magazines, radio, television, billboards, electronic media, naming rights, or any other public medium of communication, including paying for displays or promotions at job fairs, military installations, or college recruiting events.

(2) Efforts to identify and attract prospective students, either directly or through a contractor or other third party, including contact concerning a prospective student's potential enrollment or application for grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or participation in preadmission or advising activities, including—

(A) paying employees responsible for overseeing enrollment and for contacting potential students in-person, by phone, by email, or by other internet communications regarding enrollment; and

(B) soliciting an individual to provide contact information to an institution of higher education, including Internet websites established for such purpose and funds paid to third parties for such purpose.

(3) Such other activities as the Secretary of Defense may prescribe, including paying for promotion or sponsorship of education or military-related associations.

(c) EXCEPTIONS.—Any activity that is required as a condition of receipt of funds by an institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), is specifically authorized under such title, or is otherwise specified by the Secretary of Education, shall not be considered to be a covered activity under subsection (b).

(d) DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE FUNDS DEFINED.—In this section, the term ''Department of Defense educational assistance funds'' means funds provided directly to an institution or to a student attending such institution under any of the following provisions of law:

(1) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.

(2) Section 1784a, 2005, or 2007 of such title.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the use by an institution of revenues derived from sources other than Department of Defense educational assistance funds.

(f) REPORTS.—As a condition on the receipt of Department of Defense educational assistance funds, each institution of higher education, or other postsecondary educational institution, that derives revenues from Department of Defense educational assistance funds shall submit to the Secretary of Defense and to Congress each year a report that includes the following:

(1) The institution's expenditures on advertising, marketing, and recruiting.

(2) A verification from an independent auditor that the institution is in compliance with the requirements of this subsection.

(3) A certification from the institution that the institution is in compliance with the requirements of this subsection.

SA 4337. Mr. BOOKER (for himself, Mr. JOHNSON, Ms. BALDWIN, Mrs. ERNST, Mr. BROWN, Mr. PORTMAN, and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Fair Chance Act

SEC. 1097. SHORT TITLE.

This subtitle may be cited as the ''Fair Chance to Compete for Jobs Act of 2016'' or the ''Fair Chance Act''.

SEC. 1098. PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER FOR FEDERAL EMPLOYMENT.

(a) IN GENERAL.—Subpart H of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 92—PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER

''Sec.

''9201. Definitions.

''9202. Limitations on requests for criminal history record information.

''9203. Agency policies; whistleblower complaint procedures.

''9204. Adverse action.
''9205. Procedures.
''9206. Rules of construction.

"§ 9201. Definitions

''In this chapter—

''(1) the term 'agency' means 'Executive agency' as such term is defined in section 105 and includes—

''(A) the United States Postal Service and the Postal Regulatory Commission; and

''(B) the Executive Office of the President;

''(2) the term 'appointing authority' means an employee in the executive branch of the Government of the United States that has authority to make appointments to positions in the civil service;

''(3) the term 'conditional offer' means an offer of employment in a position in the civil service that is conditioned upon the results of a criminal history inquiry;

''(4) the term 'criminal history record information'—

''(A) except as provided in subparagraph (B), has the meaning given the term in section 9101(a);

''(B) includes any information described in the first sentence of section 9101(a)(2) that has been sealed or expunged pursuant to law, regardless of whether the information is accessible by State and local criminal justice agencies for the purpose of conducting background checks; and

''(C) includes information collected by a criminal justice agency, relating to an act or alleged act of juvenile delinquency, that is analogous to criminal history record information (including such information that has been sealed or expunged pursuant to law); and

''(5) the term 'suspension' has the meaning given the term in section 7501.

"§ 9202. Limitations on requests for criminal history record information

''(a) INQUIRIES PRIOR TO CONDITIONAL OFFER.—Except as provided in subsections (b) and (c), an employee of an agency may not request, in oral or written form (including through the Declaration for Federal Employment (Office of Personnel Management Optional Form 306), or any similar successor form), including through the USAJOBS Internet Web site or any other electronic means, that an applicant for an appointment to a position in the civil service disclose criminal history record information regarding the applicant before the appointing authority extends a conditional offer to the applicant.

''(b) OTHERWISE REQUIRED BY LAW.—The prohibition under subsection (a) shall not apply with respect to an applicant for a position in the civil service if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(c) EXCEPTION FOR CERTAIN POSITIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply with respect to an applicant for an appointment to a position—

''(A) that requires a determination of eligibility described in clause (i), (ii), or (iii) of section 9101(b)(1)(A);

''(B) as a Federal law enforcement officer (as defined in section 115(c) of title 18); or

''(C) identified by the Director of the Office of Personnel Management in the regulations issued under paragraph (2).

''(2) REGULATIONS.—

''(A) ISSUANCE.—The Director of the Office of Personnel Management shall issue regulations identifying additional positions with respect to which the prohibition under subsection (a) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(B) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under subparagraph (A) shall—

''(i) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(ii) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

"§ 9203. Agency policies; complaint procedures

''The Director of the Office of Personnel Management shall—

''(1) develop, implement, and publish a policy to assist employees of agencies in complying with section 9202 and the regulations issued pursuant to such section; and

''(2) establish and publish procedures under which an applicant for an appointment to a position in the civil service may submit a complaint, or any other information, relating to compliance by an employee of an agency with section 9202.

"§ 9204. Adverse action

''(a) FIRST VIOLATION.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee of an agency has violated section 9202, the Director shall—

''(1) issue to the employee a written warning that includes a description of the violation and the additional penalties that may apply for subsequent violations; and

''(2) file such warning in the employee's official personnel record file.

''(b) SUBSEQUENT VIOLATIONS.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee that was subject to subsection (a) has committed a subsequent violation of section 9202, the Director may take the following action:

''(1) For a second violation, suspension of the employee for a period of not more than 7 days.

''(2) For a third violation, suspension of the employee for a period of more than 7 days.

''(3) For a fourth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $250.

''(4) For a fifth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $500.

''(5) For any subsequent violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $1,000.

"§ 9205. Procedures

''(a) APPEALS.—The Director of the Office of Personnel Management shall by rule establish procedures providing for an appeal from any adverse action taken under section 9204 by not later than 30 days after the date of the action.

''(b) APPLICABILITY OF OTHER LAWS.—An adverse action taken under section 9204 (including a determination in an appeal from such an action under subsection (a) of this section) shall not be subject to—

''(1) the procedures under chapter 75; or

''(2) except as provided in subsection (a) of this section, appeal or judicial review.

"§ 9206. Rules of construction

''Nothing in this chapter may be construed to—

''(1) authorize any officer or employee of an agency to request the disclosure of information described under subparagraphs (B) and (C) of section 9201(4);

''(2) create a private right of action for any person; or

''(3) prohibit an agency from procuring a consumer report (as defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) furnished by a consumer reporting agency (as defined in such section 603) in accordance with that Act.''.

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out chapter 92 of title 5, United States Code (as added by this subtitle).

(2) EFFECTIVE DATE.—Section 9202 of title 5, United States Code (as added by this subtitle), shall take effect on the date that is 2 years after the date of enactment of this Act.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 91 the following:

"92. Prohibition on criminal history inquiries prior to conditional offer ..... 9201".

(d) APPLICATION TO LEGISLATIVE BRANCH.—

(1) IN GENERAL.—The Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended—

(A) in section 102(a) (2 U.S.C. 1302(a)), by adding at the end the following:

''(12) Section 9202 of title 5, United States Code.'';

(B) by redesignating section 207 (2 U.S.C. 1317) as section 208; and

(C) by inserting after section 206 (2 U.S.C. 1316) the following new section:

"SEC. 207. RIGHTS AND PROTECTIONS RELATING TO CRIMINAL HISTORY INQUIRIES.

''(a) DEFINITIONS.—In this section, the terms 'agency', 'criminal history record information', and 'suspension' have the meanings given the terms in section 9201 of title 5, United States Code, except as otherwise modified by this section.

''(b) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an employee of an employing office may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5, United States Code, if made by an employee of an agency.

''(B) CONDITIONAL OFFER.—For purposes of applying that section 9202 under subparagraph (A), a reference in that section 9202 to a conditional offer shall be considered to be an offer of employment as a covered employee that is conditioned upon the results of a criminal history inquiry.

''(2) RULES OF CONSTRUCTION.—The provisions of section 9206 of title 5, United States Code, shall apply to employing offices, consistent with regulations issued under subsection (d).

''(c) REMEDY.—

''(1) IN GENERAL.—The remedy for a violation of subsection (b)(1) shall be such remedy as would be appropriate if awarded under section 9204 of title 5, United States Code, if the violation had been committed by an employee of an agency, consistent with regulations issued under subsection (d), except that the reference in that section to a suspension shall be considered to be a suspension with

the level of compensation provided for a covered employee who is taking unpaid leave under section 202.

''(2) PROCESS FOR OBTAINING RELIEF.—An applicant for employment as a covered employee who alleges a violation of subsection (b)(1) may rely on the provisions of title IV (other than sections 404(2), 407, and 408), consistent with regulations issued under subsection (d).

''(d) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2016, the Board shall, pursuant to section 304, issue regulations to implement this section.

''(2) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Director of the Office of Personnel Management under section 1098(b)(1) of the Fair Chance to Compete for Jobs Act of 2016 to implement the statutory provisions referred to in subsections (a) through (c) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

''(e) EFFECTIVE DATE.—Section 102(a)(12) and subsections (a) through (c) shall take effect on the date on which section 9202 of title 5, United States Code, applies with respect to agencies.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(A) by redesignating the item relating to section 207 as the item relating to section 208; and

(B) by inserting after the item relating to section 206 the following new item:

''Sec. 207. Rights and protections relating to criminal history inquiries.''.

(e) APPLICATION TO JUDICIAL BRANCH.—

(1) IN GENERAL.—Section 604 of title 28, United States Code, is amended by adding at the end the following:

''(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the terms 'agency' and 'criminal history record information' have the meanings given those terms in section 9201 of title 5;

''(B) the term 'covered employee' means an employee of the judicial branch of the United States Government, other than—

''(i) any judge or justice who is entitled to hold office during good behavior;

''(ii) a United States magistrate judge; or

''(iii) a bankruptcy judge; and

''(C) the term 'employing office' means any office or entity of the judicial branch of the United States Government that employs covered employees.

''(2) RESTRICTION.—A covered employee may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5 if made by an employee of an agency.

''(3) EMPLOYING OFFICE POLICIES; COMPLAINT PROCEDURE.—The provisions of sections 9203 and 9206 of title 5 shall apply to employing offices and to applicants for employment as covered employees, consistent with regulations issued by the Director to implement this subsection.

''(4) ADVERSE ACTION.—

''(A) ADVERSE ACTION.—The Director may take such adverse action with respect to a covered employee who violates paragraph (2) as would be appropriate under section 9204 of title 5 if the violation had been committed by an employee of an agency.

''(B) APPEALS.—The Director shall by rule establish procedures providing for an appeal from any adverse action taken under subparagraph (A) by not later than 30 days after the date of the action.

''(C) APPLICABILITY OF OTHER LAWS.—Except as provided in subparagraph (B), an adverse action taken under subparagraph (A) (including a determination in an appeal from such an action under subparagraph (B)) shall not be subject to appeal or judicial review.

''(5) REGULATIONS TO BE ISSUED.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2016, the Director shall issue regulations to implement this subsection.

''(B) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Director of the Office of Personnel Management under section 1098(b)(1) of the Fair Chance to Compete for Jobs Act of 2016 except to the extent that the Director of the Administrative Office of the United States Courts may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

''(6) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the date on which section 9202 of title 5 applies with respect to agencies.''.

SEC. 1099. PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY CONTRACTORS PRIOR TO CONDITIONAL OFFER.

(a) CIVILIAN AGENCY CONTRACTS.—

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

''§ 4713. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an executive agency—

''(A) may not require that an individual or sole proprietor who submits a bid or competitive proposal for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require, as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally, or through written form, request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before the contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Administrator of General Services identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2016, the Administrator of General Services, in consultation with the Secretary of Defense, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Administrator of General Services shall establish and publish procedures under which an applicant for a position with a Federal contractor may submit to the Administrator a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the head of an executive agency determines that a contractor has violated subsection (a)(1)(B), such head shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATION.—If the head of an executive agency determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), such head shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

''(1) prohibit an executive agency from procuring a consumer report (as defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) furnished by a consumer reporting agency (as defined in such section 603) in accordance with that Act; or

''(2) authorize an executive agency to prohibit a contractor, as a condition of receiving a Federal contract and receiving payments under such contract, from procuring a consumer report (as defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) furnished by a consumer reporting agency (as defined in such section 603) in accordance with that Act.

''(e) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 47 of such title is amended by inserting after the item relating to section 4712 the following new item:

''4713. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(3) EFFECTIVE DATE.—Section 4713(a) of title 41, United States Code, as added by paragraph (1), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in section 1098(b)(2) of this subtitle.

(b) DEFENSE CONTRACTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the head of an agency—

''(A) may not require that an individual or sole proprietor who submits a bid or competitive proposal for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally or through written form request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before such contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Secretary of Defense identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2016, the Secretary of Defense, in consultation with the Administrator of General Services, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Secretary of Defense shall establish and publish procedures under which an applicant for a position with a Department of Defense contractor may submit a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the Secretary of Defense determines that a contractor has violated subsection (a)(1)(B), the Secretary shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATIONS.—If the Secretary of Defense determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), the Secretary shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

''(1) prohibit an agency from procuring a consumer report (as defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) furnished by a consumer reporting agency (as defined in such section 603) in accordance with that Act; or

''(2) authorize an agency to prohibit a contractor, as a condition of receiving a Federal contract and receiving payments under such contract, from procuring a consumer report (as defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) furnished by a consumer reporting agency (as defined in such section 603) in accordance with that Act.

''(e) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(2) EFFECTIVE DATE.—Section 2338(a) of title 10, United States Code, as added by paragraph (1), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in section 1098(b)(2) of this subtitle.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2337 the following new item:

''2338. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(c) REVISIONS TO FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation to implement section 4713 of title 41, United States Code, and section 2338 of title 10, United States Code, as added by this section.

(2) CONSISTENCY WITH OFFICE OF PERSONNEL MANAGEMENT REGULATIONS.—The Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation under paragraph (1) to be consistent with the regulations issued by the Director of the Office of Personnel Management under section 1098(b)(1) to the maximum extent practicable. The Council shall include together with such revision an explanation of any substantive modification of the Office of Personnel Management regulations, including an explanation of how such modification will more effectively implement the rights and protections under this section.

SEC. 1099A. REPORT ON EMPLOYMENT OF INDIVIDUALS FORMERLY INCARCERATED IN FEDERAL PRISONS.

(a) DEFINITION.—In this section, the term ''covered individual''—

(1) means an individual who has completed a term of imprisonment in a Federal prison for a Federal criminal offense; and

(2) does not include an alien who is or will be removed from the United States for a violation of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) STUDY AND REPORT REQUIRED.—The Director of the Bureau of Justice Statistics, in coordination with the Director of the Bureau of the Census, shall—

(1) not later than 6 months after the date of enactment of this Act, design and initiate a study on the employment of covered individuals after their release from Federal prison, including by collecting—

(A) demographic data on covered individuals, including race, age, and sex; and

(B) data on employment and earnings of covered individuals who are denied employment, including the reasons for the denials; and

(2) not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, submit a report that does not include any personally identifiable information on the study conducted under paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

SA 4338. Mr. MCCAIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. EXTENSION AND EXPANSION OF VETERANS CHOICE PROGRAM AND ESTABLISHMENT OF CONSISTENT CRITERIA AND STANDARDS RELATING TO PROVISION OF NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) EXTENSION.—The Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in section 101(p)(2), by striking ''3 years'' and inserting ''6 years''; and

(2) in section 802(d)(1), by striking ''$10,000,000,000'' and inserting ''$17,500,000,000''.

(b) EXPANSION OF ELIGIBILITY.—

(1) IN GENERAL.—Subsection (b)(2) of section 101 of such Act is amended—

(A) in subparagraph (C)(ii), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (D)(ii)(II)(dd), by striking the period at the end and inserting ''; or''; and

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

''(E) has received health services under the pilot program under section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) and resides in a location described in section (b)(2) of such section.''.

(2) CONFORMING AMENDMENTS.—

(A) INFORMATION ON AVAILABILITY OF CARE.—Subsection (g)(3) of such section is amended by striking ''or (D)'' and inserting ''(D), or (E)''.

(B) REPORT.—Subsection (q)(2)(A) of such section is amended—

(i) in clause (iii), by striking ''; and'' and inserting a semicolon;

(ii) in clause (iv), by striking the period at the end and inserting ''; and''; and

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

''(v) eligible veterans described in subsection (b)(2)(E).''.

(c) ESTABLISHMENT OF CRITERIA FOR PROVISION OF SERVICES THROUGH NON-DEPARTMENT HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Veterans Affairs shall establish consistent criteria and standards—

(A) for purposes of determining eligibility of non-Department of Veterans Affairs health care providers to provide health care under the laws administered by the Secretary, including standards relating to education, certification, licensure, training, and employment history; and

(B) for the reimbursement of such health care providers for care or services provided under the laws administered by the Secretary, which to the extent practicable shall—

(i) except as provided in clauses (ii) and (iii), use rates for reimbursement that are not more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services;

(ii) with respect to care or services provided in Alaska, use rates for reimbursement set forth in the Alaska Fee Schedule of the Department of Veterans Affairs, except for when another payment agreement, including a contract or provider agreement, is in place, in which case use rates for reimbursement set forth under such payment agreement;

(iii) with respect to care or services provided in a State with an All-Payer Model Agreement in effect under the Social Security Act (42 U.S.C. 301 et seq.), use rates for reimbursement based on the payment rates under such agreement;

(iv) incorporate the use of value-based reimbursement models to promote the provision of high-quality care to improve health outcomes and the experience of care for veterans; and

(v) be consistent with prompt payment standards required of Federal agencies under chapter 39 of title 31, United States Code.

(2) EXCEPTION.—The criteria and standards required to be established under paragraph (1) shall not apply to hospital care and medical services furnished under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note).

(d) QUARTERLY REPORT.—Not less frequently than quarterly until all amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) are exhausted, the Secretary shall submit to the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate and the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives an update on the expenditures made from such Fund to carry out section 101 of such Act during the quarter covered by the report.

(e) EMERGENCY DESIGNATIONS.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, the amendments made by subsections (a) and (b) are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4339. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE XXX—FEDERAL PROPERTY MANAGEMENT REFORM

SEC. 2951. SHORT TITLE.

This title may be cited as the ''Federal Property Management Reform Act of 2016''.

SEC. 2952. PURPOSE.

The purpose of this title is to increase the efficiency and effectiveness of the Federal Government in managing property of the Federal Government by—

(1) requiring the United States Postal Service to take appropriate measures to better manage and account for property and modernize the Postal fleet;

(2) providing for increased collocation with Postal Service facilities and guidance on Postal Service leasing practices;

(3) establishing a Federal Property Council to develop guidance on and ensure the implementation of strategies for better managing Federal property;

(4) providing incentives to agencies to dispose of excess property through retention of proceeds; and

(5) providing guidance for surplus property donations to museums.

SEC. 2953. PROPERTY MANAGEMENT.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''Subchapter VII—Property Management

''§ 621. Definitions

''In this subchapter:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) COUNCIL.—The term 'Council' means the Federal Property Council established by section 623(a).

''(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(4) DISPOSAL.—The term 'disposal' means any action that constitutes the removal of any property from the inventory of the Federal agency, including sale, transfer, deed, demolition, donation, or exchange.

''(5) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an executive department or independent establishment in the executive branch of the Government; or

''(B) a wholly owned Government corporation (other than the United States Postal Service).

''(6) FIELD OFFICE.—The term 'field office' means any office of a Federal agency that is not the headquarters office location for the Federal agency.

''(7) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by the United States Postal Service.

''(8) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means any partnership or working relationship between a Federal agency and a corporation, individual, or nonprofit organization for the purpose of financing, constructing, operating, managing, or maintaining 1 or more Federal real property assets.

''(9) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property, including any improvements, that is used—

''(A) irregularly or intermittently by the accountable Federal agency for program purposes of the Federal agency; or

''(B) for program purposes that can be satisfied only with a portion of the property.

''§ 622. Collocation among United States Postal Service properties

''(a) IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General shall—

''(1) identify a list of postal properties with space available for use by Federal agencies; and

''(2) not later than September 30, submit the list to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Oversight and Government Reform of the House of Representatives.

''(b) VOLUNTARY IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General may submit the list under subsection (a) to the Council.

''(c) SUBMISSION OF LIST OF POSTAL PROPERTIES TO FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 30 days after the completion of a list under subsection (a), the Council shall provide the list to each Federal agency.

''(2) REVIEW BY FEDERAL AGENCIES.—Not later than 90 days after the receipt of the list submitted under paragraph (1), each Federal agency shall—

''(A) review the list;

''(B) review properties under the control of the Federal agency; and

''(C) recommend collocations if appropriate.

''(d) TERMS OF COLLOCATION.—On approval of the recommendations under subsection (c) by the Postmaster General and the applicable agency head, the Federal agency or appropriate landholding entity may work with

the Postmaster General to establish appropriate terms of a lease for each postal property.

''(e) RULE OF CONSTRUCTION.—Nothing in this section exceeds, modifies, or supplants any other Federal law relating to any competitive bidding process governing the leasing of postal property.

''§ 623. Establishment of a Federal Property Council

''(a) ESTABLISHMENT.—There is established a Federal Property Council.

''(b) PURPOSE.—The purpose of the Council shall be—

''(1) to develop guidance and ensure implementation of an efficient and effective property management strategy;

''(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

''(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Council shall be composed exclusively of—

''(A) the senior real property officers of each Federal agency and the Postal Service;

''(B) the Deputy Director for Management of the Office of Management and Budget;

''(C) the Controller of the Office of Management and Budget;

''(D) the Administrator; and

''(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

''(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

''(3) EXECUTIVE DIRECTOR.—

''(A) IN GENERAL.—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

''(B) QUALIFICATIONS; FULL-TIME.—The Executive Director shall—

''(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management;

''(ii) serve full time; and

''(iii) hold no outside employment that may conflict with duties inherent to the position.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Council shall meet subject to the call of the Chairperson.

''(2) MINIMUM.—The Council shall meet not fewer than 4 times each year.

''(e) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

''(1) not later than 1 year after the date of enactment of this subchapter, establish a property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property, to achieve better utilization of underutilized property, or to enhance management of high value personal property, and evaluation criteria to determine the effectiveness of property management that are designed—

''(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a Government-wide basis;

''(B) to improve the management of real property; and

''(C) to allow for comparison of the performance of Federal agencies against industry and other public sector agencies in terms of performance;

''(2) develop utilization rates consistent throughout each category of space, considering the diverse nature of the Federal portfolio and consistent with nongovernmental space use rates;

''(3) develop a strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly;

''(4) provide guidance on eliminating inefficiencies in the Federal leasing process;

''(5) compile a list of field offices that are suitable for collocation with other property assets;

''(6) research best practices regarding the use of public-private partnerships to manage properties and develop guidelines for the use of those partnerships in the management of Federal property;

''(7) not later than 1 year after the date of enactment of this subchapter—

''(A) examine the disposal of surplus property through the State Agencies for Surplus Property program; and

''(B) issue a report that includes recommendations on how the program could be improved to ensure accountability and increase efficiencies in the property disposal process; and

''(8) not later than 1 year after the date of enactment of this subchapter and annually during the 4-year period beginning on the date that is 1 year after the date of enactment of this subchapter and ending on the date that is 5 years after the date of enactment of this subchapter, the Council shall submit to the Director a report that contains—

''(A) a list of the remaining excess property or surplus property that is real property, and underutilized properties of each Federal agency;

''(B) the progress of the Council toward developing guidance for Federal agencies to ensure that the assessment required under section 524(a)(11)(B) is carried out in a uniform manner;

''(C) the progress of Federal agencies toward achieving the goals established under section 524(a)(7); and

''(D) if necessary, recommendations for legislation or statutory reforms that would further the goals of the Council, including streamlining the disposal of excess real or personal property or underutilized property.

''(f) CONSULTATION.—In carrying out the duties described in subsection (e), the Council shall also consult with representatives of—

''(1) State, local, tribal authorities, and affected communities; and

''(2) appropriate private sector entities and nongovernmental organizations that have expertise in areas of—

''(A) commercial real estate and development;

''(B) government management and operations;

''(C) space planning;

''(D) community development, including transportation and planning;

''(E) historic preservation;

''(F) providing housing to the homeless population; and

''(G) personal property management.

''(g) COUNCIL RESOURCES.—The Director and the Administrator shall provide staffing, and administrative support for the Council, as appropriate.

''(h) ACCESS TO INFORMATION.—The Council shall make available, on request, all information generated by the Council in performing the duties of the Council to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(2) the Committee on Environment and Public Works of the Senate;

''(3) the Committee on Oversight and Government Reform of the House of Representatives;

''(4) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(5) the Comptroller General of the United States.

''(i) EXCLUSIONS.—In this section, surplus property shall not include—

''(1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));

''(2) any property that is excepted from the definition of the term 'property' under section 102;

''(3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

''(4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

''(5) any real property the Director excludes for reasons of national security;

''(6) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

''(A) the Secretary of the Interior, acting through—

''(i) the Director of the Bureau of Land Management;

''(ii) the Director of the National Park Service;

''(iii) the Commissioner of Reclamation; or

''(iv) the Director of the United States Fish and Wildlife Service; or

''(B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

''(7) any property operated and maintained by the United States Postal Service.

''§ 624. Inventory and database

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subchapter, the Administrator shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all Federal agencies.

''(b) CONTENTS.—The database shall include—

''(1) information provided to the Administrator under section 524(a)(11)(B); and

''(2) a list of property disposals completed, including—

''(A) the date and disposal method used for each property;

''(B) the proceeds obtained from the disposal of each property;

''(C) the amount of time required to dispose of the property, including the date on which the property is designated as excess property;

''(D) the date on which the property is designated as surplus property and the date on which the property is disposed; and

''(E) all costs associated with the disposal.

''(c) ACCESSIBILITY.—

''(1) COMMITTEES.—The database established under subsection (a) shall be made available on request to the Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) GENERAL PUBLIC.—Not later than 3 years after the date of enactment of this subchapter and to the extent consistent with national security, the Administrator shall make the database established under subsection (a) accessible to the public at no cost through the website of the General Services Administration.

''(d) EXCLUSIONS.—In this section, surplus property shall not include—

''(1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));

''(2) any property that is excepted from the definition of the term 'property' under section 102;

''(3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

''(4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

''(5) any real property the Director excludes for reasons of national security;

''(6) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

''(A) the Secretary of the Interior, acting through—

''(i) the Director of the Bureau of Land Management;

''(ii) the Director of the National Park Service;

''(iii) the Commissioner of Reclamation; or

''(iv) the Director of the United States Fish and Wildlife Service; or

''(B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

''(7) any property operated and maintained by the United States Postal Service.

''§ 625. Information on certain leasing authorities

''(a) IN GENERAL.—Except as provided in subsection (b), not later than December 31 of each year following the date of enactment of this subchapter, a Federal agency with independent leasing authority shall submit to the Council a list of all leases, including operating leases, in effect on the date of enactment of this subchapter that includes—

''(1) the date on which each lease was executed;

''(2) the date on which each lease will expire;

''(3) a description of the size of the space;

''(4) the location of the property;

''(5) the tenant agency;

''(6) the total annual rental payment; and

''(7) the amount of the net present value of the total estimated legal obligations of the Federal Government over the life of the contract.

''(b) EXCEPTION.—Subsection (a) shall not apply to—

''(1) the United States Postal Service; or

''(2) any other property the President excludes from subsection (a) for reasons of national security.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—PROPERTY MANAGEMENT

''Sec. 621. Definitions.
''Sec. 622. Collocation among United States Postal Service properties.
''Sec. 623. Establishment of a Federal Property Council.
''Sec. 624. Inventory and database.
''Sec. 625. Information on certain leasing authorities.''.

(2) TECHNICAL AMENDMENT.—Section 102 of title 40, United States Code, is amended in the matter preceding paragraph (1) by striking ''The'' and inserting ''Except as provided in subchapters VII and VIII of chapter 5 of this title, the''.

SEC. 2954. UNITED STATES POSTAL SERVICE PROPERTY MANAGEMENT.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, as amended by section 2953, is amended by adding at the end the following:

''Subchapter VIII—United States Postal Service Property Management

''§ 641. Definitions

''In this subchapter:

''(1) EXCESS PROPERTY.—The term 'excess property' means any postal property that the Postal Service determines is not required to meet the needs or responsibilities of the Postal Service.

''(2) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by, or under the control of, the Postal Service.

''(3) POSTAL SERVICE.—The term 'Postal Service' means the United States Postal Service.

''(4) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property, including any improvements, that is used—

''(A) irregularly or intermittently by the Postal Service for program purposes of the Postal Service; or

''(B) for program purposes that can be satisfied only with a portion of the property.

''§ 642. United States Postal Service property management

''The Postal Service—

''(1) shall maintain adequate inventory controls and accountability systems for postal property;

''(2) shall develop current and future workforce projections so as to have the capacity to assess the needs of the Postal Service workforce regarding the use of property;

''(3) may develop a 5-year management template that—

''(A) establishes goals and policies that will lead to the reduction of excess property and underutilized property in the inventory of the Postal Service;

''(B) adopts workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

''(C) assesses leased space to identify space that is not fully used or occupied;

''(D) develops recommendations on how to address excess capacity at Postal Service facilities without negatively impacting mail delivery; and

''(E) develops recommendations on ensuring the security of mail processing operations; and

''(4) shall, on a regular basis—

''(A) conduct an inventory of postal property that is real property; and

''(B) make an assessment of each property described in subparagraph (A), which shall include—

''(i) the age and condition of the property;

''(ii) the size of the property in square footage and acreage;

''(iii) the geographical location of the property, including an address and description;

''(iv) the extent to which the property is being utilized;

''(v) the actual annual operating costs associated with the property;

''(vi) the total cost of capital expenditures associated with the property;

''(vii) the number of postal employees, contractor employees, and functions housed at the property;

''(viii) the extent to which the mission of the Postal Service is dependent on the property; and

''(ix) the estimated amount of capital expenditures projected to maintain and operate the property over each of the next 5 years after the date of enactment of this subchapter.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, as amended by section 3, is amended by inserting after the item relating to section 626 the following:

''SUBCHAPTER VIII—UNITED STATES POSTAL SERVICE PROPERTY MANAGEMENT

''Sec. 641. Definitions.
''Sec. 642. United States Postal Service property management.''.

SEC. 2955. AGENCY RETENTION OF PROCEEDS.

Section 571 of title 40, United States Code, is amended to read as follows:

''§ 571. General rules for deposit and use of proceeds

''(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—

''(1) DEPOSIT OF NET PROCEEDS.—Net proceeds described in subsection (d) shall be deposited into the appropriate account of the agency that had custody and accountability for the property at the time the property is determined to be excess.

''(2) EXPENDITURE OF NET PROCEEDS.—The net proceeds deposited pursuant to paragraph (1) may only be expended as authorized in annual appropriations Acts, for—

''(A) activities described in sections 543 and 545, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title; and

''(B) activities pursuant to implementation of the Federal Buildings Personnel Training Act of 2010 (40 U.S.C. 581 note; Public Law 111–308).

''(3) DEFICIT REDUCTION.—Any net proceeds described in subsection (d) from the sale, lease, or other disposition of surplus real property that are not expended under paragraph (2) shall be used for deficit reduction.

''(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574.

''(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, for any property that reverts to the United States under sections 550 and 553, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for the property at the time the property is determined to be excess.

''(d) NET PROCEEDS.—The net proceeds described in this subsection are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a), from—

''(1) a transfer of excess real property to a Federal agency for agency use; or

''(2) a sale, lease, or other disposition of surplus real property.

''(e) PROCEEDS FROM TRANSFER OR SALE OF PERSONAL PROPERTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

''(2) PROCEEDS.—The proceeds described in this paragraph are proceeds under this chapter from—

''(A) a transfer of excess personal property to a Federal agency for agency use; or

''(B) a sale, lease, or other disposition of surplus personal property.

''(3) PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.—

''(A) IN GENERAL.—Subject to regulations under this subtitle, the expenses of the sale of personal property may be paid from the proceeds of the sale so that only the net proceeds are deposited in the Treasury.

''(B) APPLICATION.—This paragraph applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.''.

SEC. 2956. INSPECTOR GENERAL REPORT ON UNITED STATES POSTAL SERVICE PROPERTY.

(a) DEFINITION OF EXCESS PROPERTY.—In this section, the term ''excess property'' has the meaning given the term in section 641 of title 40, United States Code, as added by section 2954.

(b) EXCESS PROPERTY REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the United States Postal Service shall submit to Congress a report that includes—

(1) a survey of excess property held by the United States Postal Service; and

(2) recommendations for repurposing property identified in paragraph (1)—

(A) to—

(i) reduce excess capacity; and

(ii) increase collocation with other Federal agencies; and

(B) without diminishing the ability of the United States Postal Service to meet the service standards established under section 3691 of title 39, United States Code, as in effect on January 1, 2016.

SEC. 2957. REPORTS ON UNITED STATES POSTAL SERVICE FLEET MODERNIZATION.

(a) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall study and submit to Congress a report on—

(1) the feasibility of the United States Postal Service designing mail delivery vehicles that are equipped for diverse geographic conditions such as travel in rural areas and extreme weather conditions; and

(2) the feasibility and cost of the United States Postal Service integrating the use of collision-averting technology into its vehicle fleet.

(b) POSTAL SERVICE REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Postal Service shall submit to Congress a report that includes—

(1) a review of the efforts of the United States Postal Service relating to fleet replacement and modernization; and

(2) a strategy for carrying out the fleet replacement and lifecycle plan of the United States Postal Service.

SEC. 2958. SURPLUS PROPERTY DONATIONS TO MUSEUMS.

Section 549(c)(3)(B) of title 40, United States Code, is amended by striking clause (vii) and inserting the following:

''(vii) a museum open to the public on a regularly scheduled weekly basis, and the hours of operation are, at a minimum, during normal business hours (as determined by the Administrator);''.

SEC. 2959. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Section 524(a) of title 40, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) develop current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

''(7) establish goals and policies that will lead the executive agency to reduce excess property and underutilized property in the inventory of the executive agency;

''(8) submit to the Federal Property Council an annual report on all excess property that is real property and underutilized property in the inventory of the executive agency, including—

''(A) whether underutilized property can be better utilized, including through collocation with other executive agencies or consolidation with other facilities; and

''(B) the extent to which the executive agency believes that retention of the underutilized property serves the needs of the executive agency;

''(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

''(10) assess leased space to identify space that is not fully used or occupied;

''(11) on an annual basis and subject to the guidance of the Federal Property Council—

''(A) conduct an inventory of real property under control of the executive agency; and

''(B) make an assessment of each property, which shall include—

''(i) the age and condition of the property;

''(ii) the size of the property in square footage and acreage;

''(iii) the geographical location of the property, including an address and description;

''(iv) the extent to which the property is being utilized;

''(v) the actual annual operating costs associated with the property;

''(vi) the total cost of capital expenditures incurred by the Federal Government associated with the property;

''(vii) sustainability metrics associated with the property;

''(viii) the number of Federal employees and contractor employees and functions housed at the property;

''(ix) the extent to which the mission of the executive agency is dependent on the property;

''(x) the estimated amount of capital expenditures projected to maintain and operate the property during the 5-year period beginning on the date of enactment of this paragraph; and

''(xi) any additional information required by the Administrator of General Services to carry out section 623; and

''(12) provide to the Federal Property Council and the Administrator of General Services the information described in paragraph (11)(B) to be used for the establishment and maintenance of the database described in section 624.''.

(b) DEFINITION OF EXECUTIVE AGENCY.—Section 524 of title 40, United States Code, is amended by adding at the end the following:

''(c) DEFINITION OF EXECUTIVE AGENCY.—For the purpose of paragraphs (6) through (12) of subsection (a), the term 'executive agency' shall have the meaning given the term 'Federal agency' in section 621.''.

SA 4340. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. ENVIRONMENTAL TESTING AND REMEDIATION AT MILITARY INSTALLATIONS WHERE AQUEOUS FILM FORMING FOAM HAS BEEN USED.

(a) IDENTIFICATION OF POTENTIALLY CONTAMINATED SITES.—The Secretary of Defense shall direct the service secretaries to identify and make publicly available a list of military installations located in the United States where the fire extinguishing agent Aqueous Film Forming Foam was or could have been discharged.

(b) TESTING.—The Secretary of Defense shall make available to local water authorities and residents located at or near the military installations identified pursuant to subsection (a) testing of drinking water for the presence of perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) above the current Lifetime Health Advisory (LHA) limits.

(c) ACTIONS REQUIRED AT LOCATIONS WITH CONTAMINATION FOUND ABOVE LHA LIMITS.—If testing under subsection (b) identifies PFOS and PFOA contamination above LHA limits at or around a military installation identified under subsection (a), the Secretary of Defense shall—

(1) notify local residents within 15 days of the test results;

(2) provide affected individuals with an alternative, uncontaminated drinking water source within 15 days of such results that shall remain available until a remediation plan is fully implemented;

(3) develop and begin implementation of a remediation plan within 45 days of the results, unless such a plan is not technically feasible or is cost-prohibitive, in which case the Secretary may develop and implement a plan to provide a permanent alternative water supply to affected residents; and

(4) provide public status reports on the progress of implementation of the remediation plan every 45 days until remediation is complete.

SA 4341. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1531, add the following:

(c) AVAILABILITY OF FUNDS FOR COUNTERING MOVEMENT OF PRECURSOR MATERIALS.—

(1) IN GENERAL.—Of the funds made available for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2017 by this Act, up to $15,000,000 may be used by the Secretary of Defense to provide assistance in the form of training, equipment, supplies, and services to ministries and other governmental entities of any country that the Secretary of Defense, with the concurrence of the Secretary of State, has identified as critical for countering the movement of precursor materials for improvised explosive devices. Any such assistance shall be provided for the purpose of countering the movement of such precursor materials.

(2) PROVISION THROUGH OTHER UNITED STATES AGENCIES.—If agreed upon by the Secretary of Defense and the head of another department or agency of the United States, the Secretary may transfer funds available under paragraph (1) to the head of such department or agency for the provision by such department or agency of assistance described in that paragraph to ministries and other government entities of a country identified under that paragraph.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should increase efforts to combat the use of improvised explosive devices by the terrorist group the Islamic State of Iraq and the Levant (ISIL) and the illicit smuggling of improvised explosive device precursor materials by that terrorist group.

SA 4342. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2826. RETURN OF CERTAIN LANDS AT FORT WINGATE TO THE ORIGINAL INHABITANTS ACT.

(a) SHORT TITLE.—This section may be cited as the ''Return of Certain Lands At Fort Wingate to The Original Inhabitants Act''.

(b) DIVISION AND TREATMENT OF LANDS OF FORMER FORT WINGATE DEPOT ACTIVITY, NEW MEXICO, TO BENEFIT THE ZUNI TRIBE AND NAVAJO NATION.—

(1) IMMEDIATE TRUST ON BEHALF OF ZUNI TRIBE; EXCEPTION.—Subject to valid existing rights and to easements reserved pursuant to subsection (c), all right, title, and interest of the United States in and to the lands of Former Fort Wingate Depot Activity depicted in dark blue on the map titled ''The Fort Wingate Depot Activity Negotiated Property Division April 2016'' (in this section referred to as the ''Map'') and transferred to the Secretary of the Interior are to be held in trust by the Secretary of the Interior for the Zuni Tribe as part of the Zuni Reservation, unless the Zuni Tribe otherwise elects under clause (ii) of paragraph (3)(C) to have the parcel conveyed to it in Restricted Fee Status.

(2) IMMEDIATE TRUST ON BEHALF OF THE NAVAJO NATION; EXCEPTION.—Subject to valid existing rights and to easements reserved pursuant to subsection (c), all right, title, and interest of the United States in and to the lands of Former Fort Wingate Depot Activity depicted in dark green on the Map and transferred to the Secretary of the Interior are to be held in trust by the Secretary of the Interior for the Navajo Nation as part of the Navajo Reservation, unless the Navajo Nation otherwise elects under clause (ii) of paragraph (3)(C) to have the parcel conveyed to it in Restricted Fee Status.

(3) SUBSEQUENT TRANSFER AND TRUST; RESTRICTED FEE STATUS ALTERNATIVE.—

(A) TRANSFER UPON COMPLETION OF REMEDIATION.—Not later than 60 days after the date on which the Secretary of the Army, with the concurrence of the New Mexico Environment Department, notifies the Secretary of the Interior that remediation of a parcel of land of Former Fort Wingate Depot Activity has been completed consistent with subsection (d), the Secretary of the Army shall transfer administrative jurisdiction over the parcel to the Secretary of the Interior.

(B) NOTIFICATION OF TRANSFER.—Not later than 30 days after the date on which the Secretary of the Army transfers administrative jurisdiction over a parcel of land of Former Fort Wingate Depot Activity under subparagraph (A), the Secretary of the Interior shall notify the Zuni Tribe and Navajo Nation of the transfer of administrative jurisdiction over the parcel.

(C) TRUST OR RESTRICTED FEE STATUS.—

(i) TRUST.—Except as provided in clause (ii), the Secretary of the Interior shall hold each parcel of land of Former Fort Wingate Depot Activity transferred under subparagraph (A) in trust—

(I) for the Zuni Tribe, in the case of land depicted in blue on the Map; or

(II) for the Navajo Nation, in the case of land depicted in green on the Map.

(ii) RESTRICTED FEE STATUS.—In lieu of having a parcel of land held in trust under clause (i), the Zuni Tribe, with respect to land depicted in blue on the Map, and the Navajo Nation, with respect to land depicted in green on the Map, may elect to have the Secretary of the Interior convey the parcel or any portion of the parcel to it in restricted fee status.

(iii) NOTIFICATION OF ELECTION.—Not later than 45 days after the date on which the Zuni Tribe or the Navajo Nation receives notice under subparagraph (B) of the transfer of administrative jurisdiction over a parcel of land of Former Fort Wingate Depot Activity, the Zuni Tribe or the Navajo Nation shall notify the Secretary of the Interior of an election under clause (ii) for conveyance of the parcel or any portion of the parcel in restricted fee status.

(iv) CONVEYANCE.—As soon as practicable after receipt of a notice from the Zuni Tribe or the Navajo Nation under clause (iii), but in no case later than 6 months after receipt of the notice, the Secretary of the Interior shall convey, in restricted fee status, the parcel of land of Former Fort Wingate Depot Activity covered by the notice to the Zuni Tribe or the Navajo Nation, as the case may be.

(v) RESTRICTED FEE STATUS DEFINED.—For purposes of this section only, the term ''restricted fee status'', with respect to land conveyed under clause (iv), means that the land so conveyed—

(I) shall be owned in fee by the Indian tribe to whom the land is conveyed;

(II) shall be part of the Indian tribe's Reservation and expressly made subject to the jurisdiction of the Indian Tribe;

(III) shall not be sold by the Indian tribe without the consent of Congress;

(IV) shall not be subject to taxation by any government other than the government of the Indian tribe; and

(V) shall not be subject to any provision of law providing for the review or approval by the Secretary of the Interior before an Indian tribe may use the land for any purpose, directly or through agreement with another party.

(4) SURVEY AND BOUNDARY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Interior shall—

(i) provide for the survey of lands of Former Fort Wingate Depot Activity taken into trust for the Zuni Tribe or the Navajo Nation or conveyed in restricted fee status for the Zuni Tribe or the Navajo Nation under paragraph (1), (2), or (3); and

(ii) establish legal boundaries based on the Map as parcels are taken into trust or conveyed in restricted fee status.

(B) CONSULTATION.—Not later than 90 days after the date of the enactment of this section, the Secretary of the Interior shall consult with the Zuni Tribe and the Navajo Nation to determine their priorities regarding the order in which parcels should be surveyed and, to the greatest extent feasible, the Secretary shall follow these priorities.

(5) RELATION TO CERTAIN REGULATIONS.—Part 151 of title 25, Code of Federal Regulations, shall not apply to taking lands of Former Fort Wingate Depot Activity into trust under paragraph (1), (2), or (3).

(6) FORT WINGATE LAUNCH COMPLEX LAND STATUS.—Upon certification by the Secretary of Defense that the area generally depicted as ''Fort Wingate Launch Complex'' on the Map is no longer required for military purposes and can be transferred to the Secretary of the Interior—

(A) the areas generally depicted as ''FWLC A'' and ''FWLC B'' on the Map shall be held in trust by the Secretary of the Interior for the Zuni Tribe in accordance with this subsection; and

(B) the areas generally depicted as ''FWLC C'' and ''FWLC D'' on the Map shall be held in trust by the Secretary of the Interior for the Navajo Nation in accordance with this subsection.

(c) RETENTION OF NECESSARY EASEMENTS AND ACCESS.—

(1) RIGHTS-OF-WAY.—Entities operating on the land described herein, subject to prior easements and/or rights-of-way agreements, shall be granted a one-time 30-year extension of that agreement retroactive to the expiration of the prior agreement at existing compensation rates and subject to current Department of Interior regulations concerning easements and rights-of-ways. Compensation for future rights-of-way agreements and/or easements shall be negotiated between the parties based on prevailing market rates at the time of the negotiation.

(2) ACCESS FOR ENVIRONMENTAL RESPONSE ACTIONS.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (b) shall be subject to reserved access by the United States as the Secretary of the Army and the Secretary of the Interior determine are reasonably required to permit access to lands of Former Fort Wingate Depot Activity for administrative and environmental response purposes. The Secretary of the Army shall provide to the governments of the Zuni Tribe and the Navajo Nation written copies of all access reservations under this subsection.

(3) SHARED ACCESS.—

(A) PARCEL 1 SHARED CULTURAL AND RELIGIOUS ACCESS.—In the case of the lands of Former Fort Wingate Depot Activity depicted as Parcel 1 on the Map, the lands shall be held in trust subject to a shared easement for cultural and religious purposes only. Both the Zuni Tribe and the Navajo Nation shall have unhindered access to their respective cultural and religious sites within Parcel 1. Within 1 year after the date of the enactment of this section, the Zuni Tribe and the Navajo Nation shall exchange detailed information to document the existence of cultural and religious sites within Parcel 1 for the purpose of carrying out this subparagraph. The information shall also be provided to the Secretary of the Interior.

(B) OTHER SHARED ACCESS.—Subject to the written consent of both the Zuni Tribe and the Navajo Nation, the Secretary of the Interior may facilitate shared access to other lands held in trust or restricted fee status pursuant to subsection (b), including, but not limited to, religious and cultural sites.

(4) I–40 FRONTAGE ROAD ENTRANCE.—The access road for the Former Fort Wingate Depot Activity, which originates at the frontage road for Interstate 40 and leads to the parcel of the Former Fort Wingate Depot Activity depicted as ''administration area'' on the Map, shall be held in common by the Zuni Tribe and Navajo Nation to provide for equal access to Former Fort Wingate Depot Activity.

(5) COMPATIBILITY WITH DEFENSE ACTIVITIES.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (b) shall be subject to reservations by the United States as the Secretary of Defense determines are reasonably required to permit access to lands of the Fort Wingate launch complex for administrative, test operations, and launch operations purposes. The Secretary of Defense shall provide the governments of the Zuni Tribe and the Navajo Nation written copies of all reservations under this paragraph.

(d) ENVIRONMENTAL REMEDIATION.—Nothing in this section shall be construed as alleviating, altering, or affecting the responsibility of the United States for cleanup and remediation of Former Fort Wingate Depot

Activity in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

SA 4343. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V of division A, add the following:

SEC. 565. REPORT ON AVAILABILITY OF COLLEGE CREDIT FOR SKILLS ACQUIRED DURING MILITARY SERVICE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of Veterans Affairs, Education, and Labor, shall submit to Congress a report on the transfer of skills into equivalent college credits or technical certifications for members of the Armed Forces leaving the military. Such report shall describe each of the following:

(1) The ability of service members to receive transfer credit or technical certifications for military experience, including skills acquired during military service or training performed in the course of performing military duties.

(2) An evaluation of those schools that do provide such credit, the type and amount of credit provided, whether the number of schools providing such credit could be expanded, and obstacles to such expansion.

(3) A listing of civilian career fields best suited for the certifications and training obtained by technically-trained service members during their time in the Armed Forces.

(4) The number of veterans who were able to receive equivalent college credits or technical certifications in the last fiscal year, and the academic level of the credits or certifications.

SA 4344. Mr. SULLIVAN (for himself, Mr. WARNER, Mr. CORNYN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1247. MILITARY-TO-MILITARY EXCHANGES WITH INDIA.

To enhance military cooperation and encourage engagement in joint military operations between the United States and India, the Secretary of Defense may take appropriate actions to ensure that exchanges between senior military officers and senior civilian defense officials of the Government of India and the United States Government—

(1) are at a level appropriate to enhance engagement between the militaries of the two countries for developing threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, tactics, techniques, and procedures, and humanitarian assistance and disaster relief;

(2) include exchanges of general and flag officers; and

(3) significantly enhance joint military operations, including maritime security, counter-piracy, counter-terror cooperation, and domain awareness in the Indo-Asia-Pacific region.

SA 4345. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1221.

SA 4346. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Countering Foreign Propaganda and Disinformation Act

SEC. 1281. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign governments, including the Governments of the Russian Federation and the People's Republic of China, use disinformation and other propaganda tools to undermine the national security objectives of the United States and key allies and partners;

(2) the Russian Federation, in particular, has conducted sophisticated and large-scale disinformation campaigns that have sought to have a destabilizing effect on United States allies and interests;

(3) in the last decade disinformation has increasingly become a key feature of the Government of the Russian Federation's pursuit of political, economic, and military objectives in Ukraine, Moldova, Georgia, the Balkans, and throughout Central and Eastern Europe;

(4) the challenge of countering disinformation extends beyond effective strategic communications and public diplomacy, requiring a whole-of-government approach leveraging all elements of national power;

(5) the United States Government should develop a comprehensive strategy to counter foreign disinformation and propaganda and assert leadership in developing a fact-based strategic narrative; and

(6) an important element of this strategy should be to protect and promote a free, healthy, and independent press in countries vulnerable to foreign disinformation.

SEC. 1282. CENTER FOR INFORMATION ANALYSIS AND RESPONSE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in coordination with the Secretary of Defense, the Broadcasting Board of Governors, and other relevant departments and agencies, establish a Center for Information Analysis and Response (in this section referred to as the ''Center''). The purposes of the Center are—

(1) to coordinate the sharing with relevant government agencies of information, subject to the appropriate classification guidelines, on foreign government information warfare efforts, including information provided by recipients of information access fund grants awarded under subsection (e) and other sources;

(2) to establish a process for the integration of relevant information on foreign propaganda and disinformation efforts into the development of national strategy; and

(3) to develop, plan, and synchronize, in coordination with the Secretary of Defense, the Broadcasting Board of Governors, and other relevant departments and agencies, interagency initiatives to expose and counter foreign information operations directed against United States national security interests and proactively advance fact-based narratives that support United States allies and interests.

(b) FUNCTIONS.—The Center shall carry out the following functions:

(1) Integrating interagency efforts to track and evaluate counterfactual narratives abroad that threaten the national security interests of the United States and United States allies, subject to appropriate regulations governing the dissemination of classified information and programs.

(2) Analyzing relevant information from United States Government agencies, allied nations, think-tanks, academic institutions, civil society groups, and other nongovernmental organizations.

(3) Developing and disseminating thematic narratives and analysis to counter propaganda and disinformation directed at United States allies and partners in order to safeguard United States allies and interests.

(4) Identifying current and emerging trends in foreign propaganda and disinformation, including the use of print, broadcast, online and social media, support for third-party outlets such as think tanks, political parties, and nongovernmental organizations, in order to coordinate and shape the development of tactics, techniques, and procedures to expose and refute foreign misinformation and disinformation and proactively promote fact-based narratives and policies to audiences outside the United States.

(5) Facilitating the use of a wide range of information-related technologies and techniques to counter foreign disinformation by sharing expertise among agencies, seeking expertise from external sources, and implementing best practices.

(6) Identifying gaps in United States capabilities in areas relevant to the Center's mission and recommending necessary enhancements or changes.

(7) Identifying the countries and populations most susceptible to foreign government propaganda and disinformation.

(8) Administering the information access fund established pursuant to subsection (e).

(9) Coordinating with allied and partner nations, particularly those frequently targeted by foreign disinformation operations, and international organizations and entities such as the NATO Center of Excellence on Strategic Communications, the European Endowment for Democracy, and the European External Action Service Task Force on Strategic Communications, in order to amplify the Center's efforts and avoid duplication.

(c) COMPOSITION.—

(1) COORDINATOR.—The Secretary of State shall appoint a full-time Coordinator to lead the Center.

(2) STEERING COMMITTEE.—

(A) COMPOSITION.—The Secretary of State shall establish a Steering Committee composed of senior representatives of agencies relevant to the Center's mission to provide advice to the Secretary on the operations and strategic orientation of the Center and to ensure adequate support for the Center.

The Steering Committee shall include the officials set forth in subparagraph (C), one senior representative designated by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Administrator of the United States Agency for International Development, and the Chairman of the Broadcasting Board of Governors.

(B) MEETINGS.—The Steering Committee shall meet not less than every 3 months.

(C) CHAIRMAN AND VICE CHAIRMEN.—The Steering Committee shall be chaired by the Under Secretary of State for Political Affairs. A senior, Secretary of State-designated official responsible for digital media programming for foreign audiences and a senior, Secretary of Defense-designated official responsible for information operations shall serve as co-Vice Chairmen.

(D) EXECUTIVE SECRETARY.—The Coordinator of the Center shall serve as Executive Secretary of the Steering Committee.

(E) PARTICIPATION AND INDEPENDENCE.—The Chairman of the Broadcasting Board of Governors shall not compromise the journalistic freedom or integrity of relevant media organizations. Other Federal agencies may be invited to participate in the Steering Committee at the discretion of the Chairman of the Steering Committee and with the consent of the Secretary of State.

(d) STAFF.—

(1) IN GENERAL.—The Chairman may, with the consent of the Secretary and without regard to the civil service laws and regulations, appoint and terminate a Director and such other additional personnel as may be necessary to enable the Center to carry out its functions. The employment of the Director shall be subject to confirmation by the Steering Committee.

(2) COMPENSATION.—The Chairman may fix the compensation of the Director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Center without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(e) INFORMATION ACCESS FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State for fiscal years 2017 and 2018 $40,000,000 to support the Center and provide grants or contracts of financial support to civil society groups, journalists, nongovernmental organizations, federally funded research and development centers, private companies, or academic institutions for the following purposes:

(A) To support local independent media who are best placed to refute foreign disinformation and manipulation in their own communities.

(B) To collect and store examples in print, online, and social media, disinformation, misinformation, and propaganda directed at the United States and its allies and partners.

(C) To analyze tactics, techniques, and procedures of foreign government information warfare with respect to disinformation, misinformation, and propaganda.

(D) To support efforts by the Center to counter efforts by foreign governments to use disinformation, misinformation, and propaganda to influence the policies and social and political stability of the United States and United States allies and partners.

(2) FUNDING AVAILABILITY AND LIMITATIONS.—All organizations that apply to receive funds under this subsection must undergo a vetting process in accordance with the relevant existing regulations to ensure their bona fides, capability, and experience, and their compatibility with United States interests and objectives.

(3) OFFSET.—Savings derived from projected bulk fuel cost savings in the operation and maintenance, Defense-wide account shall be made available to cover the appropriation authorized in paragraph (1).

SEC. 1283. INCLUSION IN DEPARTMENT OF STATE EDUCATION AND CULTURAL EXCHANGE PROGRAMS OF FOREIGN STUDENTS AND COMMUNITY LEADERS FROM COUNTRIES AND POPULATIONS SUSCEPTIBLE TO FOREIGN MANIPULATION.

When selecting participants for United States educational and cultural exchange programs, the Secretary of State shall give special consideration to students and community leaders from populations and countries the Secretary deems vulnerable to foreign propaganda and disinformation campaigns.

SEC. 1284. REPORTS.

(a) IN GENERAL.—Not later than one year after the establishment of the Center, the Secretary of State shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, submit to the appropriate congressional committees a report evaluating the success of the Center in fulfilling the purposes for which it was authorized and outlining steps to improve any areas of deficiency.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

SEC. 1285. TERMINATION OF CENTER AND STEERING COMMITTEE.

The Center for Information Analysis and Response and the Steering Committee shall terminate ten years after the date of the enactment of this Act.

SEC. 1286. RULE OF CONSTRUCTION REGARDING RELATIONSHIP TO INTELLIGENCE AUTHORITIES AND ACTIVITIES.

Nothing in this Act shall be construed as superseding or modifying any existing authorities governing the collection, sharing, and implementation of intelligence programs and activities or existing regulations governing the sharing of classified information and programs.

SA 4347. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled ''Petersburg National Battlefield Boundary Expansion'', numbered 325/80,080, and dated March 2015. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') is authorized to acquire the land and interests in land, described in subsection (a), from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(2) TECHNICAL AMENDMENT.—Section 313(a) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3479) is amended by striking ''twenty-one'' and inserting ''twenty-five''.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as ''Area to be transferred to Fort Lee Military Reservation'' on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as ''Area to be transferred to Petersburg National Battlefield'' on the map described in paragraph (2).

(2) MAP.—The land transferred is depicted on the map titled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/80,801A, dated May 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer is without reimbursement or consideration.

(B) MANAGEMENT.—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of that park in accordance with applicable laws and regulations.

SA 4348. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 221. REPORT ON NATIONAL SECURITY IMPLICATIONS OF INDEPENDENT RESEARCH AND DEVELOPMENT INVESTMENTS WITHIN THE DEFENSE INDUSTRY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of

Defense shall submit to the congressional defense committees a report on the national security implications of independent research and development investments within the defense industry. The report shall include the following:

(1) An assessment of the short-term and long-term implications for the national security of the United States with respect to innovation, modernization, and technological superiority resulting from low levels of independent research and development investment within the defense industry.

(2) For fiscal years 2015 and 2016, an analysis of how firms in the defense industry have allocated corporate earnings, including a breakdown by allocation types such as—

(A) investments in research and development, labor force, or capital improvements;

(B) merger or acquisition activities; or

(C) activities to primarily increase shareholder value.

(3) An assessment whether regulations and acquisition policies of the Department of Defense provide incentives for firms in the defense industry to place a priority on short-term targets for earnings-per-share rather than on long-term capital investments.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to encourage, facilitate, and enhance independent research and development investments within the defense industry, and to spur innovation within the defense industry.

SA 4349. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. BORDER SECURITY ENFORCEMENT TRANSPARENCY.

(a) DEFINITIONS.—In this section

(1) BORDER SECURITY.—The term ''border security'' means the prevention of unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(2) CHECKPOINT.—The term ''checkpoint'' means a location—

(A) where vehicles or individuals traveling through the location are stopped or boarded by an officer of U.S. Customs and Border Protection for the purposes of enforcement of United States laws and regulations; and

(B) that is not located at a port of entry along an international border of the United States.

(3) LAW ENFORCEMENT OFFICIAL.—The term ''law enforcement official'' means—

(A) an officer or agent of U.S. Customs and Border Protection;

(B) an officer or agent of U.S. Immigration and Customs Enforcement; or

(C) an officer or employee of a State or a political subdivision of a State who is carrying out the functions of an immigration officer pursuant to an agreement entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)), pursuant to authorization under title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), or pursuant to any other agreement with the Department of Homeland Security.

(4) PATROL STOP.—The term ''patrol stop'' means seizure or interrogation of a motorist, passenger, or pedestrian initiated anywhere except as part of an inspection at a port of entry or checkpoint.

(5) PRIMARY INSPECTION.—The term ''primary inspection'' means an initial inspection of a vehicle or individual at a checkpoint.

(6) SECONDARY INSPECTION.—The term ''secondary inspection'' means a further inspection of a vehicle or individual that is conducted following a primary inspection.

(b) REQUIREMENT FOR DATA COLLECTION REGARDING STOPS AND SEARCHES INTENDED TO ENFORCE BORDER SECURITY.—A law enforcement official who initiates a patrol stop or who detains any individual beyond a brief and limited inquiry during a primary inspection, including by referral to a secondary inspection or by conducting a search of the vehicle or its occupants, shall collect the following data:

(1) The date, time, and location of the contact.

(2) The surname and date of birth of the individual subject to the contact.

(3) The law enforcement official's basis for, or circumstances surrounding, the action, including if such individual's perceived race or ethnicity contributed to such basis.

(4) The identifying characteristics of such individual, including the individual's perceived race, gender, ethnicity, and approximate age.

(5) The duration of the stop, detention, or search, whether consent was requested and obtained for detention and any search, and the name of the person who provided such consent.

(6) A description of any articulable facts and behavior by the individual that justify initiating a stop or probable cause to justify any search pursuant to such contact.

(7) A description of any items seized during such search, including contraband or money, and a specification of the type of search conducted.

(8) Whether any warning or citation was issued as a result of such contact and the basis for such warning or citation.

(9) Whether an arrest or detention was made as a result of such contact, the justification for such arrest or detention, and the ultimate disposition of such arrest.

(10) Whether the affected individual is undergoing immigration proceedings as of the date of the annual report.

(11) The immigration status of the individual and whether removal proceedings were subsequently initiated against the individual.

(12) Whether force was used by the law enforcement official and if so, the type of force and justification for using force

(13) Whether any complaint was made by the individual, and if so whether there was any follow-up made regarding the complaint.

(14) The badge number of the law enforcement official involved in the complaint.

(15) If the action was initiated by a State or local law enforcement agency, the reason for involvement of a Federal law enforcement official, the duration of the stop prior to contact with any Federal law enforcement official, the method by which a Federal law enforcement official was informed of the stop, and whether the individual was being held by State or local officials on State criminal charges at the time of such contact.

(c) REQUIREMENT FOR U.S. CUSTOMS AND BORDER PROTECTION DATA COLLECTION REGARDING CHECKPOINTS.—The Commissioner of U.S. Customs and Border Protection shall collect data on the number of permanent and temporary checkpoints utilized by officers of U.S. Customs and Border Protection, the location of each such checkpoint, and a description of each such checkpoint, including the presence of any other law enforcement agencies and the use of law enforcement resources such as canines.

(d) COMPILATION OF DATA.—

(1) DEPARTMENT OF HOMELAND SECURITY LAW ENFORCEMENT OFFICIALS.—The Secretary of Homeland Security shall compile the data—

(A) collected under subsection (b) by officers of U.S. Immigration and Customs Enforcement and by officers of U.S. Customs and Border Protection; and

(B) collected under subsection (c) by the Commissioner of U.S. Customs and Border Protection.

(2) OTHER LAW ENFORCEMENT OFFICIALS.—The head of each agency, department, or other entity that employs law enforcement officials other than officers referred to in paragraph (1) shall—

(A) compile the data collected by such law enforcement officials pursuant to subsection (b); and

(B) submit the compiled data to the Secretary of Homeland Security.

(e) USE OF DATA.—The Secretary of Homeland Security shall consider the data compiled under subsection (d) in making policy and program decisions related to enforcement of border security.

(f) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than one year after the effective date of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the data compiled under subsection (d) that includes all such data for the previous year.

(2) AVAILABILITY.—Each report submitted under paragraph (1) shall be made available to the public, except for particular data if the Secretary explicitly invokes an exemption contained in paragraphs (1) through (9) of section 552(b) of title 5, United States Code, and provides a written explanation for the exemption's applicability.

(g) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SA 4350. Mr. WARNER (for himself, Mr. CARPER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. ENERGY PREPAREDNESS FOR THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense and the Armed Forces to ensure the readiness of the Armed Forces for their military missions by pursuing energy preparedness, including reliable sources of electric power and the efficient use of electric power.

(b) AUTHORITIES.—In order to achieve the policy set forth in subsection (a), the Secretary of Defense may take the actions as follows:

(1) ELECTRIC POWER RELIABILITY PLANS FOR MILITARY INSTALLATIONS.—The Secretary may require the service secretaries to establish and maintain electric power reliability plans that best meet their installations' mission assurance guidelines.

(2) RELIABILITY OF ELECTRIC POWER AND COST OF BACKUP POWER AS FACTORS IN PROCUREMENT.—The Secretary may authorize

the use of reliability and the cost of backup power as factors in the cost-benefit analysis for procurement of electric power.

SA 4351. Mr. REID (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 536, insert the following:

SEC. 536A. INDEXING AND PUBLIC AVAILABILITY OF DECISIONS AND OTHER DOCUMENTS IN CONNECTION WITH ACTIONS OF BOARDS FOR THE CORRECTION OF MILITARY RECORDS.

Section 1552(a) of title 10, United States Code, as amended by section 536(a)(1) of this Act, is further amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) The record of the votes of each board under this section, and all other statements of findings, conclusions, and recommendations made on final determinations of applications by such board, shall be indexed and promptly made available for public inspection and copying at the Armed Forces Discharge Review/Correction Boards Reading Room located on the Concourse of the Pentagon Building in Room 2E123, Washington, DC.

''(B) Any documents made available for public inspection and copying pursuant to subparagraph (A) shall be indexed in a usable and concise form so as to enable the public to identify cases similar in issue together with the circumstances under or reasons for which the board concerned granted or denied relief. Each index shall be published quarterly, and shall be available for public inspection and distribution by sale at the Reading Room referred to in subparagraph (A).

''(C) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, the following shall be deleted from documents made available for public inspection and copying pursuant to subparagraph (A):

''(i) Identifying details of applicants and other persons.

''(ii) Names, addresses, social security numbers, and military service numbers.

''(iii) Subject to subparagraph (D), other information that is privileged or classified.

''(D) Information that is privileged or classified may be deleted pursuant to subparagraph (C)(iii) from documents made available for public inspection and copying pursuant to subparagraph (A) only if a written statement of the basis for such deletion is made available for public inspection.''.

SA 4352. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SECTION 1097. AUTHORIZATION OF THE OFFICE FOR PARTNERSHIPS AGAINST VIOLENT EXTREMISM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by inserting after section 801 the following:

''SEC. 802. OFFICE FOR PARTNERSHIPS AGAINST VIOLENT EXTREMISM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Partnerships Against Violent Extremism designated under subsection (c).

''(3) COUNTERING VIOLENT EXTREMISM.—The term 'countering violent extremism' means proactive and relevant actions to counter recruitment, radicalization, and mobilization to violence and to address the immediate factors that lead to violent extremism and radicalization.

''(4) DOMESTIC TERRORISM; INTERNATIONAL TERRORISM.—The terms 'domestic terrorism' and 'international terrorism' have the meanings given those terms in section 2331 of title 18, United States Code.

''(5) RADICALIZATION.—The term 'radicalization' means the process by which an individual chooses to facilitate or commit domestic terrorism or international terrorism.

''(6) VIOLENT EXTREMISM.—The term 'violent extremism' means international or domestic terrorism.

''(b) ESTABLISHMENT.—There is in the Department an Office for Partnerships Against Violent Extremism.

''(c) HEAD OF OFFICE.—The Office for Partnerships Against Violent Extremism shall be headed by an Assistant Secretary for Partnerships Against Violent Extremism, who shall be designated by the Secretary and report directly to the Secretary.

''(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT OF PERSONNEL.—The Secretary shall—

''(1) designate a career Deputy Assistant Secretary for Partnerships Against Violent Extremism; and

''(2) assign or hire, as appropriate, permanent staff to the Office for Partnerships Against Violent Extremism.

''(e) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Assistant Secretary shall be responsible for the following:

''(A) Leading the efforts of the Department to counter violent extremism across all the components and offices of the Department that conduct strategic and supportive efforts to counter violent extremism. Such efforts shall include the following:

''(i) Partnering with communities to address vulnerabilities that can be exploited by violent extremists in the United States and explore potential remedies for Government and non-government institutions.

''(ii) Working with civil society groups and communities to counter violent extremist propaganda, messaging, or recruitment.

''(iii) In coordination with the Office for Civil Rights and Civil Liberties of the Department, managing the outreach and engagement efforts of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

''(iv) Ensuring relevant information, research, and products inform efforts to counter violent extremism.

''(v) Developing and maintaining Department-wide strategy, plans, policies, and programs to counter violent extremism. Such plans shall, at a minimum, address each of the following:

''(I) The Department's plan to leverage new and existing Internet and other technologies and social media platforms to improve non-government efforts to counter violent extremism, as well as the best practices and lessons learned from other Federal, State, local, tribal, territorial, and foreign partners engaged in similar counter-messaging efforts.

''(II) The Department's countering violent extremism-related engagement efforts.

''(III) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism.

''(vi) Coordinating with the Office for Civil Rights and Civil Liberties of the Department to ensure all of the activities of the Department related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all persons.

''(vii) In coordination with the Under Secretary for Science and Technology and in consultation with the Under Secretary for Intelligence and Analysis, identifying and recommending new empirical research and analysis requirements to ensure the dissemination of information and methods for Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement personnel, and non-governmental partners to utilize such research and analysis.

''(viii) Assessing the methods used by violent extremists to disseminate propaganda and messaging to communities at risk for recruitment by violent extremists.

''(B) Developing a digital engagement strategy that expands the outreach efforts of the Department to counter violent extremist messaging by—

''(i) exploring ways to utilize relevant Internet and other technologies and social media platforms; and

''(ii) maximizing other resources available to the Department.

''(C) Serving as the primary representative of the Department in coordinating countering violent extremism efforts with other Federal departments and agencies and non-governmental organizations.

''(D) Serving as the primary Department-level representative in coordinating with the Department of State on international countering violent extremism issues.

''(E) In coordination with the Administrator, providing guidance regarding the use of grants made to State, local, and tribal governments under sections 2003 and 2004 under the allowable uses guidelines related to countering violent extremism.

''(F) Developing a plan to expand philanthropic support for domestic efforts related to countering violent extremism, including by identifying viable community projects and needs for possible philanthropic support.

''(2) COMMUNITIES AT RISK.—For purposes of this subsection, the term 'communities at risk' shall not include a community that is determined to be at risk solely on the basis of race, religious affiliation, or ethnicity.

''(f) STRATEGY TO COUNTER VIOLENT EXTREMISM IN THE UNITED STATES.—

''(1) STRATEGY.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives a comprehensive Department strategy to counter violent extremism in the United States.

''(2) CONTENTS OF STRATEGY.—The strategy required under paragraph (1) shall, at a minimum, address each of the following:

''(A) The Department's digital engagement effort, including a plan to leverage new and existing Internet, digital, and other technologies and social media platforms to counter violent extremism, as well as the best practices and lessons learned from other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners engaged in similar counter-messaging activities.

''(B) The Department's countering violent extremism-related engagement and outreach activities.

''(C) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for activities relating to countering violent extremism.

''(D) Ensuring all activities related to countering violent extremism adhere to relevant Department and applicable Department of Justice guidance regarding privacy, civil rights, and civil liberties, including safeguards against discrimination.

''(E) The development of qualitative and quantitative outcome-based metrics to evaluate the Department's programs and policies to counter violent extremism.

''(F) An analysis of the homeland security risk posed by violent extremism based on the threat environment and empirical data assessing terrorist activities and incidents, and violent extremist propaganda, messaging, or recruitment.

''(G) Information on the Department's near-term, mid-term, and long-term risk-based goals for countering violent extremism, reflecting the risk analysis conducted under subparagraph (F).

''(3) STRATEGIC CONSIDERATIONS.—In drafting the strategy required under paragraph (1), the Secretary shall consider including the following:

''(A) Departmental efforts to undertake research to improve the Department's understanding of the risk of violent extremism and to identify ways to improve countering violent extremism activities and programs, including outreach, training, and information sharing programs.

''(B) The Department's nondiscrimination policies as they relate to countering violent extremism.

''(C) Departmental efforts to help promote community engagement and partnerships to counter violent extremism in furtherance of the strategy.

''(D) Departmental efforts to help increase support for programs and initiatives to counter violent extremism of other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners that are in furtherance of the strategy, and which adhere to all relevant constitutional, legal, and privacy protections.

''(E) Departmental efforts to disseminate to local law enforcement agencies and the general public information on resources, such as training guidance, workshop reports, and the violent extremist threat, through multiple platforms, including the development of a dedicated webpage, and information regarding the effectiveness of those efforts.

''(F) Departmental efforts to use cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism, and information regarding the effectiveness of those efforts.

''(G) Information on oversight mechanisms and protections to ensure that activities and programs undertaken pursuant to the strategy adhere to all relevant constitutional, legal, and privacy protections.

''(H) Departmental efforts to conduct oversight of all countering violent extremism training and training materials and other resources developed or funded by the Department.

''(I) Departmental efforts to foster transparency by making, to the extent practicable, all regulations, guidance, documents, policies, and training materials publicly available, including through any webpage developed under subparagraph (E).

''(4) STRATEGIC IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary submits the strategy required under paragraph (1), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives an implementation plan for each of the components and offices of the Department with responsibilities under the strategy.

''(B) CONTENTS.—The implementation plan required under subparagraph (A) shall include an integrated master schedule and cost estimate for activities and programs contained in the implementation plan, with specificity on how each such activity and program aligns with near-term, mid-term, and long-term goals specified in the strategy required under paragraph (1).

''(g) ANNUAL REPORT.—Not later than April 1, 2017, and annually thereafter, the Assistant Secretary shall submit to Congress an annual report on the Office for Partnerships Against Violent Extremism, which shall include the following:

''(1) A description of the status of the programs and policies of the Department for countering violent extremism in the United States.

''(2) A description of the efforts of the Office for Partnerships Against Violent Extremism to cooperate with and provide assistance to other Federal departments and agencies.

''(3) Qualitative and quantitative metrics for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies.

''(4) An accounting of—

''(A) grants and cooperative agreements awarded by the Department to counter violent extremism; and

''(B) all training specifically aimed at countering violent extremism sponsored by the Department.

''(5) An analysis of how the Department's activities to counter violent extremism correspond and adapt to the threat environment.

''(6) A summary of how civil rights and civil liberties are protected in the Department's activities to counter violent extremism.

''(7) An evaluation of the use of section 2003 and section 2004 grants and cooperative agreements awarded to support efforts of local communities in the United States to counter violent extremism, including information on the effectiveness of such grants and cooperative agreements in countering violent extremism.

''(8) A description of how the Office for Partnerships Against Violent Extremism incorporated lessons learned from the countering violent extremism programs and policies of foreign, State, local, tribal, and territorial governments and stakeholder communities.

''(h) ANNUAL REVIEW.—Not later than 1 year after the date of enactment of this section, and every year thereafter, the Office for Civil Rights and Civil Liberties of the Department shall—

''(1) conduct a review of the Office for Partnerships Against Violent Extremism activities to ensure that all of the activities of the Office related to countering violent extremism respect the privacy, civil rights, and civil liberties of all persons; and

''(2) make publicly available on the website of the Department a report containing the results of the review conducted under paragraph (1).''; and

(2) in section 2008(b)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) to support any organization or group which has knowingly or recklessly funded domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code) or organization or group known to engage in or recruit to such activities, as determined by the Assistant Secretary for Partnerships Against Violent Extremism in consultation with the Administrator and the heads of other appropriate Federal departments and agencies.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 801 the following:

''Sec. 802. Office for Partnerships Against Violent Extremism.''.

(c) SUNSET.—Effective on the date that is 7 years after the date of enactment of this Act—

(1) section 802 of the Homeland Security Act of 2002, as added by subsection (a), is repealed; and

(2) the table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the item relating to section 802.

SA 4353. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Open Government Data

SEC. 1097. SHORT TITLE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Open, Public, Electronic, and Necessary Government Data Act'' or the ''OPEN Government Data Act''.

SEC. 1098. FINDINGS; AGENCY DEFINED.

(a) FINDINGS.—Congress finds the following:

(1) Federal Government data is a valuable national resource. Managing Federal Government data to make it open, available, discoverable, and useable to the general public, businesses, journalists, academics, and advocates promotes efficiency and effectiveness in Government, creates economic opportunities, promotes scientific discovery, and most importantly, strengthens our democracy.

(2) Maximizing the usefulness of Federal Government data that is appropriate for release rests upon making it readily available, discoverable, and usable—in a word: open. Information presumptively should be available to the general public unless the Federal Government reasonably foresees that disclosure could harm a specific, articulable interest

protected by law or the Federal Government is otherwise expressly prohibited from releasing such data due to statutory requirements.

(3) The Federal Government has the responsibility to be transparent and accountable to its citizens.

(4) Data controlled, collected, or created by the Federal Government should be originated, transmitted, and published in modern, open, and electronic format, to be as readily accessible as possible, consistent with data standards imbued with authority under this subtitle and to the extent permitted by law.

(5) The effort to inventory Government data will have additional benefits, including identifying opportunities within agencies to reduce waste, increase efficiencies, and save taxpayer dollars. As such, this effort should involve many types of data, including data generated by applications, devices, networks, and equipment, which can be harnessed to improve operations, lower energy consumption, reduce costs, and strengthen security.

(6) Communication, commerce, and data transcend national borders. Global access to Government information is often essential to promoting innovation, scientific discovery, entrepreneurship, education, and the general welfare.

(b) AGENCY DEFINED.—In this subtitle, the term ''agency'' has the meaning given that term in section 3502 of title 44, United States Code, and includes the Federal Election Commission.

SEC. 1099. RULE OF CONSTRUCTION.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the disclosure of information or records that are exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

SEC. 1099A. FEDERAL INFORMATION POLICY DEFINITIONS.

Section 3502 of title 44, United States Code, is amended—

(1) in paragraph (13), by striking ''; and'' at the end and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

''(16) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

''(17) the term 'Enterprise Data Inventory' means the data inventory developed and maintained pursuant to section 3523;

''(18) the term 'machine-readable' means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

''(19) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

''(20) the term 'nonpublic data asset'—

''(A) means a data asset that may not be made available to the public for privacy, security, confidentiality, regulation, or other reasons as determined by law; and

''(B) includes data provided by contractors that is protected by contract, license, patent, trademark, copyright, confidentiality, regulation, or other restriction;

''(21) the term 'open format' means a technical format based on an underlying open standard that is—

''(A) not encumbered by restrictions that would impede use or reuse; and

''(B) based on an underlying open standard that is maintained by a standards organization;

''(22) the term 'open Government data' means a Federal Government public data asset that is—

''(A) machine-readable;

''(B) available in an open format; and

''(C) part of the worldwide public domain or, if necessary, published with an open license;

''(23) the term 'open license' means a legal guarantee applied to a data asset that is made available to the public that such data asset is made available—

''(A) at no cost to the public; and

''(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting; and

''(24) the term 'public data asset' means a collection of data elements or a data set maintained by the Government that—

''(A) may be released; or

''(B) has been released to the public in an open format and is discoverable through a search of Data.gov.''.

SEC. 1099B. REQUIREMENT FOR MAKING OPEN AND MACHINE-READABLE THE DEFAULT FOR GOVERNMENT DATA.

(a) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3522. Requirements for Government data

''(a) MACHINE-READABLE DATA REQUIRED.—Government data assets made available by an agency shall be published as machine-readable data.

''(b) OPEN BY DEFAULT.—When not otherwise prohibited by law, and to the extent practicable, Government data assets shall—

''(1) be available in an open format; and

''(2) be available under open licenses.

''(c) OPEN LICENSE OR WORLDWIDE PUBLIC DOMAIN DEDICATION REQUIRED.—When not otherwise prohibited by law, and to the extent practicable, Government data assets published by or for an agency shall be made available under an open license or, if not made available under an open license and appropriately released, shall be considered to be published as part of the worldwide public domain.

''(d) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, non-profit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the agency's public data asset in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law and regulation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, is amended by inserting after the item relating to section 3521 the following:

''3522. Requirements for Government data.''.

(c) EFFECTIVE DATE.—Notwithstanding section 1099G, the amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(d) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3522 of title 44, United States Code, as added by subsection (a).

SEC. 1099C. RESPONSIBILITIES OF THE OFFICE OF ELECTRONIC GOVERNMENT.

(a) COORDINATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT POLICY.—Section 3503 of title 44, United States Code, is amended by adding at the end the following:

''(c) COORDINATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT POLICY.—The Federal Chief Information Officer shall work in coordination with the Administrator of the Office of Information and Regulatory Affairs and with the heads of other offices within the Office of Management and Budget to oversee and advise the Director on Federal information resources management policy.''.

(b) AUTHORITY AND FUNCTIONS OF DIRECTOR.—Section 3504(h) of title 44, United States Code, is amended—

(1) in paragraph (1), by inserting '', the Federal Chief Information Officer,'' after ''the Director of the National Institute of Standards and Technology'';

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon; and

(B) by adding at the end the following:

''(C) oversee the completeness of the Enterprise Data Inventory and the extent to which the agency is making all data collected and generated by the agency available to the public in accordance with section 3523;'';

(3) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(6) coordinate the development and review of Federal information resources management policy by the Administrator of the Office of Information and Regulatory Affairs and the Federal Chief Information Officer.''.

(c) CHANGE OF NAME OF THE OFFICE OF ELECTRONIC GOVERNMENT.—

(1) DEFINITIONS.—Section 3601 of title 44, United States Code, is amended—

(A) by striking paragraph (1);

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

(C) by inserting after paragraph (3), as so redesignated, the following:

''(4) 'Federal Chief Information Officer' means the Federal Chief Information Officer of the Office of the Federal Chief Information Officer established under section 3602;''.

(2) OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER.—Section 3602 of title 44, United States Code, is amended—

(A) in the heading, by striking ''**Electronic Government**'' and inserting ''**the Federal Chief Information Officer**'';

(B) in subsection (a), by striking ''Office of Electronic Government'' and inserting ''Office of the Federal Chief Information Officer'';

(C) in subsection (b), by striking ''an Administrator'' and inserting ''a Federal Chief Information Officer'';

(D) in subsection (c), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(E) in subsection (d), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(F) in subsection (e), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(G) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking ''the Administrator shall'' and inserting ''the Federal Chief Information Officer shall''; and

(ii) in paragraph (16), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''; and

(H) in subsection (g), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''.

(3) CHIEF INFORMATION OFFICERS COUNCIL.—Section 3603 of title 44, United States Code, is amended—

(A) in subsection (b)(2), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer'';

(B) in subsection (c)(1), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer''; and

(C) in subsection (f)(3), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(4) E–GOVERNMENT FUND.—Section 3604 of title 44, United States Code, is amended—

(A) in subsection (a)(2), by striking ''the Administrator of the Office of Electronic Government'' and inserting ''the Federal Chief Information Officer'';

(B) in subsection (b), by striking ''Administrator'' each place it appears and inserting ''Federal Chief Information Officer''; and

(C) in subsection (c), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(5) PROGRAM TO ENCOURAGE INNOVATIVE SOLUTIONS TO ENHANCE ELECTRONIC GOVERNMENT SERVICES AND PROCESSES.—Section 3605 of title 44, United States Code, is amended—

(A) in subsection (a), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(B) in subsection (b), by striking '', the Administrator,'' and inserting '', the Federal Chief Information Officer,''; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer''; and

(II) by striking ''proposals submitted to the Administrator'' and inserting ''proposals submitted to the Federal Chief Information Officer'';

(ii) in paragraph (2), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(iii) in paragraph (4), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(6) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 36 of title 44, United States Code, is amended by striking the item relating to section 3602 and inserting the following:

''3602. Office of the Federal Chief Information Officer.''.

(B) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' and inserting ''Federal Chief Information Officer''.

(C) OFFICE OF ELECTRONIC GOVERNMENT.—Section 507 of title 31, United States Code, is amended by striking ''The Office of Electronic Government'' and inserting ''The Office of the Federal Chief Information Officer''.

(D) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—Section 305 of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' and inserting ''Federal Chief Information Officer''.

(E) CAPITAL PLANNING AND INVESTMENT CONTROL.—Section 11302(c)(4) of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' each place it appears and inserting ''Federal Chief Information Officer''.

(F) RESOURCES, PLANNING, AND PORTFOLIO MANAGEMENT.—The second subsection (c) of section 11319 of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' each place it appears and inserting ''Federal Chief Information Officer''.

(G) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—

(i) Section 2222(i)(6) of title 10, United States Code, is amended by striking ''section 3601(4)'' and inserting ''section 3601(3)''.

(ii) Section 506D(k)(1) of the National Security Act of 1947 (50 U.S.C. 3100(k)(1)) is amended by striking ''section 3601(4)'' and inserting ''section 3601(3)''.

(7) RULE OF CONSTRUCTION.—The amendments made by this subsection are for the purpose of changing the name of the Office of Electronic Government and the Administrator of such office and shall not be construed to affect any of the substantive provisions of the provisions amended or to require a new appointment by the President.

SEC. 1099D. DATA INVENTORY AND PLANNING.

(a) ENTERPRISE DATA INVENTORY.—

(1) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, as amended by section 1099B, is amended by adding at the end the following:

''§ 3523. Enterprise data inventory

''(a) AGENCY DATA INVENTORY REQUIRED.—

''(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director of the Office of Management and Budget, shall develop and maintain an enterprise data inventory (in this section referred to as the 'Enterprise Data Inventory') that accounts for any data asset created, collected, under the control or direction of, or maintained by the agency after the effective date of this section, with the ultimate goal of including all data assets, to the extent practicable.

''(2) CONTENTS.—The Enterprise Data Inventory shall include each of the following:

''(A) Data assets used in agency information systems, including program administration, statistical, and financial activity.

''(B) Data assets shared or maintained across agency programs and bureaus.

''(C) Data assets that are shared among agencies or created by more than 1 agency.

''(D) A clear indication of all data assets that can be made publicly available under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act').

''(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is currently available to the public.

''(F) Non-public data assets.

''(G) Government data assets generated by applications, devices, networks, and equipment, categorized by source type.

''(b) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency shall use the guidance provided by the Director issued pursuant to section 3504(a)(1)(C)(ii) to make public data assets included in the Enterprise Data Inventory publicly available in an open format and under an open license.

''(c) NON-PUBLIC DATA.—Non-public data included in the Enterprise Data Inventory may be maintained in a non-public section of the inventory.

''(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency—

''(1) shall make the Enterprise Data Inventory available to the public on Data.gov;

''(2) shall ensure that access to the Enterprise Data Inventory and the data contained therein is consistent with applicable law and regulation; and

''(3) may implement paragraph (1) in a manner that maintains a non-public portion of the Enterprise Data Inventory.

''(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

''(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

''(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

''(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, as amended by section 5, is amended by inserting after the item relating to section 3522 the following:

''3523. Enterprise data inventory.''.

(b) STANDARDS FOR ENTERPRISE DATA INVENTORY.—Section 3504(a)(1) of title 44, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(C) issue standards for the Enterprise Data Inventory described in section 3523, including—

''(i) a requirement that the Enterprise Data Inventory include a compilation of metadata about agency data assets; and

''(ii) criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

''(I) the expectation of confidentiality associated with an individual data asset;

''(II) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

''(III) the cost and value to the public of converting the data into a manner that could be understood and used by the public;

''(IV) the expectation that all data assets that would otherwise be made available under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act') be disclosed; and

''(V) any other considerations that the Director determines to be relevant.''.

(c) FEDERAL AGENCY RESPONSIBILITIES.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(C), by striking ''security;'' and inserting the following: ''security by—

''(i) using open format for any new Government data asset created or obtained on the date that is 1 year after the date of enactment of this clause; and

''(ii) to the extent practicable, encouraging the adoption of open form for all open Government data created or obtained before the date of enactment of this clause;''.

(B) in paragraph (4), by striking ''subchapter; and'' and inserting ''subchapter and a review of each agency's Enterprise Data Inventory described in section 3523;'';

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) in consultation with the Director, develop an open data plan as a part of the requirement for a strategic information resources management plan described in paragraph (2) that, at a minimum and to the extent practicable—

''(A) requires the agency to develop processes and procedures that—

''(i) require each new data collection mechanism to use an open format; and

''(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data;

''(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability, recommendations for improvements, and complaints about adherence to open data requirements in accordance with subsection (d)(2);

''(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data;

''(D) requires the agency to update the plan at an interval determined by the Director;

''(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, that allow for the acquisition of innovative solutions from the public and private sector; and

''(F) prohibits the dissemination and accidental disclosure of nonpublic data assets.'';

(2) in subsection (c), by striking ''With respect to'' and inserting ''Except as provided under subsection (j), with respect to'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''shall'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''shall'' before ''ensure'';

(ii) in subparagraph (A), by striking ''sources'' and inserting ''sources and uses''; and

(iii) in subparagraph (C), by inserting '', including providing access to open Government data online'' after ''economical manner'';

(C) in paragraph (2), by inserting ''shall'' before ''regularly'';

(D) in paragraph (3)—

(i) by inserting ''shall'' before ''provide''; and

(ii) by striking ''; and'' and inserting a semicolon;

(E) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''may'' before ''not''; and

(ii) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(5) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required by subsection (b)(6); and

''(6) may engage the public in using open Government data and encourage collaboration by—

''(A) publishing information on open Government data usage in regular, timely intervals, but not less than annually;

''(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

''(C) assisting civil society groups and members of the public working to expand the use of open Government data; and

''(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data.''; and

(4) by adding at the end the following:

''(j) COLLECTION OF INFORMATION EXCEPTION.—Notwithstanding subsection (c), an agency is not required to meet the requirements of paragraphs (2) and (3) of such subsection if—

''(1) the waiver of those requirements is approved by the head of the agency;

''(2) the collection of information is—

''(A) online and electronic;

''(B) voluntary and there is no perceived or actual tangible benefit to the provider of the information;

''(C) of an extremely low burden that is typically completed in 5 minutes or less; and

''(D) focused on gathering input about the performance of, or public satisfaction with, an agency providing service; and

''(3) the agency publishes representative summaries of the collection of information under subsection (c).''.

(d) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices. The repository shall—

(1) include definitions, regulation and policy, checklists, and case studies related to open data, this subtitle, and the amendments made by this subtitle; and

(2) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(e) SYSTEMATIC AGENCY REVIEW OF OPERATIONS.—Section 305 of title 5, United States Code, is amended—

(1) in subsection (b), by adding at the end the following: ''To the extent practicable, each agency shall use existing data to support such reviews if the data is accurate and complete.'';

(2) in subsection (c)—

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

(B) by inserting after paragraph (1) the following:

''(2) determining the status of achieving the mission, goals, and objectives of the agency as described in the strategic plan of the agency published pursuant to section 306;''; and

(3) by adding at the end the following:

''(d) OPEN DATA COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with the Open, Public, Electronic, and Necessary Government Data Act and the amendments made by that Act.''.

(f) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(1) the value of information made available to the public as a result of this subtitle and the amendments made by this subtitle;

(2) whether it is valuable to expand the publicly available information to any other data assets; and

(3) the completeness of the Enterprise Data Inventory at each agency required under section 3523 of title 44, United States Code, as added by this section.

SEC. 8. TECHNOLOGY PORTAL.

(a) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by inserting after section 3511 the following:

''§ 3511A. Technology portal

''(a) DATA.GOV REQUIRED.—The Administrator of General Services shall maintain a single public interface online as a point of entry dedicated to sharing open Government data with the public.

''(b) COORDINATION WITH AGENCIES.—The Director of the Office of Management and Budget shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data published through the interface described in subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, as amended by this subtitle, is amended by inserting after the item relating to section 3511 the following:

''3511A. Technology portal.''.

(c) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall meet the requirements of section 3511A(a) of title 44, United States Code, as added by subsection (a).

SEC. 1099E. ENHANCED RESPONSIBILITIES FOR CHIEF INFORMATION OFFICERS AND CHIEF INFORMATION OFFICERS COUNCIL DUTIES.

(a) AGENCY CHIEF INFORMATION OFFICER GENERAL RESPONSIBILITIES.—

(1) GENERAL RESPONSIBILITIES.—Section 11315(b) of title 40, United States Code, is amended—

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

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

(C) by adding at the end the following:

''(4) data asset management, format standardization, sharing of data assets, and publication of data assets;

''(5) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3523 of title 44;

''(6) ensuring that agency data conforms with open data best practices;

''(7) ensuring compliance with the requirements of subsections (b), (c), (d), and (f) of section 3506 of title 44;

''(8) engaging agency employees, the public, and contractors in using open Government data and encourage collaborative approaches to improving data use;

''(9) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

''(10) reviewing the information technology infrastructure of the agency and the impact of such infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

''(11) ensuring that, to the extent practicable, the agency is maximizing its own use of data, including data generated by applications, devices, networks, and equipment owned by the Government and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

''(12) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director of the Office of Management and Budget.''.

(2) ADDITIONAL DEFINITIONS.—Section 11315 of title 40, United States Code, is amended by adding at the end the following:

''(d) ADDITIONAL DEFINITIONS.—In this section, the terms 'data', 'data asset', 'Enterprise Data Inventory', and 'open Government data' have the meanings given those terms in section 3502 of title 44.''.

(b) AMENDMENT.—Section 3603(f) of title 44, United States Code, is amended by adding at the end the following:

''(8) Work with the Office of Government Information Services and the Director of the Office of Science and Technology Policy to

promote data interoperability and comparability of data assets across the Government.''.

SEC. 1099F. EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.

(a) AGENCY REVIEW OF EVALUATION AND ANALYSIS CAPABILITIES; REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in subsection (b).

(b) REQUIREMENTS OF AGENCY REVIEW.—The report required under subsection (a) shall assess the coverage, quality, methods, effectiveness, and independence of the agency's evaluation research and analysis efforts, including each of the following:

(1) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(2) The extent to which the evaluations research and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(3) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, international and external oversight, and accountability.

(4) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(5) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(6) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(c) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted pursuant to subsection (a) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

SEC. 1099G. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 4354. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 819, strike lines 7 through 13 and insert the following:

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense required to best contribute to the readiness of the Reserves and of the National Guard for its Federalized and non-Federalized missions.

SA 4355. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, between lines 17 and 18, insert the following:

''(5) The Chief of the National Guard Bureau and the Vice Chief of the National Guard Bureau.

SA 4356. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 925.

SA 4357. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 715, between lines 6 and 7, insert the following:

''(F) An officer from the National Guard Bureau in the grade of general.

SA 4358. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 502, strike subsection (rr).

SA 4359. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 7 and 8, insert the following:

''(C) in the case of a unit of the Army National Guard or the Army Reserve, the number of full-time support individuals required for the unit to carry out its mission requirements; and

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SA 4360. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. ANNUAL REPORT ON PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS FOR THE NON-FEDERALIZED NATIONAL GUARD TO SUPPORT CIVILIAN AUTHORITIES IN PREVENTION AND RESPONSE TO DOMESTIC DISASTERS.

(a) ANNUAL REPORT REQUIRED.—Section 10504 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''REPORT.—'' and inserting ''REPORT ON STATE OF THE NATIONAL GUARD.—(1)'';

(2) by striking ''(b) SUBMISSION OF REPORT TO CONGRESS.—'' and inserting ''(2)'';

(3) by striking ''annual report of the Chief of the National Guard Bureau'' and inserting ''annual report required by paragraph (1)''; and

(4) by adding at the end the following new subsection (b):

''(b) ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—(1) Not later than January 31 of each of calendar years 2017 through 2021, the Chief of the National Guard Bureau shall submit to the congressional defense committees and the officials specified in paragraph (5) a report setting forth the personnel, training, and equipment required by the National Guard during the next fiscal year to carry out its mission, while not Federalized, to provide prevention, protection mitigation, response, and recovery activities in support of civilian authorities in connection with natural and man-made disasters.

''(2) To determine the annual personnel, training, and equipment requirements of the National Guard referred to in paragraph (1), the Chief of the National Guard Bureau shall take into account, at a minimum, the following:

''(A) Core civilian capabilities gaps for the prevention, protection, mitigation, response, and recovery activities in connection with natural and man-made disasters, as collected by the Department of Homeland Security from the States.

''(B) Threat and hazard identifications and risk assessments of the Department of Defense, the Department of Homeland Security, and the States.

''(3) Personnel, training, and equipment requirements shall be collected from the States, validated by the Chief of the National Guard Bureau, and be categorized in the report required by paragraph (1) by each of the following:

''(A) Emergency support functions of the National Response Framework.

''(B) Federal Emergency Management Agency regions.

''(4) The annual report required by paragraph (1) shall be prepared in consultation with the chief executive of each State, other

appropriate civilian authorities, and the Council of Governors.

''(5) In addition to the congressional defense committees, the annual report required by paragraph (1) shall be submitted to the following officials:

''(A) The Secretary of Defense.

''(B) The Secretary of Homeland Security.

''(C) The Council of Governors.

''(D) The Secretary of the Army.

''(E) The Secretary of the Air Force.

''(F) The Commander of the United States Northern Command.

''(G) The Commander of the United States Cyber Command.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 10504. Chief of the National Guard Bureau: annual reports''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10504 and inserting the following new item:

''10504. Chief of the National Guard Bureau: annual reports.''.

SA 4361. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 314. STRATEGIC PLAN FOR MANUFACTURING WORKFORCE.

Subsection (f)(1) of section 2521 of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) The overall manufacturing workforce goals, process development, technical training and education, and credentialing for the program.''.

SA 4362. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Subtitle I—Technology Innovation and Acquisition Provisions

SEC. 899G. PILOT PROGRAM ON DISTRIBUTION OF ROYALTIES RECEIVED BY DEPT OF DEFENSE LABORATORIES.

(a) IN GENERAL.—Except as provided in subsections (b) and (d), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Department of Defense laboratories, and from the licensing of inventions of Department of Defense laboratories, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

(1)(A) The laboratory director shall pay each year the first $2,000, and thereafter at least 20 percent, of the royalties or other payments, other than payments of patent costs as delineated by a license or assignment agreement, to the inventor or coinventors, if the inventor's or coinventor's rights are assigned to the United States.

(B) A laboratory director may provide appropriate incentives, from royalties or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of the inventions.

(C) The laboratory shall retain the royalties and other payments received from an invention until the laboratory makes payments to employees of a laboratory under subparagraph (A) or (B).

(2) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the 2 succeeding fiscal years—

(A) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

(B) to further scientific exchange among the laboratories of the agency;

(C) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

(D) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

(E) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

(3) All royalties or other payments retained by the laboratory after payments have been made pursuant to paragraphs (1) and (2) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury of the United States.

(b) DISPOSITION OF EXCESS ROYALTIES AND OTHER PAYMENTS.—If, after payments to inventors under subsection (a), the royalties or other payments received by an agency in any fiscal year exceed 5 percent of the budget of the agency for that year, 75 percent of such excess shall be paid to the Treasury of the United States and the remaining 25 percent may be used or obligated under subsection (a)(2). Any funds not so used or obligated shall be paid into the Treasury of the United States.

(c) TREATMENT OF PAYMENTS TO EMPLOYEES.—Any payment made to an employee under this section shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof. Any payment made to an inventor as such shall continue after the inventor leaves the laboratory. Payments made under this section while the inventor is still employed at the laboratory shall not exceed $500,000 per year and after the inventor leaves the laboratory shall not exceed $150,000 per year to any one person, unless the President approves a larger award (with the excess over $500,000 being treated as a Presidential award under section 4504 of title 5, United States Code).

(d) INVENTION MANAGEMENT SERVICES.—A laboratory receiving royalties or other payments as a result of invention management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such royalties or payments to the extent required to offset payments to inventors under subparagraph (A) of subsection (a)(1), costs and expenses incurred under subparagraph (D) of subsection (a)(2), and the cost of foreign patenting and maintenance for any invention of the other agency. All royalties and other payments remaining after offsetting the payments to inventors, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with subsection (a)(2).

(e) CERTAIN ASSIGNMENTS.—If the invention involved was one assigned to the laboratory—

(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency; or

(2) by an employee of the agency who was not working in the laboratory at the time the invention was made,

the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

(f) SUNSET.—The pilot program under this section shall terminate 5 years after the date of the enactment of this Act.

SEC. 899H. METHODS FOR ENTERING INTO RESEARCH AGREEMENTS.

Section 2358(b) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking ''or'';

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(5) by transactions other than contracts, cooperative agreements, and grants entered into pursuant to sections 2371 and 2371b of this title; or

''(6) by procurement for experimental purposes pursuant to section 2373 of this title.''.

SEC. 899I. PREFERENCE FOR USE OF OTHER TRANSACTIONS AND EXPERIMENTAL AUTHORITY.

In the execution of science and technology programs, the Secretary of Defense shall establish a preference for using transactions other than contracts, cooperative agreements, and grants entered into pursuant to sections 2371 and 2371b of title 10, United States Code, and authority for procurement for experimental purposes pursuant to section 2373 of title 10, United States Code.

SEC. 899J. MODIFICATION OF COST SHARING REQUIREMENT FOR USE OF OTHER TRANSACTION AUTHORITY.

Section 2371b(d)(1) of title 10, United States Code, is amended by striking subparagraph (C) and inserting the following new subparagraph:

''(C) At least one third of the total cost of the prototype project is to be paid out of funds provided by parties to the transaction other than the Federal Government, including funds from third party financial investment.''.

SEC. 899K. ENHANCED AUTHORITY OF CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPE UNITS.

Section 819(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2302 note) is amended by striking ''the lesser of'' and all that follows through ''$20,000,000'' and inserting ''the amount of expenditure consistent with a major system, as defined in section 2302d of title 10, United States Code''.

SEC. 899L. PERMANENCY AND ENHANCEMENT OF AUTHORITY FOR PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (f) of section 2374a of title 10, United States Code, is amended to read as follows:

''(f) USE OF PRIZE AUTHORITY.—Use of prize authority under this section shall be considered the use of competitive procedures for purposes of chapter 137 of this title.''.

SA 4363. Mr. BROWN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 740. REQUIREMENTS REGARDING UPDATE BY SECRETARY OF DEFENSE OF DEPLOYMENT HEALTH FORMS.

(a) POST DEPLOYMENT HEALTH ASSESSMENT.—When first updating the post deployment health assessment conducted by the Department of Defense after the date of the enactment of this Act, the Secretary of Defense shall include in such assessment a question relating to whether a member of the Armed Forces has witnessed or observed any in-service stressor, including any event, activity, or incident, during the deployment of the member.

(b) INSTRUCTION ON DEPLOYMENT HEALTH.—When first updating Department of Defense Instruction 6490.03 ''Deployment Health'' after the date of the enactment of this Act, the Secretary of Defense shall ensure that a description of any in-service stressor, including any event, activity, incident, or being a witness to any such event, activity, or incident, experienced by a member of the Armed Forces that may have caused or contributed to post-traumatic stress disorder (PTSD) or mild traumatic brain injury (mTBI) while in combat or on active duty in the Armed Forces and any records and data relating to that in-service stressor are electronically uploaded into the military personnel files and medical records of the member for the permanent record of the member.

SA 4364. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. PROTECTING FINANCIAL AID FOR STUDENTS AND TAXPAYERS.

(a) SHORT TITLE.—This section may be cited as the ''Protecting Financial Aid for Students and Taxpayers Act''.

(b) FINDINGS.—Congress finds the following:

(1) From 1998 to 2013, enrollment in for-profit institutions of higher education increased by 314 percent, from 498,176 students to 2,064,920 students.

(2) In the 2012–2013 academic year, students who enrolled at for-profit institutions of higher education received $26,469,028,523 in Federal Pell Grants and student loans.

(3) Eight out of the 10 top recipients of Post- 9/11 Educational Assistance funds are for-profit institutions of higher education. These 8 companies have received $2,900,000,000 in taxpayer funds to enroll veterans from 2009 to 2013.

(4) An analysis of 15 publicly traded companies that operate institutions of higher education shows that, on average, such companies spend 28 percent of expenditures on advertising, marketing, and recruiting.

(c) RESTRICTIONS ON SOURCES OF FUNDS FOR RECRUITING AND MARKETING ACTIVITIES.—Section 119 of the Higher Education Opportunity Act (20 U.S.C. 1011m) is amended—

(1) in the section heading, by inserting ''**AND RESTRICTIONS ON SOURCES OF FUNDS FOR RECRUITING AND MARKETING ACTIVITIES**'' after ''**FUNDS**'';

(2) in subsection (d), by striking ''subsections (a) through (c)'' and inserting ''subsections (a), (b), (c), and (e)'';

(3) by redesignating subsection (e) as subsection (f); and

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

''(e) RESTRICTIONS ON SOURCES OF FUNDS FOR RECRUITING AND MARKETING ACTIVITIES.—

''(1) IN GENERAL.—An institution of higher education, or other postsecondary educational institution, may not use revenues derived from Federal educational assistance funds for recruiting or marketing activities described in paragraph (2).

''(2) COVERED ACTIVITIES.—Except as provided in paragraph (3), the recruiting and marketing activities subject to paragraph (1) shall include the following:

''(A) Advertising and promotion activities, including paid announcements in newspapers, magazines, radio, television, billboards, electronic media, naming rights, or any other public medium of communication, including paying for displays or promotions at job fairs, military installations, or college recruiting events.

''(B) Efforts to identify and attract prospective students, either directly or through a contractor or other third party, including contact concerning a prospective student's potential enrollment or application for grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or participation in preadmission or advising activities, including—

''(i) paying employees responsible for overseeing enrollment and for contacting potential students in-person, by phone, by email, or by other Internet communications regarding enrollment; and

''(ii) soliciting an individual to provide contact information to an institution of higher education, including websites established for such purpose and funds paid to third parties for such purpose.

''(C) Such other activities as the Secretary of Education may prescribe, including paying for promotion or sponsorship of education or military-related associations.

''(3) EXCEPTIONS.—Any activity that is required as a condition of receipt of funds by an institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), is specifically authorized under such title, or is otherwise specified by the Secretary of Education, shall not be considered to be a covered activity under paragraph (2).

''(4) FEDERAL EDUCATIONAL ASSISTANCE FUNDS.—In this subsection, the term 'Federal educational assistance funds' means funds provided directly to an institution or to a student attending such institution under any of the following provisions of law:

''(A) Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(B) Chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code.

''(C) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.

''(D) Section 1784a, 2005, or 2007 of title 10, United States Code.

''(E) Title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq.).

''(F) The Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.).

''(5) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the use by an institution of revenues derived from sources other than Federal educational assistance funds.

''(6) REPORTS.—Each institution of higher education, or other postsecondary educational institution, that derives 65 percent or more of revenues from Federal educational assistance funds shall report annually to the Secretary and to Congress and shall include in such report—

''(A) the institution's expenditures on advertising, marketing, and recruiting;

''(B) a verification from an independent auditor that the institution is in compliance with the requirements of this subsection; and

''(C) a certification from the institution that the institution is in compliance with the requirements of this subsection.''.

SA 4365. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. MICRO-PURCHASE THRESHOLD APPLICABLE TO GOVERNMENT PROCUREMENTS.

(a) INCREASE IN THRESHOLD.—Section 1902 of title 41, United States Code, is amended—

(1) in subsection (a), by striking ''$3,000'' and inserting ''$10,000''; and

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

(b) OMB GUIDANCE.—The Director of the Office of Management and Budget shall update the guidance in Circular A–123, Appendix B, as appropriate, to ensure that agencies—

(1) follow sound acquisition practices when making purchases using the Government purchase card; and

(2) maintain internal controls that reduce the risk of fraud, waste, and abuse in Government charge card programs.

(c) CONVENIENCE CHECKS.—A convenience check may not be used for an amount in excess of one half of the micro-purchase threshold under section 1902(a) of title 41, United States Code, or a lower amount set

by the head of the agency, and use of convenience checks shall comply with controls prescribed in OMB Circular A–123, Appendix B.

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

SEC. 829K. SIMPLIFICATION OF THE PROCESS FOR PREPARATION AND EVALUATION OF PROPOSALS FOR CERTAIN SERVICE CONTRACTS.

(a) CONTRACTING UNDER TITLE 41, UNITED STATES CODE.—Section 3306(c) of title 41, United States Code, is amended—

(1) in paragraph (1), by inserting ''except as provided in paragraph (3),'' in subparagraphs (B) and (C) after the subparagraph designation; and

(2) by adding at the end the following new paragraphs:

''(3) EXCEPTIONS FOR CERTAIN INDEFINITE DELIVERY, INDEFINITE QUANTITY MULTIPLE-AWARD CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS.—If the head of an agency issues a solicitation for multiple task or delivery order contracts under section 4103 of this title, or a Federal supply schedule contract under section 501(b) of title 40 and section 152(3) of this title, for the same or similar services and intends to make a contract award to each qualifying offeror—

''(A) cost or price to the Federal Government need not, at the Government's discretion, be considered under subparagraph (B) of paragraph (1) as an evaluation factor for the contract award; and

''(B) if, pursuant to subparagraph (A), cost or price to the Federal Government is not considered as an evaluation factor for the contract award—

''(i) the disclosure requirement of subparagraph (C) of paragraph (1) shall not apply; and

''(ii) cost or price to the Federal Government shall be considered in conjunction with the issuance of a task or delivery order under any contract resulting from the solicitation that is awarded pursuant to section 501(b) of title 40 and section 152(3) of this title.

''(4) QUALIFYING OFFEROR DEFINED.—In paragraph (3), the term 'qualifying offeror' means an offeror that—

''(A) is determined to be a responsible source;

''(B) submits a proposal that conforms to the requirements of the solicitation; and

''(C) the contracting officer has no reason to believe would likely offer other than fair and reasonable pricing.''.

(b) CONTRACTING UNDER TITLE 10, UNITED STATES CODE.—Section 2305(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting ''(except as provided in subparagraph (C))'' in clauses (ii) and (iii) after ''shall''; and

(2) by adding at the end the following new subparagraphs:

''(C) If the head of an agency issues a solicitation for multiple task or delivery order contracts under section 2304a(d)(1)(B) of this title for the same or similar services and intends to make a contract award to each qualifying offeror—

''(i) cost or price to the Federal Government need not, at the Government's discretion, be considered under clause (ii) of subparagraph (A) as an evaluation factor for the contract award; and

''(ii) if, pursuant to clause (i), cost or price to the Federal Government is not considered as an evaluation factor for the contract award—

''(I) the disclosure requirement of clause (iii) of subparagraph (A) shall not apply; and

''(II) cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to section 2304c(b) of this title of a task or delivery order under any contract resulting from the solicitation.

''(D) In subparagraph (C), the term 'qualifying offeror' means an offeror that—

''(i) is determined to be a responsible source;

''(ii) submits a proposal that conforms to the requirements of the solicitation; and

''(iii) the contracting officer has no reason to believe would likely offer other than fair and reasonable pricing.''.

SEC. 829L. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an agency may carry out a pilot program, to be known as a ''commercial solutions opening pilot program'', under which innovative commercial items may be acquired through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(2) HEAD OF AN AGENCY.—In this section, the term ''head of an agency'' means the following:

(A) The Secretary of Defense.

(B) The Secretary of Homeland Security.

(C) The Administrator of General Services.

(3) APPLICABILITY OF SECTION.—This section applies to the following agencies:

(A) The Department of Defense.

(B) The Department of Homeland Security.

(C) The General Services Administration.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered—

(1) in the case of the Department of Defense, to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code; and

(2) in the case of the Department of Homeland Security and the General Services Administration, to be use of competitive procedures for purposes division C of title 41, United States Code (as defined in section 152 of such title).

(c) LIMITATION.—The head of an agency may not enter into a contract under the pilot program for an amount in excess of $10,000,000.

(d) GUIDANCE.—The head of an agency shall issue guidance for the implementation of the pilot program under this section within that agency. Such guidance shall be issued in consultation with the Office of Management and Budget and shall be posted for access by the public.

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the head of an agency shall submit to the congressional committees specified in paragraph (3) a report on the activities the agency carried out under the pilot program.

(2) ELEMENTS OF REPORT.—Each report under this subsection shall include the following:

(A) An assessment of the impact of the pilot program on competition.

(B) In the case of the Department of Defense, an assessment of the ability under the pilot program to attract proposals from nontraditional defense contractors (as defined in section 2302(9) of title 10, United States Code).

(C) A comparison of acquisition timelines for—

(i) procurements made using the pilot program; and

(ii) procurements made using other competitive procedures that do not use general solicitations.

(D) A recommendation on whether the authority for the pilot program should be made permanent.

(3) The congressional committees specified in this paragraph are the following:

(A) With respect to the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(B) With respect to the Department of Homeland Security and the General Services Administration, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(f) DEFINITION.—In this section, the term ''innovative'' means—

(1) any new technology, process, or method, including research and development; or

(2) any new application of an existing technology, process, or method.

(g) TERMINATION.—The authority to enter into a contract under a pilot program under this section terminates on September 30, 2022.

SEC. 829M. INCREASE IN SIMPLIFIED ACQUISITION THRESHOLD.

Section 134 of title 41, United States Code, is amended by striking ''$100,000'' and inserting ''$500,000''.

SEC. 829N. CATEGORY MANAGEMENT.

(a) GUIDANCE.—The Office of Management and Budget shall issue guidance to support the implementation of category management by executive agencies. The guidance shall address, at a minimum, the following:

(1) Principles and practices for—

(A) addressing common agency needs for goods and services through the use of data analytics, application of best-in-class practices, and an understanding of market and agency cost drivers and other relevant considerations;

(B) reducing duplication of contract vehicles for the same or similar requirements;

(C) collecting and interagency sharing of pricing data, contract terms and conditions, and other information as appropriate;

(D) strengthening demand management practices; and

(E) meeting other policy objectives achieved through Federal contracting, including—

(i) ensuring that small businesses, qualified HUBZone small business concerns, small businesses owned and controlled by socially and economically disadvantaged individuals, service-disabled veteran-owned small businesses, and small businesses owned and controlled by women are provided with the maximum practicable opportunities, as available to other potential contractors, to participate in Federal acquisitions; and

(ii) strengthening sustainability and accessibility requirements in Federal acquisitions.

(2) The roles and responsibilities of the Office of Management and Budget, the General Services Administration, and other agencies, as appropriate, in furthering category management principles and practices.

(3) Metrics for measuring results achieved through application of category management principles and practices.

(b) RESPONSIBILITIES OF AGENCY CHIEF ACQUISITION OFFICERS.—Section 1702(b)(3) of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) establishing and overseeing a category management program for the agency's spend in consultation with the agency Chief Information Officer, the agency Chief Financial Officer, and other agency officials, as appropriate;''.

SEC. 829O. INNOVATION SET ASIDE PILOT PROGRAM.

(a) IN GENERAL.—The Director of the Office of Management and Budget may, in consultation with the Administrator of the Small Business Administration, conduct a pilot program to increase the participation of new, innovative entities in Federal contracting through the use of innovation set-asides.

(b) AUTHORITY.—(1) Notwithstanding the competition requirements in chapter 33 of title 41, United States Code, and the set-aside requirements in section 15 of the Small Business Act (15 U.S.C. 644), a Federal agency, with the concurrence of the Director, may set aside a contract award to one or more new entrant contractors. The Director shall consult with the Administrator prior to providing concurrence.

(2) Notwithstanding any law addressing compliance requirements for Federal contracts—

(A) except as provided in subparagraph (B), a contract award to a new entrant contractor under the pilot program shall be subject to the same relief afforded under section 1905 of title 41, United States Code, to contracts the value of which is not greater than the simplified acquisition threshold; and

(B) for up to five pilots, the Director may authorize an agency to make an award to a new entrant contractor subject to the same compliance requirements that apply to a contractor receiving an award from the Secretary of Defense under section 2371 of title 10 United States Code.

(c) CONDITIONS FOR USE.—The authority provided in subsection (b) may be used under the following conditions:

(1)(A) The agency has a requirement for new methods, processes, or technologies, which may include research and development, or new applications of existing methods, processes or technologies, to improve quality, reduce costs, or both; or

(B) Based on market research, the agency has determined that the requirement cannot be easily provided through an existing Federal contract;

(2) The agency intends either to make an award to a small business concern or to give special consideration to a small business concern before making an award to other than a small business; and

(3) The length of the resulting contract will not exceed 2 years.

(d) NUMBER OF PILOTS.—The Director may authorize the use of up to 25 innovation set-asides acquisitions.

(e) AWARD AMOUNT.—

(1) Except as provided in paragraph (2), the amount of an award under the pilot program under this section may not exceed $2,000,000 (including any options).

(2) The Director may authorize not more than 5 set-asides with an award amount greater than $2,000,000 but not greater than $5,000,000 (including any options).

(f) GUIDANCE AND REPORTING.—

(1) The Director shall issue guidance, as necessary, to implement the pilot program under this section.

(2) Within 3 years after the date of the enactment of this Act, the Director, in consultation with the Administrator shall submit to Congress a report on the pilot program under this section. The report shall include the following:

(A) The number of awards (or orders under the Schedule) made under the authority of this section.

(B) For each award (or order)—

(i) the agency that made the award (or order);

(ii) the amount of the award (or order); and

(iii) a brief description of the award (or order), including the nature of the requirement and the innovation produced from the award (or expected if contract performance is not completed).

(g) SUNSET.—The authority to award an innovation set-aside under this section shall terminate on December 31, 2020.

(h) DEFINITION.—For purposes of this section, the term ''new entrant contractor'', with respect to any contract under the program, means an entity that has not been awarded a Federal contract within the 5-year period ending on the date on which a solicitation for that contract is issued under the program.

SA 4366. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. DEPARTMENT COORDINATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 708. DEPARTMENT COORDINATION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'joint duty training program' means the training program established under subsection (e)(9)(A);

''(2) the term 'joint requirement' means a condition or capability of a Joint Task Force, or of multiple operating components of the Department, that is required to be met or possessed by a system, product, service, result, or component to satisfy a contract, standard, specification, or other formally imposed document;

''(3) the term 'Joint Task Force' means a Joint Task Force established under subsection (e) when the scope, complexity, or other factors of the crisis or issue require capabilities of 2 or more components of the Department operating under the guidance of a single Director; and

''(4) the term 'situational awareness' means knowledge and unified understanding of unlawful cross-border activity, including—

''(A) threats and trends concerning illicit trafficking and unlawful crossings;

''(B) the ability to forecast future shifts in such threats and trends;

''(C) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

''(D) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

''(b) DEPARTMENT LEADERSHIP COUNCILS.—

''(1) ESTABLISHMENT.—The Secretary may establish such Department leadership councils as the Secretary determines necessary to ensure coordination among leadership in the Department.

''(2) FUNCTION.—Department leadership councils shall—

''(A) serve as coordinating forums;

''(B) advise the Secretary and Deputy Secretary on Department strategy, operations, and guidance; and

''(C) consider and report on such other matters as the Secretary or Deputy Secretary may direct.

''(3) CHAIRPERSON; MEMBERSHIP.—

''(A) CHAIRPERSON.—The Secretary or a designee may serve as chairperson of a Department leadership council.

''(B) MEMBERSHIP.—The Secretary shall determine the membership of a Department leadership council.

''(4) RELATIONSHIP TO OTHER FORUMS.—The Secretary or Deputy Secretary may delegate the authority to direct the implementation of any decision or guidance resulting from the action of a Department leadership council to any office, component, coordinator, or other senior official of the Department.

''(c) JOINT REQUIREMENTS COUNCIL.—

''(1) ESTABLISHMENT.—There is established within the Department a Joint Requirements Council.

''(2) MISSION.—In addition to other matters assigned to it by the Secretary and Deputy Secretary, the Joint Requirements Council shall—

''(A) identify, assess, and validate joint requirements (including existing systems and associated capability gaps) to meet mission needs of the Department;

''(B) ensure that appropriate efficiencies are made among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, in the establishment and approval of joint requirements; and

''(C) make prioritized capability recommendations for the joint requirements approved under subparagraph (A) to the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary to review decisions of the Joint Requirements Council.

''(3) CHAIR.—The Secretary shall appoint a chairperson of the Joint Requirements Council, for a term of not more than 2 years, from among senior officials from components of the Department or other senior officials as designated by the Secretary.

''(4) COMPOSITION.—The Joint Requirements Council shall be composed of senior officials representing components of the Department and other senior officials as designated by the Secretary.

''(5) RELATIONSHIP TO FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that the Future Years Homeland Security Program required under section 874 is consistent with the recommendations of the Joint Requirements Council under paragraph (2)(C) of this subsection, as affirmed by the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary under that paragraph.

''(d) JOINT OPERATIONAL PLANS.—

''(1) PLANNING AND GUIDANCE.—The Secretary may direct the development of Joint Operational Plans for the Department and issue planning guidance for such development.

''(2) COORDINATION.—The Secretary shall ensure coordination between requirements derived from Joint Operational Plans and the Future Years Homeland Security Program required under section 874.

''(3) LIMITATION.—Nothing in this subsection shall be construed to affect the national emergency management authorities and responsibilities of the Administrator of the Federal Emergency Management Agency under title V.

''(e) JOINT TASK FORCES.—

''(1) ESTABLISHMENT.—The Secretary may establish and operate Departmental Joint Task Forces to conduct joint operations using personnel and capabilities of the Department.

''(2) JOINT TASK FORCE DIRECTORS.—

''(A) DIRECTOR.—Each Joint Task Force shall be headed by a Director appointed by the Secretary for a term of not more than 2 years, who shall be a senior official of the Department.

''(B) EXTENSION.—The Secretary may extend the appointment of a Director of a

Joint Task Force for not more than 2 years if the Secretary determines that such an extension is in the best interest of the Department.

''(3) JOINT TASK FORCE DEPUTY DIRECTORS.—For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be an official of a different component or office than the Director of the Joint Task Force.

''(4) RESPONSIBILITIES.—The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

''(A) maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

''(B) provide operational plans and requirements for standard operating procedures and contingency operations;

''(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

''(D) set and accomplish strategic objectives through integrated operational planning and execution;

''(E) exercise operational direction over personnel and equipment from components and offices of the Department allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

''(F) establish operational and investigative priorities within the operating areas of the Joint Task Force;

''(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

''(H) carry out other duties and powers the Secretary determines appropriate.

''(5) PERSONNEL AND RESOURCES.—

''(A) IN GENERAL.—The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate on a temporary basis personnel and equipment of components and offices of the Department to a Joint Task Force.

''(B) COST NEUTRALITY.—A Joint Task Force may not require more personnel, equipment, or resources than would be required by components of the Department in the absence of the Joint Task Force.

''(C) LOCATION OF OPERATIONS.—In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

''(D) REPORT.—The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, submit to the congressional homeland security committees a report on the total funding, personnel, and other resources that each component of the Department allocated to each Joint Task Force to carry out the mission of the Joint Task Force during the fiscal year immediately preceding the report.

''(6) COMPONENT RESOURCE AUTHORITY.—As directed by the Secretary—

''(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities required under this section;

''(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which the resources are assigned; and

''(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the executive agent for the Joint Task Force.

''(7) JOINT TASK FORCE STAFF.—Each Joint Task Force shall have a staff, composed of officials from relevant components, to assist the Director in carrying out the mission and responsibilities of the Joint Task Force.

''(8) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary shall—

''(A) establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;

''(B) not later than 120 days after the date of enactment of this section, submit the metrics established under subparagraph (A) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives; and

''(C) not later than January 31 of each year beginning in 2017, submit to each committee described in subparagraph (B) a report that contains the evaluation described in subparagraph (A).

''(9) JOINT DUTY TRAINING PROGRAM.—

''(A) IN GENERAL.—The Secretary shall—

''(i) establish a joint duty training program in the Department for the purposes of—

''(I) enhancing coordination within the Department; and

''(II) promoting workforce professional development; and

''(ii) tailor the joint duty training program to improve joint operations as part of the Joint Task Forces.

''(B) ELEMENTS.—The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

''(i) National security strategy.

''(ii) Strategic and contingency planning.

''(iii) Command and control of operations under joint command.

''(iv) International engagement.

''(v) The homeland security enterprise.

''(vi) Interagency collaboration.

''(vii) Leadership.

''(viii) Specific subject matter relevant to the Joint Task Force to which the joint duty training program is assigned.

''(C) TRAINING REQUIRED.—

''(i) DIRECTORS AND DEPUTY DIRECTORS.—Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

''(ii) JOINT TASK FORCE STAFF.—Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to the Joint Task Force.

''(iii) EXCEPTION.—Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after the date of enactment of this section.

''(iv) WAIVER.—The Secretary may waive clause (i) if the Secretary determines that such a waiver is in the interest of homeland security.

''(10) ESTABLISHING JOINT TASK FORCES.—Subject to paragraph (13), the Secretary may establish Joint Task Forces for the purposes of—

''(A) coordinating and directing operations along the land and maritime borders of the United States;

''(B) cybersecurity; and

''(C) preventing, preparing for, and responding to other homeland security matters, as determined by the Secretary.

''(11) NOTIFICATION OF JOINT TASK FORCE FORMATION.—

''(A) IN GENERAL.—Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit a notification to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''(B) WAIVER AUTHORITY.—The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or the protection of property.

''(12) REVIEW.—

''(A) IN GENERAL.—The Inspector General of the Department shall conduct a review of the Joint Task Forces established under this subsection.

''(B) CONTENTS.—The review required under subparagraph (A) shall include—

''(i) an assessment of the effectiveness of the structure of each Joint Task Force; and

''(ii) recommendations for enhancements to that structure to strengthen the effectiveness of the Joint Task Force.

''(C) SUBMISSION.—The Inspector General of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives—

''(i) an initial report that contains the evaluation described in subparagraph (A) by not later than January 31, 2018; and

''(ii) a second report that contains the evaluation described in subparagraph (A) by not later than January 31, 2021.

''(13) LIMITATION ON JOINT TASK FORCES.—

''(A) IN GENERAL.—The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under title V of this Act, including section 504(a)(3)(A), unless the responsibilities of the Joint Task Force—

''(i) do not include operational functions related to incident management, including coordination of operations; and

''(ii) are consistent with the requirements of paragraphs (3) and (4)(A) of section 503(c) and section 509(c) of this Act and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

''(B) RESPONSIBILITIES AND FUNCTIONS NOT REDUCED.—Nothing in this section shall be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator thereof under title V of this Act and any other provision of law, including the diversion of any asset, function, or mission from the Federal Emergency Management Agency or the Administrator thereof pursuant to section 506.

''(f) JOINT DUTY ASSIGNMENT PROGRAM.—The Secretary may establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 707 the following:

''Sec. 708. Department coordination.''.

SA 4367. Mr. JOHNSON (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—DHS ACCOUNTABILITY

SECTION 6001. SHORT TITLE.

This division may be cited as the ''DHS Accountability Act of 2016''.

SEC. 6002. DEFINITIONS.

In this division:

(1) CONGRESSIONAL HOMELAND SECURITY COMMITTEES.—The term ''congressional homeland security committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Homeland Security Subcommittee of the Committee on Appropriations of the Senate; and

(D) the Homeland Security Subcommittee of the Committee on Appropriations of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

TITLE LXXI—DEPARTMENT MANAGEMENT AND COORDINATION

SEC. 6101. MANAGEMENT AND EXECUTION.

(a) IN GENERAL.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (F) and inserting the following:

''(F) An Under Secretary for Management, who shall be first assistant to the Deputy Secretary of Homeland Security for purposes of subchapter III of chapter 33 of title 5, United States Code.''; and

(B) by adding at the end the following:

''(K) An Under Secretary for Strategy, Policy, and Plans.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) ABSENCE, DISABILITY, OR VACANCY OF SECRETARY OR DEPUTY SECRETARY.—Notwithstanding section 3345 of title 5, United States Code, the Under Secretary for Management shall serve as the Acting Secretary if by reason of absence, disability, or vacancy in office, neither the Secretary nor Deputy Secretary is available to exercise the duties of the Office of the Secretary.

''(2) FURTHER ORDER OF SUCCESSION.—Notwithstanding section 3345 of title 5, United States Code, the Secretary may designate such other officers of the Department in further order of succession to serve as Acting Secretary.

''(3) NOTIFICATION OF VACANCIES.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of any vacancies that require notification under sections 3345 through 3349d of title 5, United States Code (commonly known as the 'Federal Vacancies Reform Act of 1998').''.

(b) IN GENERAL.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)—

(A) by striking paragraph (9) and inserting the following:

''(9) The management integration and transformation within each functional management discipline of the Department, including information technology, financial management, acquisition management, and human capital management, to ensure an efficient and orderly consolidation of functions and personnel in the Department, including—

''(A) the development of centralized data sources and connectivity of information systems to the greatest extent practicable to enhance program visibility, transparency, and operational effectiveness and coordination;

''(B) the development of standardized and automated management information to manage and oversee programs and make informed decisions to improve the efficiency of the Department;

''(C) the development of effective program management and regular oversight mechanisms, including clear roles and processes for program governance, sharing of best practices, and access to timely, reliable, and evaluated data on all acquisitions and investments; and

''(D) the overall supervision, including the conduct of internal audits and management analyses, of the programs and activities of the Department, including establishment of oversight procedures to ensure a full and effective review of the efforts by components of the Department to implement policies and procedures of the Department for management integration and transformation.'';

(B) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively; and

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

''(10) The development of a transition and succession plan, before December 1 of each year in which a Presidential election is held, to guide the transition of Department functions to a new Presidential administration, and making such plan available to the next Secretary and Under Secretary for Management and to the congressional homeland security committees.

''(11) Reporting to the Government Accountability Office every 6 months to demonstrate measurable, sustainable progress made in implementing the corrective action plans of the Department to address the designation of the management functions of the Department on the bi-annual high risk list of the Government Accountability Office, until the Comptroller General of the United States submits to the appropriate congressional committees written notification of removal of the high-risk designation.'';

(2) by striking subsection (b) and inserting the following:

''(b) WAIVERS FOR CONDUCTING BUSINESS WITH SUSPENDED OR DEBARRED CONTRACTORS.—Not later than 5 days after the date on which the Chief Procurement Officer or Chief Financial Officer of the Department issues a waiver of the requirement that an agency not engage in business with a contractor or other recipient of funds listed as a party suspended or debarred from receiving contracts, grants, or other types of Federal assistance in the System for Award Management maintained by the General Services Administration, or any successor thereto, the Under Secretary for Management shall submit to the congressional homeland security committees and the Inspector General of the Department notice of the waiver and an explanation of the finding by the Under Secretary that a compelling reason exists for the waiver.'';

(3) by redesignating subsection (d) as subsection (e); and

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

''(d) SYSTEM FOR AWARD MANAGEMENT CONSULTATION.—The Under Secretary for Management shall require that all Department contracting and grant officials consult the System for Award Management (or successor system) as maintained by the General Services Administration prior to awarding a contract or grant or entering into other transactions to ascertain whether the selected contractor is excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.''.

SEC. 6102. DEPARTMENT COORDINATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 708. DEPARTMENT COORDINATION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'joint duty training program' means the training program established under subsection (e)(9)(A);

''(2) the term 'joint requirement' means a condition or capability of a Joint Task Force, or of multiple operating components of the Department, that is required to be met or possessed by a system, product, service, result, or component to satisfy a contract, standard, specification, or other formally imposed document;

''(3) the term 'Joint Task Force' means a Joint Task Force established under subsection (e) when the scope, complexity, or other factors of the crisis or issue require capabilities of 2 or more components of the Department operating under the guidance of a single Director; and

''(4) the term 'situational awareness' means knowledge and unified understanding of unlawful cross-border activity, including—

''(A) threats and trends concerning illicit trafficking and unlawful crossings;

''(B) the ability to forecast future shifts in such threats and trends;

''(C) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

''(D) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

''(b) DEPARTMENT LEADERSHIP COUNCILS.—

''(1) ESTABLISHMENT.—The Secretary may establish such Department leadership councils as the Secretary determines necessary to ensure coordination among leadership in the Department.

''(2) FUNCTION.—Department leadership councils shall—

''(A) serve as coordinating forums;

''(B) advise the Secretary and Deputy Secretary on Department strategy, operations, and guidance; and

''(C) consider and report on such other matters as the Secretary or Deputy Secretary may direct.

''(3) CHAIRPERSON; MEMBERSHIP.—

''(A) CHAIRPERSON.—The Secretary or a designee may serve as chairperson of a Department leadership council.

''(B) MEMBERSHIP.—The Secretary shall determine the membership of a Department leadership council.

''(4) RELATIONSHIP TO OTHER FORUMS.—The Secretary or Deputy Secretary may delegate the authority to direct the implementation of any decision or guidance resulting from the action of a Department leadership council to any office, component, coordinator, or other senior official of the Department.

''(c) JOINT REQUIREMENTS COUNCIL.—

''(1) ESTABLISHMENT.—There is established within the Department a Joint Requirements Council.

''(2) MISSION.—In addition to other matters assigned to it by the Secretary and Deputy Secretary, the Joint Requirements Council shall—

''(A) identify, assess, and validate joint requirements (including existing systems and associated capability gaps) to meet mission needs of the Department;

''(B) ensure that appropriate efficiencies are made among life-cycle cost, schedule,

and performance objectives, and procurement quantity objectives, in the establishment and approval of joint requirements; and

''(C) make prioritized capability recommendations for the joint requirements approved under subparagraph (A) to the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary to review decisions of the Joint Requirements Council.

''(3) CHAIR.—The Secretary shall appoint a chairperson of the Joint Requirements Council, for a term of not more than 2 years, from among senior officials from components of the Department or other senior officials as designated by the Secretary.

''(4) COMPOSITION.—The Joint Requirements Council shall be composed of senior officials representing components of the Department and other senior officials as designated by the Secretary.

''(5) RELATIONSHIP TO FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that the Future Years Homeland Security Program required under section 874 is consistent with the recommendations of the Joint Requirements Council under paragraph (2)(C) of this subsection, as affirmed by the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary under that paragraph.

''(d) JOINT OPERATIONAL PLANS.—

''(1) PLANNING AND GUIDANCE.—The Secretary may direct the development of Joint Operational Plans for the Department and issue planning guidance for such development.

''(2) COORDINATION.—The Secretary shall ensure coordination between requirements derived from Joint Operational Plans and the Future Years Homeland Security Program required under section 874.

''(3) LIMITATION.—Nothing in this subsection shall be construed to affect the national emergency management authorities and responsibilities of the Administrator of the Federal Emergency Management Agency under title V.

''(e) JOINT TASK FORCES.—

''(1) ESTABLISHMENT.—The Secretary may establish and operate Departmental Joint Task Forces to conduct joint operations using personnel and capabilities of the Department.

''(2) JOINT TASK FORCE DIRECTORS.—

''(A) DIRECTOR.—Each Joint Task Force shall be headed by a Director appointed by the Secretary for a term of not more than 2 years, who shall be a senior official of the Department.

''(B) EXTENSION.—The Secretary may extend the appointment of a Director of a Joint Task Force for not more than 2 years if the Secretary determines that such an extension is in the best interest of the Department.

''(3) JOINT TASK FORCE DEPUTY DIRECTORS.—For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be an official of a different component or office than the Director of the Joint Task Force.

''(4) RESPONSIBILITIES.—The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

''(A) maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

''(B) provide operational plans and requirements for standard operating procedures and contingency operations;

''(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

''(D) set and accomplish strategic objectives through integrated operational planning and execution;

''(E) exercise operational direction over personnel and equipment from components and offices of the Department allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

''(F) establish operational and investigative priorities within the operating areas of the Joint Task Force;

''(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

''(H) carry out other duties and powers the Secretary determines appropriate.

''(5) PERSONNEL AND RESOURCES.—

''(A) IN GENERAL.—The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate on a temporary basis personnel and equipment of components and offices of the Department to a Joint Task Force.

''(B) COST NEUTRALITY.—A Joint Task Force may not require more personnel, equipment, or resources than would be required by components of the Department in the absence of the Joint Task Force.

''(C) LOCATION OF OPERATIONS.—In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

''(D) REPORT.—The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, submit to the congressional homeland security committees a report on the total funding, personnel, and other resources that each component of the Department allocated to each Joint Task Force to carry out the mission of the Joint Task Force during the fiscal year immediately preceding the report.

''(6) COMPONENT RESOURCE AUTHORITY.—As directed by the Secretary—

''(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities required under this section;

''(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which the resources are assigned; and

''(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the executive agent for the Joint Task Force.

''(7) JOINT TASK FORCE STAFF.—Each Joint Task Force shall have a staff, composed of officials from relevant components, to assist the Director in carrying out the mission and responsibilities of the Joint Task Force.

''(8) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary shall—

''(A) establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;

''(B) not later than 120 days after the date of enactment of this section, submit the metrics established under subparagraph (A) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives; and

''(C) not later than January 31 of each year beginning in 2017, submit to each committee described in subparagraph (B) a report that contains the evaluation described in subparagraph (A).

''(9) JOINT DUTY TRAINING PROGRAM.—

''(A) IN GENERAL.—The Secretary shall—

''(i) establish a joint duty training program in the Department for the purposes of—

''(I) enhancing coordination within the Department; and

''(II) promoting workforce professional development; and

''(ii) tailor the joint duty training program to improve joint operations as part of the Joint Task Forces.

''(B) ELEMENTS.—The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

''(i) National security strategy.

''(ii) Strategic and contingency planning.

''(iii) Command and control of operations under joint command.

''(iv) International engagement.

''(v) The homeland security enterprise.

''(vi) Interagency collaboration.

''(vii) Leadership.

''(viii) Specific subject matter relevant to the Joint Task Force to which the joint duty training program is assigned.

''(C) TRAINING REQUIRED.—

''(i) DIRECTORS AND DEPUTY DIRECTORS.—Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

''(ii) JOINT TASK FORCE STAFF.—Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to the Joint Task Force.

''(iii) EXCEPTION.—Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after the date of enactment of this section.

''(iv) WAIVER.—The Secretary may waive clause (i) if the Secretary determines that such a waiver is in the interest of homeland security.

''(10) ESTABLISHING JOINT TASK FORCES.—Subject to paragraph (13), the Secretary may establish Joint Task Forces for the purposes of—

''(A) coordinating and directing operations along the land and maritime borders of the United States;

''(B) cybersecurity; and

''(C) preventing, preparing for, and responding to other homeland security matters, as determined by the Secretary.

''(11) NOTIFICATION OF JOINT TASK FORCE FORMATION.—

''(A) IN GENERAL.—Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit a notification to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''(B) WAIVER AUTHORITY.—The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or the protection of property.

''(12) REVIEW.—

''(A) IN GENERAL.—The Inspector General of the Department shall conduct a review of the Joint Task Forces established under this subsection.

''(B) CONTENTS.—The review required under subparagraph (A) shall include—

''(i) an assessment of the effectiveness of the structure of each Joint Task Force; and

''(ii) recommendations for enhancements to that structure to strengthen the effectiveness of the Joint Task Force.

''(C) SUBMISSION.—The Inspector General of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives—

''(i) an initial report that contains the evaluation described in subparagraph (A) by not later than January 31, 2018; and

''(ii) a second report that contains the evaluation described in subparagraph (A) by not later than January 31, 2021.

''(13) LIMITATION ON JOINT TASK FORCES.—

''(A) IN GENERAL.—The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under title V of this Act, including section 504(a)(3)(A), unless the responsibilities of the Joint Task Force—

''(i) do not include operational functions related to incident management, including coordination of operations; and

''(ii) are consistent with the requirements of paragraphs (3) and (4)(A) of section 503(c) and section 509(c) of this Act and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

''(B) RESPONSIBILITIES AND FUNCTIONS NOT REDUCED.—Nothing in this section shall be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator thereof under title V of this Act and any other provision of law, including the diversion of any asset, function, or mission from the Federal Emergency Management Agency or the Administrator thereof pursuant to section 506.

''(f) JOINT DUTY ASSIGNMENT PROGRAM.—The Secretary may establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 707 the following:

''Sec. 708. Department coordination.''.

SEC. 6103. NATIONAL OPERATIONS CENTER.

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended—

(1) in subsection (a)—

(A) by striking ''emergency managers and decision makers'' and inserting ''emergency managers, decision makers, and other appropriate officials''; and

(B) by inserting ''and steady-state activity'' before the period at the end;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''and tribal governments'' and inserting ''tribal, and territorial governments, the private sector, and international partners''; and

(ii) by striking ''in the event of'' and inserting ''for events, threats, and incidents involving'';

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) enter into agreements with other Federal operations centers and other homeland security partners, as appropriate, to facilitate the sharing of information.'';

(3) by redesignating subsection (c) as subsection (d); and

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

''(c) REPORTING REQUIREMENTS.—Each Federal agency shall provide the National Operations Center with timely information—

''(1) relating to events, threats, and incidents involving a natural disaster, act of terrorism, or other man-made disaster;

''(2) concerning the status and potential vulnerability of the critical infrastructure and key resources of the United States;

''(3) relevant to the mission of the Department of Homeland Security; or

''(4) as may be requested by the Secretary under section 202.''; and

(5) in subsection (d), as so redesignated—

(A) in the subsection heading, by striking ''FIRE SERVICE'' and inserting ''EMERGENCY RESPONDER'';

(B) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT OF POSITIONS.—The Secretary shall establish a position, on a rotating basis, for a representative of State and local emergency responders at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local emergency response services.'';

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

SEC. 6104. HOMELAND SECURITY ADVISORY COUNCIL.

(a) IN GENERAL.—Section 102(b) of the Homeland Security Act of 2002 (6 U.S.C. 112(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) shall establish a Homeland Security Advisory Council to provide advice and recommendations on homeland security and homeland security-related matters.''.

SEC. 6105. STRATEGY, POLICY, AND PLANS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.

''(a) IN GENERAL.—There is established in the Department an Office of Strategy, Policy, and Plans.

''(b) HEAD OF OFFICE.—The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor to the Secretary and be appointed by the President, by and with the advice and consent of the Senate.

''(c) FUNCTIONS.—The Office of Strategy, Policy, and Plans shall—

''(1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;

''(2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, offices, and activities across the Department;

''(3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including leading and conducting the quadrennial homeland security review under section 707;

''(4) manage Department leadership councils and provide analytics and support to such councils;

''(5) manage international coordination and engagement for the Department;

''(6) review and incorporate, as appropriate, external stakeholder feedback into Department policy; and

''(7) carry out such other responsibilities as the Secretary determines appropriate.

''(d) COORDINATION BY DEPARTMENT COMPONENTS.—To ensure consistency with the policy priorities of the Department, the head of each component of the Department shall coordinate with the Office of Strategy, Policy, and Plans in establishing or modifying policies or strategic planning guidance.

''(e) HOMELAND SECURITY STATISTICS AND JOINT ANALYSIS.—

''(1) HOMELAND SECURITY STATISTICS.—The Under Secretary for Strategy, Policy, and Plans shall—

''(A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;

''(B) be provided with statistical data maintained by the Department regarding the operations of the Department;

''(C) conduct or oversee analysis and reporting of such data by the Department as required by law or directed by the Secretary; and

''(D) ensure the accuracy of metrics and statistical data provided to Congress.

''(2) TRANSFER OF RESPONSIBILITIES.—There shall be transferred to the Under Secretary for Strategy, Policy, and Plans the maintenance of all immigration statistical information of U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled 'Yearbook of Immigration Statistics' prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by this Act, is amended by inserting after the item relating to section 708 the following:

''Sec. 709. Office of Strategy, Policy, and Plans.''.

SEC. 6106. AUTHORIZATION OF THE OFFICE FOR PARTNERSHIPS AGAINST VIOLENT EXTREMISM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by inserting after section 801 the following:

''SEC. 802. OFFICE FOR PARTNERSHIPS AGAINST VIOLENT EXTREMISM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Partnerships Against Violent Extremism designated under subsection (c).

''(3) COUNTERING VIOLENT EXTREMISM.—The term 'countering violent extremism' means proactive and relevant actions to counter recruitment, radicalization, and mobilization to violence and to address the immediate factors that lead to violent extremism and radicalization.

''(4) DOMESTIC TERRORISM; INTERNATIONAL TERRORISM.—The terms 'domestic terrorism' and 'international terrorism' have the meanings given those terms in section 2331 of title 18, United States Code.

''(5) RADICALIZATION.—The term 'radicalization' means the process by which an individual chooses to facilitate or commit domestic terrorism or international terrorism.

''(6) VIOLENT EXTREMISM.—The term 'violent extremism' means international or domestic terrorism.

''(b) ESTABLISHMENT.—There is in the Department an Office for Partnerships Against Violent Extremism.

''(c) HEAD OF OFFICE.—The Office for Partnerships Against Violent Extremism shall be headed by an Assistant Secretary for Partnerships Against Violent Extremism, who shall be designated by the Secretary and report directly to the Secretary.

''(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT OF PERSONNEL.—The Secretary shall—

''(1) designate a career Deputy Assistant Secretary for Partnerships Against Violent Extremism; and

''(2) assign or hire, as appropriate, permanent staff to the Office for Partnerships Against Violent Extremism.

''(e) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Assistant Secretary shall be responsible for the following:

''(A) Leading the efforts of the Department to counter violent extremism across all the components and offices of the Department that conduct strategic and supportive efforts to counter violent extremism. Such efforts shall include the following:

''(i) Partnering with communities to address vulnerabilities that can be exploited by violent extremists in the United States and explore potential remedies for Government and non-government institutions.

''(ii) Working with civil society groups and communities to counter violent extremist propaganda, messaging, or recruitment.

''(iii) In coordination with the Office for Civil Rights and Civil Liberties of the Department, managing the outreach and engagement efforts of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

''(iv) Ensuring relevant information, research, and products inform efforts to counter violent extremism.

''(v) Developing and maintaining Department-wide strategy, plans, policies, and programs to counter violent extremism. Such plans shall, at a minimum, address each of the following:

''(I) The Department's plan to leverage new and existing Internet and other technologies and social media platforms to improve non-government efforts to counter violent extremism, as well as the best practices and lessons learned from other Federal, State, local, tribal, territorial, and foreign partners engaged in similar counter-messaging efforts.

''(II) The Department's countering violent extremism-related engagement efforts.

''(III) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism.

''(vi) Coordinating with the Office for Civil Rights and Civil Liberties of the Department to ensure all of the activities of the Department related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all persons.

''(vii) In coordination with the Under Secretary for Science and Technology and in consultation with the Under Secretary for Intelligence and Analysis, identifying and recommending new empirical research and analysis requirements to ensure the dissemination of information and methods for Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement personnel, and non-governmental partners to utilize such research and analysis.

''(viii) Assessing the methods used by violent extremists to disseminate propaganda and messaging to communities at risk for recruitment by violent extremists.

''(B) Developing a digital engagement strategy that expands the outreach efforts of the Department to counter violent extremist messaging by—

''(i) exploring ways to utilize relevant Internet and other technologies and social media platforms; and

''(ii) maximizing other resources available to the Department.

''(C) Serving as the primary representative of the Department in coordinating countering violent extremism efforts with other Federal departments and agencies and non-governmental organizations.

''(D) Serving as the primary Department-level representative in coordinating with the Department of State on international countering violent extremism issues.

''(E) In coordination with the Administrator, providing guidance regarding the use of grants made to State, local, and tribal governments under sections 2003 and 2004 under the allowable uses guidelines related to countering violent extremism.

''(F) Developing a plan to expand philanthropic support for domestic efforts related to countering violent extremism, including by identifying viable community projects and needs for possible philanthropic support.

''(2) COMMUNITIES AT RISK.—For purposes of this subsection, the term 'communities at risk' shall not include a community that is determined to be at risk solely on the basis of race, religious affiliation, or ethnicity.

''(f) STRATEGY TO COUNTER VIOLENT EXTREMISM IN THE UNITED STATES.—

''(1) STRATEGY.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives a comprehensive Department strategy to counter violent extremism in the United States.

''(2) CONTENTS OF STRATEGY.—The strategy required under paragraph (1) shall, at a minimum, address each of the following:

''(A) The Department's digital engagement effort, including a plan to leverage new and existing Internet, digital, and other technologies and social media platforms to counter violent extremism, as well as the best practices and lessons learned from other Federal, State, local, tribal, territorial, non-governmental, and foreign partners engaged in similar counter-messaging activities.

''(B) The Department's countering violent extremism-related engagement and outreach activities.

''(C) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for activities relating to countering violent extremism.

''(D) Ensuring all activities related to countering violent extremism adhere to relevant Department and applicable Department of Justice guidance regarding privacy, civil rights, and civil liberties, including safeguards against discrimination.

''(E) The development of qualitative and quantitative outcome-based metrics to evaluate the Department's programs and policies to counter violent extremism.

''(F) An analysis of the homeland security risk posed by violent extremism based on the threat environment and empirical data assessing terrorist activities and incidents, and violent extremist propaganda, messaging, or recruitment.

''(G) Information on the Department's near-term, mid-term, and long-term risk-based goals for countering violent extremism, reflecting the risk analysis conducted under subparagraph (F).

''(3) STRATEGIC CONSIDERATIONS.—In drafting the strategy required under paragraph (1), the Secretary shall consider including the following:

''(A) Departmental efforts to undertake research to improve the Department's understanding of the risk of violent extremism and to identify ways to improve countering violent extremism activities and programs, including outreach, training, and information sharing programs.

''(B) The Department's nondiscrimination policies as they relate to countering violent extremism.

''(C) Departmental efforts to help promote community engagement and partnerships to counter violent extremism in furtherance of the strategy.

''(D) Departmental efforts to help increase support for programs and initiatives to counter violent extremism of other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners that are in furtherance of the strategy, and which adhere to all relevant constitutional, legal, and privacy protections.

''(E) Departmental efforts to disseminate to local law enforcement agencies and the general public information on resources, such as training guidance, workshop reports, and the violent extremist threat, through multiple platforms, including the development of a dedicated webpage, and information regarding the effectiveness of those efforts.

''(F) Departmental efforts to use cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism, and information regarding the effectiveness of those efforts.

''(G) Information on oversight mechanisms and protections to ensure that activities and programs undertaken pursuant to the strategy adhere to all relevant constitutional, legal, and privacy protections.

''(H) Departmental efforts to conduct oversight of all countering violent extremism training and training materials and other resources developed or funded by the Department.

''(I) Departmental efforts to foster transparency by making, to the extent practicable, all regulations, guidance, documents, policies, and training materials publicly available, including through any webpage developed under subparagraph (E).

''(4) STRATEGIC IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary submits the strategy required under paragraph (1), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives an implementation plan for each of the components and offices of the Department with responsibilities under the strategy.

''(B) CONTENTS.—The implementation plan required under subparagraph (A) shall include an integrated master schedule and cost estimate for activities and programs contained in the implementation plan, with specificity on how each such activity and program aligns with near-term, mid-term, and long-term goals specified in the strategy required under paragraph (1).

''(g) ANNUAL REPORT.—Not later than April 1, 2017, and annually thereafter, the Assistant Secretary shall submit to Congress an annual report on the Office for Partnerships Against Violent Extremism, which shall include the following:

''(1) A description of the status of the programs and policies of the Department for countering violent extremism in the United States.

''(2) A description of the efforts of the Office for Partnerships Against Violent Extremism to cooperate with and provide assistance to other Federal departments and agencies.

''(3) Qualitative and quantitative metrics for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies.

''(4) An accounting of—

''(A) grants and cooperative agreements awarded by the Department to counter violent extremism; and

''(B) all training specifically aimed at countering violent extremism sponsored by the Department.

''(5) An analysis of how the Department's activities to counter violent extremism correspond and adapt to the threat environment.

''(6) A summary of how civil rights and civil liberties are protected in the Department's activities to counter violent extremism.

''(7) An evaluation of the use of section 2003 and section 2004 grants and cooperative agreements awarded to support efforts of local communities in the United States to counter violent extremism, including information on the effectiveness of such grants and cooperative agreements in countering violent extremism.

''(8) A description of how the Office for Partnerships Against Violent Extremism incorporated lessons learned from the countering violent extremism programs and policies of foreign, State, local, tribal, and territorial governments and stakeholder communities.

''(h) ANNUAL REVIEW.—Not later than 1 year after the date of enactment of this section, and every year thereafter, the Office for Civil Rights and Civil Liberties of the Department shall—

''(1) conduct a review of the Office for Partnerships Against Violent Extremism activities to ensure that all of the activities of the Office related to countering violent extremism respect the privacy, civil rights, and civil liberties of all persons; and

''(2) make publicly available on the website of the Department a report containing the results of the review conducted under paragraph (1).''; and

(2) in section 2008(b)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) to support any organization or group which has knowingly or recklessly funded domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code) or organization or group known to engage in or recruit to such activities, as determined by the Assistant Secretary for Partnerships Against Violent Extremism in consultation with the Administrator and the heads of other appropriate Federal departments and agencies.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by this Act, is amended by inserting after the item relating to section 801 the following:

''Sec. 802. Office for Partnerships Against Violent Extremism.''.

(c) SUNSET.—Effective on the date that is 7 years after the date of enactment of this Act—

(1) section 802 of the Homeland Security Act of 2002, as added by subsection (a), is repealed; and

(2) the table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 802.

TITLE LXXII—DEPARTMENT ACCOUNTABILITY, EFFICIENCY, AND WORKFORCE REFORMS

SEC. 6201. DUPLICATION REVIEW.

(a) IN GENERAL.—The Secretary shall—

(1) not later than 1 year after the date of enactment of this Act, complete a review of the international affairs offices, functions, and responsibilities of the Department to identify and eliminate areas of unnecessary duplication; and

(2) not later than 30 days after the date on which the Secretary completes the review under paragraph (1), provide the results of the review to the congressional homeland security committees.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the congressional homeland security committees an action plan, including corrective steps and an estimated date of completion, to address areas of duplication, fragmentation, and overlap and opportunities for cost savings and revenue enhancement, as identified by the Government Accountability Office based on the annual report of the Government Accountability Office entitled ''Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits''.

(c) EXCLUSION.—This section shall not apply to international activities related to the protective mission of the United States Secret Service, or to the Coast Guard when operating under the direct authority of the Secretary of Defense or the Secretary of the Navy.

SEC. 6202. INFORMATION TECHNOLOGY STRATEGIC PLAN.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended by adding at the end the following:

''(c) STRATEGIC PLANS.—Consistent with the timing set forth in section 306(a) of title 5, United States Code, and the requirements under section 3506 of title 44, United States Code, the Chief Information Officer shall develop, make public, and submit to the congressional homeland security committees an information technology strategic plan, which shall include how—

''(1) information technology will be leveraged to meet the priority goals and strategic objectives of the Department;

''(2) the budget of the Department aligns with priorities specified in the information technology strategic plan;

''(3) unnecessary duplicative, legacy, and outdated information technology within and across the Department will be identified and eliminated, and an estimated date for the identification and elimination of duplicative information technology within and across the Department;

''(4) the Chief Information Officer will coordinate with components of the Department to ensure that information technology policies are effectively and efficiently implemented across the Department;

''(5) a list of information technology projects, including completion dates, will be made available to the public and Congress;

''(6) the Chief Information Officer will inform Congress of high risk projects and cybersecurity risks; and

''(7) the Chief Information Officer plans to maximize the use and purchase of commercial off-the-shelf information technology products and services.''.

SEC. 6203. SOFTWARE LICENSING.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343), as amended by section 6202 of this Act, is amended by adding at the end the following:

''(d) SOFTWARE LICENSING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every 2 years thereafter, the Chief Information Officer, in consultation with Chief Information Officers of components of the Department, shall—

''(A) conduct a Department-wide inventory of all existing software licenses held by the Department, including utilized and unutilized licenses;

''(B) assess the needs of the Department for software licenses for the subsequent 2 fiscal years;

''(C) assess the actions that could be carried out by the Department to achieve the greatest possible economies of scale and cost savings in the procurement of software licenses;

''(D) determine how the use of technological advancements will impact the needs for software licenses for the subsequent 2 fiscal years;

''(E) establish plans and estimated costs for eliminating unutilized software licenses for the subsequent 2 fiscal years; and

''(F) consult with the Federal Chief Information Officer to identify best practices in the Federal government for purchasing and maintaining software licenses.

''(2) EXCESS SOFTWARE LICENSING.—

''(A) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer determines through the inventory conducted under paragraph (1)(A) that the number of software licenses held by the Department exceed the needs of the Department as assessed under paragraph (1)(B), the Secretary, not later than 90 days after the date on which the inventory is completed, shall establish a plan for bringing the number of such software licenses into balance with such needs of the Department.

''(B) PROHIBITION ON PROCUREMENT OF EXCESS SOFTWARE LICENSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), upon completion of a plan established under paragraph (1)(A), no additional budgetary resources may be obligated for the procurement of additional software licenses of the same types until such time as the needs of the Department equals or exceeds the number of used and unused licenses held by the Department.

''(ii) EXCEPTION.—The Chief Information Officer may authorize the purchase of additional licenses and amend the number of needed licenses as necessary.

''(3) SUBMISSION TO CONGRESS.—The Chief Information Officer shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of each inventory conducted under paragraph (1)(A), each plan established under paragraph (2)(A), and each exception exercised under paragraph (2)(B)(ii).''.

(b) GAO REVIEW.—Not later than 1 year after the date on which the results of the first inventory are submitted to Congress under subsection 703(d) of the Homeland Security Act of 2002, as added by subsection (a), the Comptroller General of the United States shall assess whether the Department complied with the requirements under paragraphs (1) and (2)(A) of such section 703(d) and provide the results of the review to the congressional homeland security committees.

SEC. 6204. WORKFORCE STRATEGY.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended to read as follows:

"SEC. 704. CHIEF HUMAN CAPITAL OFFICER.

''(a) IN GENERAL.—There is a Chief Human Capital Officer of the Department, who shall report directly to the Under Secretary for Management.

''(b) RESPONSIBILITIES.—In addition to the responsibilities set forth in chapter 14 of title 5, United States Code, and other applicable law, the Chief Human Capital Officer shall—

''(1) develop and implement strategic workforce planning policies that are consistent with Government-wide leading principles and in line with Department strategic human capital goals and priorities;

''(2) develop performance measures to provide a basis for monitoring and evaluating Department-wide strategic workforce planning efforts;

''(3) develop, improve, and implement policies, including compensation flexibilities available to Federal agencies where appropriate, to recruit, hire, train, and retain the workforce of the Department, in coordination with all components of the Department;

''(4) identify methods for managing and overseeing human capital programs and initiatives, in coordination with the head of each component of the Department;

''(5) develop a career path framework and create opportunities for leader development in coordination with all components of the Department;

''(6) lead the efforts of the Department for managing employee resources, including training and development opportunities, in coordination with each component of the Department;

''(7) work to ensure the Department is implementing human capital programs and initiatives and effectively educating each component of the Department about these programs and initiatives;

''(8) identify and eliminate unnecessary and duplicative human capital policies and guidance;

''(9) provide input concerning the hiring and performance of the Chief Human Capital Officer or comparable official in each component of the Department; and

''(10) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5, United States Code.

''(c) COMPONENT STRATEGIES.—

''(1) IN GENERAL.—Each component of the Department shall, in coordination with the Chief Human Capital Officer of the Department, develop a 5-year workforce strategy for the component that will support the goals, objectives, and performance measures of the Department for determining the proper balance of Federal employees and private labor resources.

''(2) STRATEGY REQUIREMENTS.—In developing the strategy required under paragraph (1), each component shall consider the effect on human resources associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services, including—

''(A) hiring projections, including occupation and grade level, as well as corresponding salaries, benefits, and hiring or retention bonuses;

''(B) the identification of critical skills requirements over the 5-year period, any current or anticipated deficiency in critical skills required at the Department, and the training or other measures required to address those deficiencies in skills;

''(C) recruitment of qualified candidates and retention of qualified employees;

''(D) supervisory and management requirements;

''(E) travel and related personnel support costs;

''(F) the anticipated cost and impact on mission performance associated with replacing Federal personnel due to their retirement or other attrition; and

''(G) other appropriate factors.

''(d) ANNUAL SUBMISSION.—Not later than 90 days after the date on which the Secretary submits the annual budget justification for the Department, the Secretary shall submit to the congressional homeland security committees a report that includes a table, delineated by component with actual and enacted amounts, including—

''(1) information on the progress within the Department of fulfilling the workforce strategies developed under subsection (c); and

''(2) the number of on-board staffing for Federal employees from the prior fiscal year;

''(3) the total contract hours submitted by each prime contractor as part of the service contract inventory required under section 743 of the Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117; 31 U.S.C. 501 note) with respect to—

''(A) support service contracts;

''(B) federally funded research and development center contracts; and

''(C) science, engineering, technical, and administrative contracts; and

''(4) the number of full-time equivalent personnel identified under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).''.

SEC. 6205. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended to read as follows:

"SEC. 883. WHISTLEBLOWER PROTECTIONS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'new employee' means an individual—

''(A) appointed to a position as an employee of the Department on or after the date of enactment of the DHS Accountability Act of 2016; and

''(B) who has not previously served as an employee of the Department;

''(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) of title 5, Untied States Code, against an employee of the Department;

''(3) the term 'supervisor' means a supervisor, as defined under section 7103(a) of title 5, United States Code, who is employed by the Department; and

''(4) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of section 2302(b) of title 5, United States Code.

''(b) ADVERSE ACTIONS.—

''(1) PROPOSED ADVERSE ACTIONS.—In accordance with paragraph (2), the Secretary shall propose against a supervisor whom the Secretary, an administrative law judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action the following adverse actions:

''(A) With respect to the first prohibited personnel action, an adverse action that is not less than a 12-day suspension.

''(B) With respect to the second prohibited personnel action, removal.

''(2) PROCEDURES.—

''(A) NOTICE.—A supervisor against whom an adverse action under paragraph (1) is proposed is entitled to written notice.

''(B) ANSWER AND EVIDENCE.—

''(i) IN GENERAL.—A supervisor who is notified under subparagraph (A) that the supervisor is the subject of a proposed adverse action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

''(ii) NO EVIDENCE.—After the end of the 14-day period described in clause (i), if a supervisor does not furnish evidence as described in clause (i) or if the Secretary determines that such evidence is not sufficient to reverse the proposed adverse action, the Secretary shall carry out the adverse action.

''(C) SCOPE OF PROCEDURES.—Paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513 of title 5, United States Code, and paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543 of title 5, United States Code, shall not apply with respect to an adverse action carried out under this subsection.

''(3) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action, if the Secretary carries out an adverse action against a supervisor under another provision of law, the Secretary may carry out an additional adverse action under this subsection based on the same prohibited personnel action.

''(c) TRAINING FOR SUPERVISORS.—In consultation with the Special Counsel and the Inspector General of the Department, the Secretary shall provide training regarding how to respond to complaints alleging a violation of whistleblower protections available to employees of the Department—

''(1) to employees appointed to supervisory positions in the Department who have not previously served as a supervisor; and

''(2) on an annual basis, to all employees of the Department serving in a supervisory position.

''(d) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—

''(1) RESPONSIBILITIES OF SECRETARY.—The Secretary shall be responsible for—

''(A) the prevention of prohibited personnel practices;

''(B) the compliance with and enforcement of applicable civil service laws, rules, and regulations and other aspects of personnel management; and

''(C) ensuring (in consultation with the Special Counsel and the Inspector General of the Department) that employees of the Department are informed of the rights and remedies available to them under chapters 12 and 23 of title 5, United States Code, including—

''(i) information regarding whistleblower protections available to new employees during the probationary period;

''(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with regard to whistleblower protections; and

''(iii) how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of the Department, Congress, or other Department employee designated to receive such disclosures.

''(2) TIMING.—The Secretary shall ensure that the information required to be provided under paragraph (1) is provided to each new employee of the Department not later than 6 months after the date the new employee is appointed.

''(3) INFORMATION ONLINE.—The Secretary shall make available information regarding whistleblower protections applicable to employees of the Department on the public

website of the Department, and on any online portal that is made available only to employees of the Department.

''(4) DELEGEES.—Any employee to whom the Secretary delegates authority for personnel management, or for any aspect thereof, shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (1).

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Department from requirements applicable with respect to executive agencies—

''(1) to provide equal employment protection for employees of the Department (including pursuant to section 2302(b)(1) of title 5, United States Code, and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note)); or

''(2) to provide whistleblower protections for employees of the Department (including pursuant to paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by this Act, is amended by striking the item relating to section 883 and inserting the following:

''Sec. 883. Whistleblower protections.''.

SEC. 6206. COST SAVINGS AND EFFICIENCY REVIEWS.

Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Under Secretary for Management, shall submit to the congressional homeland security committees a report, which may include a classified or other appropriately controlled annex containing any information required to be submitted under this section that is restricted from public disclosure in accordance with Federal law, including information that is not publicly releasable, that—

(1) provides a detailed accounting of the management and administrative expenditures and activities of each component of the Department and identifies potential cost savings, avoidances, and efficiencies for those expenditures and activities;

(2) examines major physical assets of the Department, as defined by the Secretary;

(3) reviews the size, experience level, and geographic distribution of the operational personnel of the Department;

(4) makes recommendations for adjustments in the management and administration of the Department that would reduce deficiencies in the capabilities of the Department, reduce costs, and enhance efficiencies; and

(5) examines—

(A) how employees who carry out management and administrative functions at Department headquarters coordinate with employees who carry out similar functions at—

(i) each component of the Department;

(ii) the Office of Personnel Management; and

(iii) the General Services Administration; and

(B) whether any unnecessary duplication, overlap, or fragmentation exists with respect to those functions.

SEC. 6207. ABOLISHMENT OF CERTAIN OFFICES.

(a) ABOLISHMENT OF THE DIRECTOR OF SHARED SERVICES.—The position of Director of Shared Services in the Department is abolished.

(b) ABOLISHMENT OF THE OFFICE OF THE DIRECTOR OF COUNTERNARCOTICS ENFORCEMENT.—

(1) ABOLISHMENT.—The Office of the Director of Counternarcotics Enforcement in the Department is abolished.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 843(b)(1)(B) of the Homeland Security Act of 2002 (6 U.S.C. 413(b)(1)(B)) is amended by striking ''by—'' and all that follows through the end and inserting ''by the Secretary; and''.

TITLE LXXIII—DEPARTMENT TRANSPARENCY AND ASSESSMENTS

SEC. 6301. HOMELAND SECURITY STATISTICS AND METRICS.

(a) IN GENERAL.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by striking subsection (b) and inserting the following:

''(b) HOMELAND SECURITY STATISTICS AND JOINT ANALYSIS.—

''(1) HOMELAND SECURITY STATISTICS.—The Under Secretary for Management shall—

''(A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;

''(B) be provided with statistical data maintained by the Department regarding the operations of the Department;

''(C) conduct or oversee analysis and reporting of such data by the Department as required by law or directed by the Secretary; and

''(D) ensure the accuracy of metrics and statistical data provided to Congress.

''(2) TRANSFER OF RESPONSIBILITIES.—There shall be transferred to the Under Secretary for Management the maintenance of all immigration statistical information of U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled 'Yearbook of Immigration Statistics' prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.''.

(b) IMMIGRATION FUNCTIONS.—Section 478(a) of the Homeland Security Act of 2002 (6 U.S.C. 298(a)) is amended—

(1) in paragraph (1), by striking ''to the Committees on the Judiciary and Government Reform of the House of Representatives, and to the Committees on the Judiciary and Government Affairs of the Senate,'' and inserting ''the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the congressional homeland security committees''; and

(2) in paragraph (2), by adding at the end the following:

''(I) The number of persons known to have overstayed the terms of their visa, by visa type.

''(J) An estimated percentage of persons believed to have overstayed their visa, by visa type.

''(K) A description of immigration enforcement actions.''.

(c) BORDER SECURITY METRICS.—

(1) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Homeland Security of the House of Representatives;

(iii) the Committee on the Judiciary of the Senate; and

(iv) the Committee on the Judiciary of the House of Representatives.

(B) CONSEQUENCE DELIVERY SYSTEM.—The term ''Consequence Delivery System'' means the series of consequences applied by the Border Patrol to persons unlawfully entering the United States to prevent unlawful border crossing recidivism.

(C) GOT AWAY.—The term ''got away'' means an unlawful border crosser who—

(i) is directly or indirectly observed making an unlawful entry into the United States; and

(ii) is not a turn back and is not apprehended.

(D) KNOWN MIGRANT FLOW.—The term ''known migrant flow'' means the sum of the number of undocumented migrants—

(i) interdicted at sea;

(ii) identified at sea, but not interdicted;

(iii) that successfully entered the United States through the maritime border; or

(iv) not described in clause (i), (ii), or (iii), which were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.

(E) MAJOR VIOLATOR.—The term ''major violator'' means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including—

(i) possession of illicit drugs;

(ii) smuggling of prohibited products;

(iii) human smuggling;

(iv) weapons possession;

(v) use of fraudulent United States documents; or

(vi) other offenses that are serious enough to result in arrest.

(F) SITUATIONAL AWARENESS.—The term ''situational awareness'' means knowledge and unified understanding of current unlawful cross-border activity, including—

(i) threats and trends concerning illicit trafficking and unlawful crossings;

(ii) the ability to forecast future shifts in such threats and trends;

(iii) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

(iv) the operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

(G) TRANSIT ZONE.—The term ''transit zone'' means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(H) TURN BACK.—The term ''turn back'' means an unlawful border crosser who, after making an unlawful entry into the United States, promptly returns to the country from which such crosser entered.

(I) UNLAWFUL BORDER CROSSING EFFECTIVENESS RATE.—The term ''unlawful border crossing effectiveness rate'' means the percentage that results from dividing—

(i) the number of apprehensions and turn backs; and

(ii) the number of apprehensions, estimated unlawful entries, turn backs, and got aways.

(J) UNLAWFUL ENTRY.—The term ''unlawful entry'' means an unlawful border crosser who enters the United States and is not apprehended by a border security component of the Department.

(2) METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(i) estimates, using alternative methodologies, including recidivism data, survey data,

known-flow data, and technologically measured data, of—

(I) total attempted unlawful border crossings;

(II) the rate of apprehension of attempted unlawful border crossers; and

(III) the number of unlawful entries;

(ii) a situational awareness achievement metric, which measures situational awareness achieved in each Border Patrol sector;

(iii) an unlawful border crossing effectiveness rate;

(iv) a probability of detection, which compares the estimated total unlawful border crossing attempts not detected by the Border Patrol to the unlawful border crossing effectiveness rate, as informed by clause (i);

(v) an illicit drugs seizure rate for drugs seized by the Border Patrol, which compares the ratio of the amount and type of illicit drugs seized by the Border Patrol in any fiscal year to the average of the amount and type of illicit drugs seized by the Border Patrol in the immediately preceding 5 fiscal years;

(vi) a weight-to-frequency rate, which compares the average weight of marijuana seized per seizure by the Border Patrol in any fiscal year to such weight-to-frequency rate for the immediately preceding 5 fiscal years;

(vii) estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years; and

(viii) an examination of each consequence referred to in clause (vii), including—

(I) voluntary return;

(II) warrant of arrest or notice to appear;

(III) expedited removal;

(IV) reinstatement of removal;

(V) alien transfer exit program;

(VI) Operation Streamline;

(VII) standard prosecution; and

(VIII) Operation Against Smugglers Initiative on Safety and Security.

(B) METRICS CONSULTATION.—In developing the metrics required under subparagraph (A), the Secretary shall—

(i) consult with the appropriate components of the Department; and

(ii) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(C) MANNER OF COLLECTION.—The data used by the Secretary shall be collected and reported in a consistent and standardized manner across all Border Patrol sectors, informed by situational awareness.

(3) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(i) estimates, using alternative methodologies, including survey data and randomized secondary screening data, of—

(I) total attempted inadmissible border crossings;

(II) the rate of apprehension of attempted inadmissible border crossings; and

(III) the number of unlawful entries;

(ii) the amount and type of illicit drugs seized by the Office of Field Operations of U.S. Customs and Border Protection at United States land, air, and sea ports during the previous fiscal year;

(iii) an illicit drugs seizure rate for drugs seized by the Office of Field Operations, which compares the ratio of the amount and type of illicit drugs seized by the Office of Field Operations in any fiscal year to the average of the amount and type of illicit drugs seized by the Office of Field Operations in the immediately preceding 5 fiscal years;

(iv) in consultation with the Office of National Drug Control Policy and the United States Southern Command, a cocaine seizure effectiveness rate, which is the percentage resulting from dividing—

(I) the amount of cocaine seized by the Office of Field Operations; and

(II) the total estimated cocaine flow rate at ports of entry along the land border;

(v) the number of infractions related to travelers and cargo committed by major violators who are apprehended by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not apprehended;

(vi) a measurement of how border security operations affect crossing times, including—

(I) a wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each port of entry;

(II) an infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each port of entry;

(III) a secondary examination rate that measures the frequency of secondary examinations at each port of entry; and

(IV) an enforcement rate that measures the effectiveness of secondary examinations at detecting major violators; and

(vii) a cargo scanning rate that includes—

(I) a comparison of the number of high-risk cargo containers scanned by the Office of Field Operations at each United States seaport during the fiscal year to the total number of high-risk cargo containers entering the United States at each seaport during the previous fiscal year;

(II) the percentage of all cargo that is considered ''high-risk'' cargo; and

(III) the percentage of high-risk cargo scanned—

(aa) upon arrival at a United States seaport before entering United States commerce; and

(bb) before being laden on a vessel destined for the United States.

(B) METRICS CONSULTATION.—In developing the metrics required under subparagraph (A), the Secretary shall—

(i) consult with the appropriate components of the Department; and

(ii) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(C) MANNER OF COLLECTION.—The data used by the Secretary shall be collected and reported in a consistent and standardized manner across all field offices, informed by situational awareness.

(4) METRICS FOR SECURING THE MARITIME BORDER.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environment. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(i) situational awareness achieved in the maritime environment;

(ii) an undocumented migrant interdiction rate, which compares the migrants interdicted at sea to the total known migrant flow;

(iii) an illicit drugs removal rate, for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the Department's maritime security components in any fiscal year to the average of the amount and type of illicit drugs removed by the Department's maritime components for the immediately preceding 5 fiscal years;

(iv) in consultation with the Office of National Drug Control Policy and the United States Southern Command, a cocaine removal effectiveness rate, for cocaine removed inside a transit zone and outside a transit zone; which compares the amount of cocaine removed by the Department's maritime security components by the total documented cocaine flow rate, as contained in Federal drug databases;

(v) a response rate, which compares the ability of the maritime security components of the Department to respond to and resolve known maritime threats, whether inside and outside a transit zone, by placing assets on-scene, to the total number of events with respect to which the Department has known threat information; and

(vi) an intergovernmental response rate, which compares the ability of the maritime security components of the Department or other United States Government entities to respond to and resolve actionable maritime threats, whether inside or outside the Western Hemisphere transit zone, by targeting maritime threats in order to detect them, and of those threats detected, the total number of maritime threats interdicted or disrupted.

(B) METRICS CONSULTATION.—In developing the metrics required under subparagraph (A), the Secretary shall—

(i) consult with the appropriate components of the Department; and

(ii) as appropriate, work with other agencies, including the Drug Enforcement Agency, the Department of Defense, and the Department of Justice, to ensure that authoritative data sources are utilized.

(C) MANNER OF COLLECTION.—The data used by the Secretary shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(5) AIR AND MARINE SECURITY METRICS IN THE LAND DOMAIN.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of the aviation assets and operations of the Office of Air and Marine of U.S. Customs and Border Enforcement. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(i) an effectiveness rate, which compares Office of Air and Marine flight hours requirements to the number of flight hours flown by such Office;

(ii) a funded flight hour effectiveness rate, which compares the number of funded flight hours appropriated to the Office of Air and Marine to the number of actual flight hours flown by such Office;

(iii) a readiness rate, which compares the number of aviation missions flown by the Office of Air and Marine to the number of aviation missions cancelled by such Office due to maintenance, operations, or other causes;

(iv) the number of missions cancelled by such Office due to weather compared to the total planned missions;

(v) the number of subjects detected by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts;

(vi) the number of apprehensions assisted by the Office of Air and Marine through the

use of unmanned aerial systems and manned aircrafts;

(vii) the number and quantity of illicit drug seizures assisted by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts; and

(viii) the number of times that usable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft.

(B) METRICS CONSULTATION.—In developing the metrics required under subparagraph (A), the Secretary shall—

(i) consult with the appropriate components of the Department; and

(ii) as appropriate, work with other agencies, including the Department of Justice, to ensure that authoritative data sources are utilized.

(C) MANNER OF COLLECTION.—The data used by the Secretary shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(d) DATA TRANSPARENCY.—The Secretary shall—

(1) in accordance with applicable privacy laws, make data related to apprehensions, inadmissible aliens, drug seizures, and other enforcement actions available to the public, academic research, and law enforcement communities; and

(2) provide the Office of Immigration Statistics of the Department with unfettered access to the data described in paragraph (1).

(e) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY OF HOMELAND SECURITY.—

(1) METRICS REPORT.—

(A) MANDATORY DISCLOSURES.—The Secretary shall submit an annual report containing the metrics required under paragraphs (2) through (5) of subsection (c) and the data and methodology used to develop such metrics to—

(i) the appropriate congressional committees; and

(ii) the Comptroller General of the United States.

(B) PERMISSIBLE DISCLOSURES.—The Secretary, for the purpose of validation and verification, may submit the annual report described in subparagraph (A) to—

(i) the National Center for Border Security and Immigration;

(ii) the head of a national laboratory within the Department laboratory network with prior expertise in border security; and

(C) a Federally Funded Research and Development Center sponsored by the Department.

(2) GAO REPORT.—Not later than 270 days after receiving the first report under paragraph (1)(A), and biennially thereafter for the following 10 years, the Comptroller General of the United States, shall submit a report to the appropriate congressional committees that—

(A) analyzes the suitability and statistical validity of the data and methodology contained in such report; and

(B) includes recommendations to Congress on—

(i) the feasibility of other suitable metrics that may be used to measure the effectiveness of border security; and

(ii) improvements that need to be made to the metrics being used to measure the effectiveness of border security.

(3) STATE OF THE BORDER REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2025, the Secretary shall submit a ''State of the Border'' report to the appropriate congressional committees that—

(A) provides trends for each metric under paragraphs (2) through (5) of subsection (c) for the last 10 years, to the extent possible;

(B) provides selected analysis into related aspects of illegal flow rates, including legal flows and stock estimation techniques; and

(C) includes any other information that the Secretary determines appropriate.

(4) METRICS UPDATE.—

(A) IN GENERAL.—After submitting the final report to the Comptroller General under paragraph (1), the Secretary may reevaluate and update any of the metrics required under paragraphs (2) through (5) of subsection (c) to ensure that such metrics—

(i) meet the Department's performance management needs; and

(ii) are suitable to measure the effectiveness of border security.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before updating the metrics under subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

SEC. 6302. ANNUAL HOMELAND SECURITY ASSESSMENT.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 210G. ANNUAL HOMELAND SECURITY ASSESSMENT.

''(a) DEPARTMENT ANNUAL ASSESSMENT.—

''(1) IN GENERAL.—Not later than March 31 of each year beginning in the year after the date of enactment of this section, and each year thereafter for 7 years, the Under Secretary for Intelligence and Analysis shall prepare and submit to the congressional homeland security committees a report assessing the current threats to homeland security and the capability of the Department to address those threats.

''(2) FORM OF REPORT.—In carrying out paragraph (1), the Under Secretary for Intelligence and Analysis shall submit an unclassified report, and as necessary, a classified annex.

''(b) OFFICE OF INSPECTOR GENERAL ANNUAL ASSESSMENT.—Not later than 90 days after the date on which a report required under subsection (a) is submitted to the congressional homeland security committees, the Inspector General of the Department shall prepare and submit to the congressional homeland security committees a report, which shall include an assessment of the capability of the Department to address the threats identified in the report required under subsection (a) and recommendations for actions to mitigate those threats.

''(c) MITIGATION PLAN.—Not later than 90 days after the date on which a report required under subsection (b) is submitted to the congressional homeland security committees, the Secretary shall submit to the congressional homeland security committees a plan to mitigate the threats to homeland security identified in the report.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by this Act, is amended by inserting after the item relating to section 210F the following:

''Sec. 210G. Annual homeland security assessment.''.

SEC. 6303. DEPARTMENT TRANSPARENCY.

(a) FEASIBILITY STUDY.—The Administrator of the Federal Emergency Management Agency shall initiate a study to determine the feasibility of gathering data and providing information to Congress on the use of Federal grant awards, for expenditures of more than $5,000, by entities that receive a Federal grant award under the Urban Area Security Initiative and the State Homeland Security Grant Program under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), respectively.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the congressional homeland security committee a report on the results of the study required under subsection (a).

SEC. 6304. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 319. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.

''(a) REQUIREMENT TO PUBLICLY LIST UNCLASSIFIED RESEARCH & DEVELOPMENT PROGRAMS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall maintain a detailed list, accessible on the website of the Department, of—

''(A) each research and development project that is not classified, and all appropriate details for each such project, including the component of the Department responsible for the project;

''(B) each task order for a Federally Funded Research and Development Center not associated with a research and development project; and

''(C) each task order for a University-based center of excellence not associated with a research and development project.

''(2) EXCEPTIONS.—

''(A) OPERATIONAL SECURITY.—The Secretary, or a designee of the Secretary with the rank of Assistant Secretary or above, may exclude a project from the list required under paragraph (1) if the Secretary or such designee provides to the appropriate congressional committees—

''(i) the information that would otherwise be required to be publicly posted under paragraph (1); and

''(ii) a written certification that—

''(I) the information that would otherwise be required to be publicly posted under paragraph (1) is controlled unclassified information, the public dissemination of which would jeopardize operational security; and

''(II) the publicly posted list under paragraph (1) includes as much information about the program as is feasible without jeopardizing operational security.

''(B) COMPLETED PROJECTS.—Paragraph (1) shall not apply to a project completed or otherwise terminated before the date of enactment of this section.

''(3) DEADLINE AND UPDATES.—The list required under paragraph (1) shall be—

''(A) made publicly accessible on the website of the Department not later than 1 year after the date of enactment of this section; and

''(B) updated as frequently as possible, but not less frequently than once per quarter.

''(4) DEFINITION OF RESEARCH AND DEVELOPMENT.—For purposes of the list required under paragraph (1), the Secretary shall publish a definition for the term 'research and development' on the website of the Department.

''(b) REQUIREMENT TO REPORT TO CONGRESS ON CLASSIFIED PROJECTS.—Not later than January 1, 2017, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report that lists each ongoing classified project at the Department, including all appropriate details of each such project.

''(c) INDICATORS OF SUCCESS OF TRANSITIONED PROJECTS.—

''(1) IN GENERAL.—For each project that has been transitioned from research and development to practice, the Under Secretary of Science and Technology shall develop and track indicators to demonstrate the uptake of the technology or project among customers or end-users.

''(2) REQUIREMENT.—To the fullest extent possible, the tracking of a project required under paragraph (1) shall continue for the 3-year period beginning on the date on which the project was transitioned from research and development to practice.

''(3) INDICATORS.—The indicators developed and tracked under this subsection shall be included in the list required under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) ALL APPROPRIATE DETAILS.—The term 'all appropriate details' means—

''(A) the name of the project, including both classified and unclassified names if applicable;

''(B) the name of the component carrying out the project;

''(C) an abstract or summary of the project;

''(D) funding levels for the project;

''(E) project duration or timeline;

''(F) the name of each contractor, grantee, or cooperative agreement partner involved in the project;

''(G) expected objectives and milestones for the project; and

''(H) to the maximum extent practicable, relevant literature and patents that are associated with the project.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Homeland Security of the House of Representatives; and

''(C) the Committee on Oversight and Government Reform of House of Representatives.

''(3) CLASSIFIED.—The term 'classified' means anything containing—

''(A) classified national security information as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order;

''(B) Restricted Data or data that was formerly Restricted Data, as defined in section 11y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

''(C) material classified at the Sensitive Compartmented Information (SCI) level as defined in section 309 of the Intelligence Authorization Act for Fiscal Year 2001 (50 U.S.C. 3345); or

''(D) information relating to a special access program, as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order.

''(4) CONTROLLED UNCLASSIFIED INFORMATION.—The term 'controlled unclassified information' means information described as 'Controlled Unclassified Information' under Executive Order 13556 (50 U.S.C. 3501 note) or any successor order.

''(5) PROJECT.—The term 'project' means a research or development project, program, or activity administered by the Department, whether ongoing, completed, or otherwise terminated.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 318 the following:

''Sec. 319. Transparency in research and development.''.

SEC. 6305. REPORTING ON NATIONAL BIO AND AGRO-DEFENSE FACILITY.

(a) IN GENERAL.—Section 310 of the Homeland Security Act of 2002 (6 U.S.C. 190) is amended by adding at the end the following:

''(e) SUCCESSOR FACILITY.—The National Bio and Agro-Defense Facility, the planned successor facility to the Plum Island Animal Disease Center as of the date of enactment of this subsection, shall be subject to the requirements under subsections (b), (c), and (d) in the same manner and to the same extent as the Plum Island Animal Disease Center.

''(f) CONSTRUCTION OF THE NATIONAL BIO AND AGRO-DEFENSE FACILITY.—

''(1) REPORT REQUIRED.—Not later than September 30, 2016, and not less frequently than twice each year thereafter, the Secretary of Homeland Security and the Secretary of Agriculture shall submit to the congressional homeland security committees a report on the National Bio and Agro-Defense Facility that includes—

''(A) a review of the status of the construction of the National Bio and Agro-Defense Facility, including—

''(i) current cost and schedule estimates;

''(ii) any revisions to previous estimates described in clause (i); and

''(iii) total obligations to date;

''(B) a description of activities carried out to prepare for the transfer of research to the facility and the activation of that research; and

''(C) a description of activities that have occurred to decommission the Plum Island Animal Disease Center.

''(2) SUNSET.—The reporting requirement under paragraph (1) shall terminate on the date that is 1 year after the date on which the Secretary of Homeland Security certifies to the congressional homeland security committees that construction of the National Bio and Agro-Defense Facility has been completed.''.

(b) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of and submit to Congress a report on the construction and future planning of the National Bio and Agro-Defense Facility, which shall include—

(1) the extent to which cost and schedule estimates for the project conform to capital planning leading practices as determined by the Comptroller General;

(2) the extent to which the project's planning, budgeting, acquisition, and proposed management in use conform to capital planning leading practices as determined by the Comptroller General; and

(3) the extent to which disposal of the Plum Island Animal Disease Center conforms to capital planning leading practices as determined by the Comptroller General.

SEC. 6306. INSPECTOR GENERAL OVERSIGHT OF SUSPENSION AND DEBARMENT.

Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department shall—

(1) audit the award of grants and procurement contracts to identify—

(A) instances in which a grant or contract was improperly awarded to a suspended or debarred entity; and

(B) whether corrective actions were taken following such instances to prevent recurrence; and

(2) review the suspension and debarment program throughout the Department to assess whether—

(A) suspension and debarment criteria are consistently applied throughout the Department; and

(B) disparities exist in the application of the criteria, particularly with respect to business size and category.

SEC. 6307. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454) is amended—

(1) in the section heading, by striking ''**YEAR**'' and inserting ''**YEARS**'';

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not later than 60 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives (referred to in this section as the 'appropriate committees') a Future Years Homeland Security Program that covers the fiscal year for which the budget is submitted and the 4 succeeding fiscal years.''; and

(3) by striking subsection (c) and inserting the following:

''(c) PROJECTION OF ACQUISITION ESTIMATES.—On and after February 1, 2018, each Future Years Homeland Security Program shall project—

''(1) acquisition estimates for the fiscal year for which the budget is submitted and the 4 succeeding fiscal years, with specified estimates for each fiscal year, for all major acquisitions by the Department and each component of the Department; and

''(2) estimated annual deployment schedules for all physical asset major acquisitions over the 5-fiscal-year period described in paragraph (1) and the full operating capability for all information technology major acquisitions.

''(d) SENSITIVE AND CLASSIFIED INFORMATION.—The Secretary may include with each Future Years Homeland Security Program a classified or other appropriately controlled document containing any information required to be submitted under this section that is restricted from public disclosure in accordance with Federal law or any Executive Order.

''(e) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to the appropriate committees under this section, other than information described in subsection (d).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by this Act, is amended by striking the item relating to section 874 and inserting the following:

''Sec. 874. Future Years Homeland Security Program.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to each fiscal year beginning after the date of enactment of this Act.

SEC. 6308. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) review available capabilities and capacities across the homeland security enterprise and identify redundant, wasteful, or unnecessary capabilities and capacities from which resources can be redirected to better support other existing capabilities and capacities.''; and

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President is submitted to Congress under section 1105 of title 31, United States Code, for the fiscal year after the fiscal year in

which a quadrennial homeland security review is conducted under subsection (a)(1), the Secretary shall submit to Congress a report on the quadrennial homeland security review.''; and

(B) in paragraph (2)—

(i) in subparagraph (H), by striking ''and'' at the end;

(ii) by redesignating subparagraph (I) as subparagraph (L); and

(iii) by inserting after subparagraph (H) the following:

''(I) a description of how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian tribes, territories, and private entities, and of individuals, families, and communities;

''(J) proposed changes to the authorities, organization, governance structure, or business processes (including acquisition processes) of the Department in order to better fulfil responsibilities of the Department;

''(K) if appropriate, a classified or other appropriately controlled document containing any information required to be submitted under this paragraph that is restricted from public disclosure in accordance with Federal law, including information that is not publicly releasable; and''.

SEC. 6309. REPORTING REDUCTION.

(a) OFFICE OF COUNTERNARCOTICS ANNUAL BUDGET REVIEW AND EVALUATION OF COUNTERNARCOTICS ACTIVITIES REPORT.—Section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458) is amended by striking subsection (f).

(b) OFFICE OF COUNTERNARCOTICS SEIZURE REPORT.—Section 705(a) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1704(a)) is amended by striking paragraph (3).

(c) ANNUAL REPORT ON ACTIVITIES OF THE NATIONAL NUCLEAR DETECTION OFFICE.—Section 1902(a)(13) of the Homeland Security Act of 2002 (6 U.S.C. 592(a)(13)) is amended by striking ''an annual'' and inserting ''a biennial''.

(d) JOINT ANNUAL INTERAGENCY REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.—Section 1907 of the Homeland Security Act of 2002 (6 U.S.C. 596a) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''once each year—'' and inserting ''once every other year—''; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''the previous year'' and inserting ''the previous 2 years''; and

(II) in clause (iii), by striking ''the previous year.'' and inserting ''the previous 2 years.''; and

(C) in paragraph (2), by striking ''once each year,'' and inserting ''once every other year,''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(B) in paragraph (1), by striking ''of each year,'' and inserting ''of every other year,''; and

(C) in paragraph (2), by striking ''annual'' and inserting ''biennial''.

SEC. 6310. ADDITIONAL DEFINITIONS.

Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (13) through (18) as paragraphs (17) through (22), respectively;

(2) by redesignating paragraphs (9) through (12) as paragraphs (12) through (15), respectively

(3) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively;

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

(5) by inserting before paragraph (1) the following:

''(1) The term 'acquisition' has the meaning given the term in section 131 of title 41, United States Code.'';

(6) in paragraph (3), as so redesignated—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B) The term 'congressional homeland security committees' means—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(ii) the Committee on Homeland Security of the House of Representatives;

''(iii) the Homeland Security Subcommittee of the Committee on Appropriations of the Senate; and

''(iv) the Homeland Security Subcommittee of the Committee on Appropriations of the House of Representatives.'';

(7) by inserting after paragraph (4), as so redesignated, the following:

''(5) The term 'best practices', with respect to acquisition, means a knowledge-based approach to capability development that includes—

''(A) identifying and validating needs;

''(B) assessing alternatives to select the most appropriate solution;

''(C) clearly establishing well-defined requirements;

''(D) developing realistic cost assessments and schedules;

''(E) planning stable funding that matches resources to requirements;

''(F) demonstrating technology, design, and manufacturing maturity;

''(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

''(H) adopting and executing standardized processes with known success across programs;

''(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

''(J) integrating capabilities into the mission and business operations of the Department.'';

(8) by inserting after paragraph (10), as so redesignated, the following:

''(11) The term 'homeland security enterprise' means all relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, tribal, and territorial government officials, private sector representatives, academics, and other policy experts.''; and

(9) by inserting after paragraph (15), as so redesignated, the following:

''(16) The term 'management integration and transformation'—

''(A) means the development of consistent and consolidated functions for information technology, financial management, acquisition management, logistics and material resource management, asset security, and human capital management; and

''(B) includes governing processes and procedures, management systems, personnel activities, budget and resource planning, training, real estate management, and provision of security, as they relate to functions cited in subparagraph (A).''.

TITLE LXXIV—MISCELLANEOUS

SEC. 6401. ADMINISTRATIVE LEAVE.

(a) SHORT TITLE.—This section may be cited as the ''Administrative Leave Act of 2016''.

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

(1) agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—

(A) in contravention of—

(i) established precedent of the Comptroller General of the United States; and

(ii) guidance provided by the Office of Personnel Management; and

(B) resulting in significant cost to the Federal Government;

(2) administrative leave should be used sparingly;

(3) prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—

(A) temporary reassignment;

(B) transfer; and

(C) telework;

(4) an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that, not later than the conclusion of the leave period—

(A) the employee is returned to duty status; or

(B) an appropriate personnel action is taken with respect to the employee;

(5) data show that there are too many examples of employees placed in administrative leave for 6 months or longer, leaving the employees without any available recourse to—

(A) return to duty status; or

(B) challenge the decision of the agency;

(6) an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and

(7) other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section.

(c) ADMINISTRATIVE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

''§ 6329a. Administrative leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'administrative leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service; and

''(B) that is not authorized under any other provision of law;

''(2) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office; and

''(3) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

''(b) ADMINISTRATIVE LEAVE.—

''(1) IN GENERAL.—An agency may place an employee in administrative leave for a period of not more than 5 consecutive days.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to limit the use of leave that is—

''(A) specifically authorized under law; and

''(B) not administrative leave.

''(3) RECORDS.—An agency shall record administrative leave separately from leave authorized under any other provision of law.

''(c) REGULATIONS.—

''(1) OPM REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall—

''(A) prescribe regulations to carry out this section; and

''(B) prescribe regulations that provide guidance to agencies regarding—

''(i) acceptable agency uses of administrative leave; and

''(ii) the proper recording of—

''(I) administrative leave; and

''(II) other leave authorized by law.

''(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

''(d) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) OPM STUDY.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with Federal agencies, groups representing Federal employees, and other relevant stakeholders, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report identifying agency practices, as of the date of enactment of this Act, of placing an employee in administrative leave for more than 5 consecutive days when the placement was not specifically authorized by law.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329 the following:

''6329a. Administrative leave.''.

(d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

''§ 6329b. Investigative leave and notice leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office;

''(2) the term 'Chief Human Capital Officer' means—

''(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

''(B) the equivalent;

''(3) the term 'committees of jurisdiction', with respect to an agency, means each committee in the Senate and House of Representatives with jurisdiction over the agency;

''(4) the term 'Director' means the Director of the Office of Personnel Management;

''(5) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include—

''(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

''(ii) the Inspector General of an agency;

''(6) the term 'investigative leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service;

''(B) that is not authorized under any other provision of law; and

''(C) in which an employee who is the subject of an investigation is placed;

''(7) the term 'notice leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service;

''(B) that is not authorized under any other provision of law; and

''(C) in which an employee who is in a notice period is placed; and

''(8) the term 'notice period' means a period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action.

''(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

''(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

''(A) investigative leave if the employee is the subject of an investigation;

''(B) notice leave if the employee is in a notice period; or

''(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

''(i) the agency proposes or initiates an adverse action against the employee; and

''(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in subsection (c)(1).

''(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

''(A) made a determination with respect to the employee under subsection (c)(1);

''(B) considered the available options for the employee under subsection (c)(2); and

''(C) determined that none of the available options under subsection (c)(2) is appropriate.

''(c) EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

''(1) DETERMINATIONS.—An agency may not place an employee in investigative leave or notice leave under subsection (b) unless the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

''(A) pose a threat to the employee or others;

''(B) result in the destruction of evidence relevant to an investigation;

''(C) result in loss of or damage to Government property; or

''(D) otherwise jeopardize legitimate Government interests.

''(2) AVAILABLE OPTIONS FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—After making a determination under paragraph (1) with respect to an employee, and before placing an employee in investigative leave or notice leave under subsection (b), an agency shall consider taking 1 or more of the following actions:

''(A) Assigning the employee to duties in which the employee is no longer a threat to—

''(i) safety;

''(ii) the mission of the agency;

''(iii) Government property; or

''(iv) evidence relevant to an investigation.

''(B) Allowing the employee to take leave for which the employee is eligible.

''(C) Requiring the employee to telework under section 6502(c).

''(D) If the employee is absent from duty without approved leave, carrying the employee in absence without leave status.

''(E) For an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

''(3) DURATION OF LEAVE.—

''(A) INVESTIGATIVE LEAVE.—Subject to extensions of a period of investigative leave for which an employee may be eligible under subsections (d) and (e), the initial placement of an employee in investigative leave shall be for a period not longer than 10 days.

''(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

''(4) EXPLANATION OF LEAVE.—

''(A) IN GENERAL.—If an agency places an employee in leave under subsection (b), the agency shall provide the employee a written explanation of the leave placement and the reasons for the leave placement.

''(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

''(i) the applicable limitations under paragraph (3); and

''(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the period of leave, the agency shall take an action under paragraph (5).

''(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative leave for an employee under subsection (b)(1), an agency shall—

''(A) return the employee to regular duty status;

''(B) take 1 or more of the actions authorized under paragraph (2), meaning—

''(i) assigning the employee to duties in which the employee is no longer a threat to—

''(I) safety;

''(II) the mission of the agency;

''(III) Government property; or

''(IV) evidence relevant to an investigation;

''(ii) allowing the employee to take leave for which the employee is eligible;

''(iii) requiring the employee to telework under section 6502(c);

''(iv) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; or

''(v) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed;

''(C) propose or initiate an adverse action against the employee as provided under law; or

''(D) extend the period of investigative leave under subsections (d) and (e).

''(6) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (d) and (e).

''(d) INITIAL EXTENSION OF INVESTIGATIVE LEAVE.—

''(1) IN GENERAL.—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 days.

''(2) MAXIMUM NUMBER OF EXTENSIONS.—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 110 days.

''(3) DESIGNATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an

agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and independent determination regarding the extension.

''(4) EXTENSIONS FOR OIG EMPLOYEES.—

''(A) APPROVAL.—In the case of an employee of an Office of Inspector General—

''(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

''(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

''(B) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is at a sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

''(e) FURTHER EXTENSION OF INVESTIGATIVE LEAVE.—

''(1) IN GENERAL.—After reaching the limit under subsection (d)(2), an agency may further extend a period of investigative leave for an employee for a period of not more than 60 days if, before the further extension begins, the head of the agency or, in the case of an employee of an Office of Inspector General, the Inspector General submits a notification that includes the reasons for the further extension to the—

''(A) committees of jurisdiction;

''(B) Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) Committee on Oversight and Government Reform of the House of Representatives.

''(2) NO LIMIT.—There shall be no limit on the number of further extensions that an agency may grant to an employee under paragraph (1).

''(3) OPM REVIEW.—An agency shall request from the Director, and include with the notification required under paragraph (1), the opinion of the Director—

''(A) with respect to whether to grant a further extension under this subsection, including the reasons for that opinion; and

''(B) which shall not be binding on the agency.

''(4) SUNSET.—The authority provided under this subsection shall expire on the date that is 6 years after the date of enactment of this section.

''(f) CONSULTATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

''(1) pose a threat to the employee or others;

''(2) result in the destruction of evidence relevant to an investigation;

''(3) result in loss of or damage to Government property; or

''(4) otherwise jeopardize legitimate Government interests.

''(g) REPORTING AND RECORDS.—

''(1) IN GENERAL.—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

''(A) the basis for the determination made under subsection (c)(1);

''(B) an explanation of why an action under subsection (c)(2) was not appropriate;

''(C) the length of the period of leave;

''(D) the amount of salary paid to the employee during the period of leave;

''(E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (d)(1); and

''(F) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (d) or (e).

''(2) AVAILABILITY OF RECORDS.—An agency shall make a record kept under paragraph (1) available—

''(A) to any committee of Congress, upon request;

''(B) to the Office of Personnel Management; and

''(C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

''(h) REGULATIONS.—

''(1) OPM ACTION.—Not later than 1 year after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

''(A) acceptable purposes for the use of—

''(i) investigative leave; and

''(ii) notice leave;

''(B) the proper recording of—

''(i) the leave categories described in subparagraph (A); and

''(ii) other leave authorized by law;

''(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

''(i) pose a threat to the employee or others;

''(ii) result in the destruction of evidence relevant to an investigation;

''(iii) result in loss or damage to Government property; or

''(iv) otherwise jeopardize legitimate Government interests; and

''(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (d) or (e).

''(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

''(i) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) by redesignating clause (xii) as clause (xiii); and

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

''(xii) a determination made by an agency under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

''(I) pose a threat to the employee or others;

''(II) result in the destruction of evidence relevant to an investigation;

''(III) result in loss of or damage to Government property; or

''(IV) otherwise jeopardize legitimate Government interests; and''.

(3) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) and paragraph (1) of this subsection, respectively, including—

(A) an assessment of agency use of the authority provided under subsection (e) of such section 6329b, including data regarding—

(i) the number and length of extensions granted under that subsection; and

(ii) the number of times that the Director of the Office of Personnel Management, under paragraph (3) of that subsection—

(I) concurred with the decision of an agency to grant an extension; and

(II) did not concur with the decision of an agency to grant an extension, including the bases for those opinions of the Director;

(B) recommendations to Congress, as appropriate, on the need for extensions beyond the extensions authorized under subsection (d) of such section 6329b; and

(C) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (c)(1)(D) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence.

(4) TELEWORK.—Section 6502 of title 5, United States Code, is amended by adding at the end the following:

''(c) REQUIRED TELEWORK.—If an agency determines under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may pose 1 or more of the threats described in that section and the employee is eligible to telework under subsections (a) and (b) of this section, the agency may require the employee to telework for the duration of the investigation or the notice period, if applicable.''.

(5) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329a, as added by this section, the following:

''6329b. Investigative leave and notice leave.''.

(e) LEAVE FOR WEATHER AND SAFETY ISSUES.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

''§ 6329c. Weather and safety leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office; and

''(2) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

''(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—

''(1) an act of God;

''(2) a terrorist attack; or

''(3) another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.

''(c) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—

''(1) guidance to agencies regarding the appropriate purposes for providing leave under this section; and

''(2) the proper recording of leave provided under this section.

''(e) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329b, as added by this section, the following:

''6329c. Weather and safety leave.''.

(f) ADDITIONAL OVERSIGHT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall complete a review of agency policies to determine whether agencies have complied with the requirements of this section and the amendments made by this section.

(2) REPORT TO CONGRESS.—Not later than 90 days after completing the review under paragraph (1), the Director shall submit to Congress a report evaluating the results of the review.

SEC. 6402. UNITED STATES GOVERNMENT REVIEW OF CERTAIN FOREIGN FIGHTERS.

(a) REVIEW.—Not later than 30 days after the date of enactment of this Act, the President, acting through the Secretary, shall initiate a review of known instances since 2011 in which a person has traveled or attempted to travel to a conflict zone in Iraq or Syria from the United States to join or provide material support or resources to a terrorist organization.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall—

(1) include relevant unclassified and classified information held by the United States Government related to each instance described in subsection (a);

(2) ascertain which factors, including operational issues, security vulnerabilities, systemic challenges, or other issues, which may have undermined efforts to prevent the travel of persons described in subsection (a) to a conflict zone in Iraq or Syria from the United States, including issues related to the timely identification of suspects, information sharing, intervention, and interdiction; and

(3) identify lessons learned and areas that can be improved to prevent additional travel by persons described in subsection (a) to a conflict zone in Iraq or Syria, or other terrorist safe haven abroad, to join or provide material support or resources to a terrorist organization.

(c) INFORMATION SHARING.—The President shall direct the heads of relevant Federal agencies to provide the appropriate information that may be necessary for the Secretary to complete the review required under this section.

(d) SUBMISSION TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Secretary, consistent with the protection of classified information, shall submit a report to the appropriate congressional committees that includes the results of the review required under this section, including information on travel routes of greatest concern, as appropriate.

(e) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this section.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Foreign Relations of the Senate;

(F) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(G) the Committee on Appropriations of the Senate;

(H) the Committee on Homeland Security of the House of Representatives;

(I) the Permanent Select Committee on Intelligence of the House of Representatives;

(J) the Committee on the Judiciary of the House of Representatives;

(K) the Committee on Armed Services of the House of Representatives;

(L) the Committee on Foreign Affairs of the House of Representatives;

(M) the Committee on Appropriations of the House of Representatives; and

(N) the Committee on Financial Services of the House of Representatives.

(2) MATERIAL SUPPORT OR RESOURCES.—The term ''material support or resources'' has the meaning given such term in section 2339A of title 18, United States Code.

SEC. 6403. NATIONAL STRATEGY TO COMBAT TERRORIST TRAVEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it should be the policy of the United States—

(1) to continue to regularly assess the evolving terrorist threat to the United States;

(2) to catalog existing Federal Government efforts to obstruct terrorist and foreign fighter travel into, out of, and within the United States, and overseas;

(3) to identify such efforts that may benefit from reform or consolidation, or require elimination;

(4) to identify potential security vulnerabilities in United States defenses against terrorist travel; and

(5) to prioritize resources to address any such security vulnerabilities in a risk-based manner.

(b) NATIONAL STRATEGY AND UPDATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall submit a national strategy to combat terrorist travel to the appropriate congressional committees. The strategy shall address efforts to intercept terrorists and foreign fighters and constrain the domestic and international travel of such persons. Consistent with the protection of classified information, the strategy shall be submitted in unclassified form, including, as appropriate, a classified annex.

(2) UPDATED STRATEGIES.—Not later than 180 days after the date on which a new President is inaugurated, the President shall submit an updated version of the strategy described in paragraph (1) to the appropriate congressional committees.

(3) COORDINATION.—The President shall direct—

(A) the Secretary to develop the initial national strategy and updates required under this subsection; and

(B) the heads of other Federal agencies, as appropriate, to coordinate with the Secretary of Homeland Security in the development of such strategy and updates.

(4) CONTENTS.—The strategy required under this subsection shall—

(A) include an accounting and description of all Federal Government programs, projects, and activities designed to constrain domestic and international travel by terrorists and foreign fighters;

(B) identify specific security vulnerabilities within the United States and outside of the United States that may be exploited by terrorists and foreign fighters;

(C) delineate goals for—

(i) closing the security vulnerabilities identified under subparagraph (B); and

(ii) enhancing the ability of the Federal Government to constrain domestic and international travel by terrorists and foreign fighters; and

(D) describe the actions that will be taken to achieve the goals delineated under subparagraph (C) and the means needed to carry out such actions, including—

(i) steps to reform, improve, and streamline existing Federal Government efforts to align with the current threat environment;

(ii) new programs, projects, or activities that are requested, under development, or undergoing implementation;

(iii) new authorities or changes in existing authorities needed from Congress;

(iv) specific budget adjustments being requested to enhance United States security in a risk-based manner; and

(v) the Federal departments and agencies responsible for the specific actions described in this subparagraph.

(5) SUNSET.—The requirement to submit updated national strategies under this subsection shall terminate on the date that is 7 years after the date of enactment of this Act.

(c) DEVELOPMENT OF IMPLEMENTATION PLANS.—For each national strategy required under subsection (b), the President shall—

(1) direct the Secretary to develop an implementation plan for the Department; and

(2) coordinate with the heads of other relevant Federal agencies to ensure the development of implementing plans for each such agency.

(d) IMPLEMENTATION PLANS.—

(1) IN GENERAL.—The President shall submit an implementation plan developed under subsection (c) to the appropriate congressional committees with each national strategy required under subsection (b). Consistent with the protection of classified information, each such implementation plan shall be submitted in unclassified form, but may include a classified annex.

(2) ANNUAL UPDATES.—The President shall submit an annual updated implementation plan to the appropriate congressional committees during the 10-year period beginning on the date of enactment of this Act.

(e) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this section.

(f) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Select Committee on Intelligence of the Senate;

(4) the Committee on the Judiciary of the Senate;

(5) the Committee on Foreign Relations of the Senate;

(6) the Committee on Appropriations of the Senate;

(7) the Committee on Homeland Security of the House of Representatives;

(8) the Committee on Armed Services of the House of Representatives;

(9) the Permanent Select Committee on Intelligence of the House of Representatives;

(10) the Committee on the Judiciary of the House of Representatives;

(11) the Committee on Foreign Affairs of the House of Representatives; and

(12) the Committee on Appropriations of the House of Representatives.

SEC. 6404. NORTHERN BORDER THREAT ANALYSIS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on Appropriations of the House of Representatives; and

(F) the Committee on the Judiciary of the House of Representatives.

(2) NORTHERN BORDER.—The term ''Northern Border'' means the land and maritime borders between the United States and Canada.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a Northern Border threat analysis that includes—

(1) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(A) to enter the United States through the Northern Border; or

(B) to exploit border vulnerabilities on the Northern Border;

(2) improvements needed at and between ports of entry along the Northern Border—

(A) to prevent terrorists and instruments of terrorism from entering the United States; and

(B) to reduce criminal activity, as measured by the total flow of illegal goods, illicit drugs, and smuggled and trafficked persons moved in either direction across to the Northern Border;

(3) gaps in law, policy, cooperation between State, tribal, and local law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counter-terrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along the Northern Border; and

(4) whether additional U.S. Customs and Border Protection preclearance and preinspection operations at ports of entry along the Northern Border could help prevent terrorists and instruments of terror from entering the United States.

(c) ANALYSIS REQUIREMENTS.—For the threat analysis required under subsection (b), the Secretary shall consider and examine—

(1) technology needs and challenges;

(2) personnel needs and challenges;

(3) the role of State, tribal, and local law enforcement in general border security activities;

(4) the need for cooperation among Federal, State, tribal, local, and Canadian law enforcement entities relating to border security;

(5) the terrain, population density, and climate along the Northern Border; and

(6) the needs and challenges of Department facilities, including the physical approaches to such facilities.

(d) CLASSIFIED THREAT ANALYSIS.—To the extent possible, the Secretary shall submit the threat analysis required under subsection (b) in unclassified form. The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for that portion.

SA 4368. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 973 and insert the following:

SEC. 973. MODERNIZATION OF SECURITY CLEARANCE INFORMATION TECHNOLOGY ARCHITECTURE.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence and the Director of the Office of Personnel Management, shall develop and implement an information technology system (in this section referred to as the ''System'') to—

(1) modernize and sustain the security clearance information architecture of the National Background Investigations Bureau and the Department of Defense;

(2) support decision-making processes for the evaluation and granting of personnel security clearances;

(3) improve cyber security capabilities with respect to sensitive security clearance data and processes;

(4) reduce the complexity and cost of the security clearance process;

(5) provide information to managers on the financial and administrative costs of the security clearance process;

(6) strengthen the ties between counterintelligence and personnel security communities; and

(7) improve system standardization in the security clearance process.

(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence and the Director of the Office of Personnel Management, shall issue guidance establishing the respective roles, responsibilities, and obligations of the Secretary and Directors with respect to the development and implementation of the System.

(c) ELEMENTS OF SYSTEM.—In developing the System under subsection (a), the Secretary shall—

(1) conduct a review of security clearance business processes and, to the extent practicable, modify such processes to maximize compatibility with the security clearance information technology architecture to minimize the need for customization of the System;

(2) conduct business process mapping (as such term is defined in section 2222(i) of title 10, United States Code) of the business processes described in paragraph (1);

(3) use spiral development and incremental acquisition practices to rapidly deploy the System, including through the use of prototyping and open architecture principles;

(4) establish a process to identify and limit interfaces with legacy systems and to limit customization of any commercial information technology tools used;

(5) establish automated processes for measuring the performance goals of the System; and

(6) incorporate capabilities for the continuous monitoring of network security and the mitigation of insider threats to the System.

(d) COMPLETION DATE.—The Secretary shall complete the development and implementation of the System by not later than September 30, 2019.

(e) BRIEFING.—Beginning on December 1, 2016, and on a quarterly basis thereafter until the completion date of implementation of the System under subsection (d), the Secretary shall provide a briefing to the appropriate committees of Congress on the progress of the Secretary in developing and implementing the System.

(f) REVIEW OF APPLICABLE LAWS.—The Secretary shall review laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government. Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate committees of Congress a briefing that includes—

(1) the results of the review; and

(2) recommendations, if any, for consolidating and clarifying laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government.

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

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations of the Senate, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4369. Mr. DURBIN (for himself, Mr. COCHRAN, Mr. REID, Mr. BLUNT, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. MURRAY, Mr. CASEY, and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 764. TREATMENT OF CERTAIN PROVISIONS RELATING TO LIMITATIONS, TRANSPARENCY, AND OVERSIGHT REGARDING MEDICAL RESEARCH CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.—Section 756, relating to a prohibition on funding and conduct of certain medical research and development projects by the Department of Defense, shall have no force or effect.

(b) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.—Section 898, relating to a limitation on authority of the Secretary of Defense to enter into contracts, grants, or cooperative agreements for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense, shall have no force or effect.

SA 4370. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1026, insert the following:

SEC. 1026A. ADDITIONAL COUNTRIES UNDER PROHIBITION ON USE OF FUNDS TO TRANSFER OR RELEASE TO CERTAIN COUNTRIES INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1033 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968), as amended by section 1026 of this Act, is further amended by adding at the end the following new paragraphs:

''(5) Iran.

''(6) Sudan.''.

SA 4371. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1053(a) and insert the following:

(a) Section 2576a of title 10, United States Code, is amended by adding at the end the following new subsections:

''(g) DETERMINATION OF ELIGIBLE DEFENSE ITEMS.—

''(1) CONTROLLED DEFENSE ITEMS ELIGIBLE FOR TREATMENT.—

''(A) IN GENERAL.—Subject to the provisions of this paragraph, the controlled defense items that may be treated as eligible defense items for purposes of this section shall include items that—

''(i) can be readily put to civilian use by State and local law enforcement agencies; and

''(ii) are suitable for transfer to State and local law enforcement agencies pursuant to this section.

''(B) INITIAL ELIGIBLE DEFENSE ITEMS.—The controlled defense items to be treated as eligible defense items for purposes of this section as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 are the following:

''(i) Camouflage uniforms and clothing.

''(ii) Fixed wing manned aircraft.

''(iii) Rotary wing manned aircraft.

''(iv) Unmanned aerial vehicles.

''(v) Wheeled armored vehicles.

''(vi) Wheeled tactical vehicles.

''(vii) Specialized firearms and ammunition under .50-caliber.

''(viii) Explosives and pyrotechnics, including explosive breaching tools.

''(ix) Breaching apparatus.

''(x) Riot batons.

''(C) INTERPRETATION OF THIS SECTION.—Subparagraph (B) shall supersede the equipment lists issued pursuant to Executive Order 13688.

''(D) LIST OF CONTROLLED DEFENSE ITEMS TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary of Defense shall, acting through the Director of the Defense Logistics Agency and in consultation with the Working Group established by Executive Order 13688, maintain, and periodically update, a list of controlled defense items that are currently appropriate for treatment as eligible defense items for purposes of this section. The list shall be established and maintained in accordance with the regulations for purposes of this section under subsection (g).

''(2) CONTROLLED DEFENSE ITEMS NOT ELIGIBLE FOR TREATMENT.—

''(A) IN GENERAL.—A controlled defense item may not be treated as an eligible defense item for purposes of this section if—

''(i) the item is made exclusively for the military; and

''(ii) the item, or a substantially similar item, cannot be purchased by State or local law enforcement agencies in the private sector even after the item is demilitarized.

''(B) INITIAL PROHIBITED ITEMS.—Unless and until determined otherwise by the Secretary for purposes of this section, the controlled defense items that may not be treated as eligible defense items for purposes of this section are the following:

''(i) Tracked armored vehicles.

''(ii) Weaponized aircraft, vessels, and vehicles of any kind.

''(iii) Firearms of .50-caliber or higher.

''(iv) Ammunition of .50-caliber or higher.

''(v) Grenades, flash bang grenades, grenade launchers, and grenade launcher attachments.

''(vi) Bayonets.

''(vii) Mine Resistant Ambush Protected (MRAP) vehicles.

''(viii) Tasers developed primarily for use by the military.

''(C) INTERPRETATION OF THIS SECTION.—Subparagraph (B) shall supersede the equipment lists issued pursuant to Executive Order 13688.

''(D) LIST OF CONTROLLED ITEMS NOT TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary shall, acting through the Director of the Defense Logistics Agency and in consultation with the Working Group established pursuant to Executive Order 13688, maintain, and periodically update, a list of controlled defense items that are currently prohibited from treatment as eligible defense items for purposes of this section.

''(3) RETURN OF ITEMS NOT TREATED AS ELIGIBLE DEFENSE ITEMS NOT IMMEDIATELY REQUIRED.—

''(A) RETURN OF INITIAL PROHIBITED ITEMS NOT GENERALLY REQUIRED.—The regulations for purposes of this section shall provide that a law enforcement agency in possession on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 of a controlled defense item that is not eligible for treatment as an eligible defense item pursuant to paragraph (2)(B) shall not be required to return such item to the Department pursuant to Executive Order 13688.

''(B) RETURN OF ITEMS SUBSEQUENTLY TREATED AS NOT ELIGIBLE NOT REQUIRED.—The regulations for purposes of this section shall provide that a law enforcement agency in possession of a controlled defense item that is no longer eligible for treatment as an eligible defense item pursuant to paragraph (2)(D) shall not be required to return such item to the Department pursuant to Executive Order 13688.

''(C) CONSTRUCTION.—Nothing in this section shall be construed to require a law enforcement agency, pursuant to Executive Order 13688, to return to the Department equipment obtained from the Federal Government, or obtained using Federal funds, if such equipment was obtained by the agency in a manner consistent with all applicable laws and regulations.

''(D) TRANSFER OF OWNERSHIP.—Nothing in this section shall be construed as a transfer of ownership of any equipment obtained from the Federal Government pursuant to this section.

''(h) PROHIBITION ON REQUIREMENT FOR TIMELY USE OF TRANSFERRED ITEMS.—The regulations for purposes of this section may not require the use of an eligible defense item transferred under this section within one year of the receipt of the item by the State or local law enforcement agency concerned.

''(i) NOTICE ON REQUESTS FOR TRANSFERS TO STATE AND LOCAL OFFICIALS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State or local law enforcement agency may not request transfer of an eligible defense item under this section, including pursuant to interagency transfer under subsection (t), unless the law enforcement agency has provided notice of the request to the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency.

''(2) EXCEPTION.—

''(A) ITEMS FOR UNDERCOVER OPERATIONS.—A State or local law enforcement agency requesting transfer of an eligible defense item is not required to comply with paragraph (1) if the item requested is for an active undercover operation.

''(B) ALTERNATIVE NOTICE REQUIREMENT.—A State or local law enforcement agency receiving an item under this section pursuant to a request covered by subparagraph (A) shall notify the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency of the request not later than 10 business days after operation concerned becomes an open record.

''(j) TRAINING REQUIREMENTS.—

''(1) MINIMUM TRAINING REQUIREMENTS FOR LAW ENFORCEMENT OFFICERS.—

''(A) IN GENERAL.—On and after the date that is three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, eligible defense items may not be transferred to a State or local law enforcement agency of a State under this section unless the Governor of the State (or the designee of the Governor) certifies to the Director of the Defense Logistics Agency that the State has in place minimum training requirements for all sworn law enforcement officers in the State, including—

''(i) a requirement that anyone that has decision-making authority on the deployment of a SWAT team attends the National Tactical Officers Association unit commanders course or an equivalent within 1 year of commencing the exercise of such authority;

''(ii) specialized leadership training requirements for unit commanders who have—

''(I) decision-making authority on the deployment of SWAT teams and tactical military vehicles; or

''(II) responsibility for drafting policies on the use of force and SWAT team deployment;

''(iii) annual specialized SWAT team training requirements for all SWAT team members, including in law enforcement tactics used in tactical operations;

''(iv) annual training requirements for all law enforcement officers that are members of specialized tactical units other than SWAT teams (including high-risk warrant service teams, hostage rescue teams, and drug enforcement task forces);

''(v) annual training on the general policing standards of the law enforcement agency on equipment such as eligible defense items;

''(vi) annual training on sensitivity, including training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants;

''(vii) annual training in crowd control tactics for any officers that may be called upon to participate in crowd control efforts; and

''(viii) such other training as recommended by the evaluation conducted pursuant to section 1051(d) of the National Defense Authorization Act for Fiscal Year 2016.

''(B) SATISFACTION BY RECENT HIREES.—The requirements under subparagraph (A) shall provide for the first completion of the training concerned by an individual who becomes an officer in a law enforcement agency by not later than one year after the date on which the individual becomes an officer in the law enforcement agency.

''(C) RECORD-KEEPING.—Each law enforcement agency to which eligible defense items are transferred pursuant to this section shall retain training records of each office authorized to use such items, either in the personnel file of the officer or by the training division or equivalent entity of the agency, for not less than three years after the date on which the training occurs, and shall provide a copy of such records to the Director of the Defense Logistics Agency upon request.

''(2) INTERPRETATION OF THIS SECTION.—The training requirements in paragraph (1)(A) shall, for the purpose of obtaining equipment under this section, supersede and override the training requirements issued pursuant to Executive Order 13688.

''(k) CONSTRUCTION WITH OTHER DLA AUTHORITY.—Nothing in this section shall be construed to override, alter, or supersede the authority of the Director of the Defense Logistics Agency to dispose of property of the Department of Defense that is not an eligible defense item to law enforcement agencies under another other provision of law.

''(l) DEFINITIONS.—In this section:

''(1) The term 'bayonet' means a large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for the purposes of hand-to-hand combat.

''(2) The term 'breaching apparatus' means a tool designed to provide law enforcement rapid entry into a building or through a secured doorway, including battering rams or similar entry devices, ballistic devices, and explosive devices.

''(3) The term 'controlled defense item' means property of the Department of Defense that is subject to the restrictions of the United States Munitions List (22 Code of Federal Regulations Part 121) or the Commerce Control List (15 Code of Federal Regulations Part 774).

''(4) The term 'eligible defense item' means a controlled defense item that is eligible for transfer to a law enforcement agency pursuant to this section.

''(5) The term 'fixed wing manned aircraft' means a powered aircraft with a crew aboard, such as airplanes, that uses a fixed wing for lift.

''(6) The term 'grenade launcher' means a firearm or firearm accessory designed to launch small explosive projectiles.

''(7) The term 'riot baton' means a non-expandable baton of greater length than service-issued types that are intended to protect its wielder during melees by providing distance from assailants. The term does not include a service-issued telescopic or fixed length straight baton.

''(8) The term 'specialized firearm and ammunition under .50-caliber' means a weapon and corresponding ammunition for specialized operations or assignments. The term does not include service-issued handguns, rifles, or shotguns that are issued or approved by an agency to be used during the course of regularly assigned duties.

''(9) The term 'State Coordinator' means an individual appointed by the Governor of a State—

''(A) to manage requests of State and local law enforcement agencies of the State for eligible defense items; and

''(B) to ensure the appropriate use of eligible defense items transferred under this section by such law enforcement agencies.

''(10) The term 'State or local law enforcement agency' means a State or local agency or entity with law enforcement officers that have arrest and apprehension authority and whose primary function is to enforce the laws. The term includes a local educational agency with such officers. The term does not include a firefighting agency or entity.

''(11) The term 'SWAT team' means a Special Weapons and Tactics team or other specialized tactical team composed of State or local sworn law enforcement officers.

''(12) The term 'tactical military vehicle' means an armored vehicle having military characteristics resulting from military research and development processes that is designed primarily for use by forces in the field in direct connection with, or support of, combat or tactical operations.

''(13) The term 'tracked armored vehicle' means a vehicle that provides ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

''(14) The term 'unmanned aerial vehicle' means a remotely piloted, powered aircraft without a crew aboard.

''(15) The term 'wheeled armored vehicle' means any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as an Armored Personnel Carrier.

''(16) The term 'wheeled tactical vehicle' means a vehicle purpose-built to operate onroad and offroad in support of military operations, such as a HMMWV ('Humvee'), 2.5ton truck, 5ton truck, or a vehicle with a breaching or entry apparatus attached.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 26, 2016, at 10 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''A Review of the U.S. Livestock and Poultry Sectors: Marketplace Opportunities and Challenges.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 26, 2016, at 10 a.m., to conduct a hearing entitled ''Protecting America from the Threat of ISIS.''

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

COMMITTEE ON THE JUDICIARY

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 26, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 26, 2016, at 10 a.m., in room SR–428A of the Russell Senate Office Building to conduct a hearing entitled ''Oversight of the SBA's 7(a) Loan Guarantee Program.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. RUBIO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 26, 2016, at 2 p.m., in room SH–219 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS, AND GLOBAL WOMEN'S ISSUES

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues be authorized to meet during the session of the Senate on May 26, 2016, at 9 a.m., to conduct a hearing entitled ''Cartels and the U.S. Heroin Epidemic: Combating Drug Violence and Public Health Crisis.''

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

PRIVILEGES OF THE FLOOR

Mr. WICKER. Mr. President, I ask unanimous consent that CDR Andrew Cook, a defense legislative fellow in my office, be granted privileges of the floor during the remainder of this session of Congress.

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