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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 2016.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, first of all, I thank my colleague and fellow Georgian, Mr. DAVID SCOTT, for inviting me to share some words and congratulations toward a great Georgian who is here today. That Georgian is Jocelyn Dorsey, who was recently inducted into the Georgia Association of Broadcasters Hall of Fame.

Jocelyn has served our community for more than 43 years as an employee of Atlanta's number one local station, WSB-TV Channel 2 Action News. Jocelyn now serves as the director of editorials and public affairs at WSB, where she is responsible for all community and public service outreach programs. Over the years, she has become not only an accomplished and trusted news anchor but a person who gives her money and her time and who is a friend to all who have ever met her.

Aside from her work at the station, Jocelyn uses her free time to bring awareness to the Atlanta area nonprofits and assists them with fundraising. I have been involved with her many times at some of these fundraising opportunities that she takes. Jocelyn serves on the advisory board of many charitable organizations in Atlanta, working to improve the lives of those with developmental disabilities and to improve the lives of the children of the community. She is also a mentor to teens and is an advocate for family values. Jocelyn has been a pioneer for women in journalism in our State, especially for African American women. She is a leader and has been recognized by the city of Atlanta and county commissioners for all of the work that she has done.

Many people want to make Atlanta better, but what makes Jocelyn special is that she actually works hard every day to make our city a better place. Whether it is at the TV studio or during her free time, she is committed to making Atlanta a great place to work, live, and raise children. Jocelyn knows and embodies the best values of Georgians—hard work, service, and, of course, leadership. There cannot be improvement without action, and Atlanta's next generation is fortunate to have a strong, active leader in the community like Jocelyn to look up to and to try to follow.

Mr. Speaker, I congratulate Jocelyn on her induction into the Georgia Association of Broadcasters Hall of Fame. I also thank her for her commitment to Atlanta and to the State of Georgia. I wish Jocelyn and her family all the best, and I know that she will continue to do great things for our city and our State.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, the United States Congress today gives great and special recognition to an extraordinary Georgian and a great American, Ms. Jocelyn Dorsey, for her pioneering and trailblazing career with WSB Television, the flagship station in Atlanta, Georgia, of Cox Enterprises, and also for her induction into the prestigious Georgia Association of Broadcasters Hall of Fame.

I am pleased to join with my colleagues, both Democrats and Republicans, as we share with the Nation Ms. Dorsey's remarkable contributions and her high nobility of purpose.

Jocelyn Dorsey was the very first African American to anchor a television newscast in the Atlanta market, ushering in the New South. She broke down racial barriers in television—in anchoring, in reporting, in management, in producing. Jocelyn Dorsey is a one-of-a-kind because she was able to put together an award-winning public affairs television program called ''People to People.''

Truly, through this program, Jocelyn Dorsey has done and is doing God's work, which is in helping those who need help the most: children who need shelter, children with disabilities, and disabled veterans. As well, her work in breast cancer and prostate cancer and for Sisters By Choice is absolutely legendary. Every year, Jocelyn Dorsey is a major partner in Georgia's largest job fairs and health fairs, bringing

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badly needed jobs to thousands of Georgians and to our military veterans.

What an extraordinary person Ms. Jocelyn Dorsey is. She has been with this station, WSB, for 43 years. That is very significant because WSB Television has been in existence for 67 years—43 years out of the station's 67 years of existence. As famous WSB sportscaster Chuck Dowdle said, Jocelyn Dorsey is the backbone of WSB Television.

Mr. Speaker, she loves her motorcycle, and she rode that motorcycle all the way from Alaska to Key West, Florida, and raised $250,000 for the Special Olympics. You talk about God's work. That is it that she is doing—7,680 miles. It took her 21 days.

I am telling you, Mr. Speaker, that God gives us His loving kindness and His grace by His divine calling to certain persons. Such a person is Jocelyn Dorsey, and we in the United States Congress today take great pride in having her story, which is a great American story, enshrined into the CONGRESSIONAL RECORD and into the congressional Library of Congress for all times, for generations to come—forever.

God bless Jocelyn Dorsey with WSB Television, and God bless the Georgia Association of Broadcasters Hall of Fame, and God bless the United States of America.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. LOUDERMILK) for 5 minutes.

Mr. LOUDERMILK. Mr. Speaker, I thank my colleague, Mr. DAVID SCOTT, for coordinating this tribute to Jocelyn Dorsey.

I am honored to recognize Jocelyn Dorsey, who is being inducted into the Georgia Association of Broadcasters Hall of Fame, for her steadfast commitment to journalism excellence.

Jocelyn has served the Atlanta, Georgia, region for over 40 years in her reporting for WSB-TV. During her career, she has been recognized for her work ethic and devotion to the field of journalism. Jocelyn's commitment to excellence quickly advanced her career, and she has served as the director of editorial and public affairs at Channel 2 since 1983.

She has received numerous awards for her work with WSB-TV, including seven Southeast Regional Emmys for Editorial Excellence from the National Academy of Television Arts and Sciences. Jocelyn was also the first woman and the first African American to receive the Georgia Association of Broadcasters' Citizen of the Year Award, which is a lifetime achievement award.

Her work speaks for itself, but she is more than a reporter, anchor, and director. Jocelyn is the mother of two sons and is a grandmother. She is also an active volunteer in her community, and she rode her Harley-Davidson around the country, raising thousands of dollars for the Special Olympics of Georgia.

As the Atlanta Magazine puts it, Jocelyn is a ''woman making a mark.'' She is truly an inspiration to the journalism community.

Congratulations, Jocelyn Dorsey, on your well-deserved induction into the Georgia Association of Broadcasters Hall of Fame.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. LEWIS) for 5 minutes.

Mr. LEWIS. Mr. Speaker, it is my honor to say a few words about Jocelyn Dorsey.

Jocelyn Dorsey has won some of the highest honors the field of broadcasting has to offer, and, in many categories, she has been the first one to do it. She is an Emmy award-winning journalist and is the first African American woman to appear on a daily news show in Atlanta. She is the first woman and the first African American to receive the Georgia Association of Broadcasters' lifetime achievement award, Citizen of the Year, among many other honors. She has achieved so much. I will not have enough time here to mention it all.

I have known Jocelyn ever since she first came to Atlanta so many decades ago. How do you put into a few short words the gift that is 40 years of one person's life? It is not easy to sum up all we have seen together, all she has done, and what she means to our community, to our city, to our State, and to our Nation. But when you boil it all down, Jocelyn Dorsey stands for trust and credibility, generosity and human kindness.

Jocelyn is a professional who shines in the spotlight, who deserves the fame and the acclaim. But the reason she lasted 40 years in a tough business is that she loved the people and the institution she served. We could feel it, and we loved her back.

Jocelyn wants to touch people. She wants to do something that helps create life-changing outcomes for those around her. Her work was not a job; it was a way of life. She has traveled the length and breadth of America on her motorcycle, even as far away as Fairbanks, Alaska, meeting people as she went.

She served on community boards in Atlanta that help the disabled, that mentor young girls, that support minority businesses, children's shelters, voter empowerment, and many other worthy causes. She gave her time and used her power as a broadcaster, not because it was fashionable but because it was the right thing to do. It was right. Jocelyn Dorsey has won just about every accolade she could have won in her region.

I don't know whether I can offer any words that would surpass what she has already heard. But we brought her here to the House of Representatives to celebrate her retirement because she is committed and dedicated to the citizens of this country—a woman who took her responsibility as an American seriously and did all she could to help others in any way she could.

I know and truly believe that WSB is so sorry to see her go, but, as a community, we are glad to know where she will stay—in our hearts. She will be forever in the hearts of all of our people and at the center of public service in our community.

Thank you, Jocelyn Dorsey, for all of your great and good work, and may the blessing of the Almighty be with you.

□ 1015

SUPREME COURT RULING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. GIBBS) for 5 minutes.

Mr. GIBBS. Mr. Speaker, just 2 weeks ago the United States Supreme Court issued a ruling on an important case that deals with private property rights, the Clean Water Act, and the ability of Americans to challenge administrative decisions made by Federal agencies.

In the U.S. Army Corps of Engineers v. Hawkes decision, a private company wanted the ability to dispute a proposed determination by the Corps before they were put through the burdensome and costly process of applying for a section 404 permit. When the Hawkes Company, which wanted to harvest peat from a tract of land that is 120 miles from the Red River in Minnesota, began the process with the Corps, the Corps provided a jurisdictional determination—also called a JD—that stated there was a ''significant nexus'' between the Red River and the acreage Hawkes expected to harvest. Thus, requiring a permit.

But there was no guarantee that the permit would even be approved. The Hawkes Company believed they should not be forced to spend thousands of dollars in permit applications only to be denied and then go through the long process of appealing the decision.

The government's lawyers tried to argue that the approved jurisdictional determination is not the same as the final agency action, which is required before any legal or judicial review can even begin.

This is one of several important points made in the Supreme Court's unanimous decision siding with the Hawkes Company. While the Federal Government argued to the Court that an approved JD is not a final agency action, the Court found that the Army Corps considers it so in other Federal regulations. Using conditions set by previous court precedents, the Supreme Court sided with Hawkes and agreed that an approved JD essentially constitutes a final agency action. This now gives Hawkes and other entities applying for Clean Water Act permits

in the future the ability to dispute rulings by the Corps before spending thousands and thousands of dollars for permits.

The Federal Government's arguments in this case were unconvincing at best and repugnant at worst. Army Corps lawyers contended that Hawkes had an alternative to the expensive permit application. They argued the company could simply begin their operations without a permit, face the wrath of the Environmental Protection Agency, and attempt to argue in court that a permit isn't necessary. The problem with these alternatives is that Hawkes would be facing fines as much as $37,500 a day by operating without a permit.

In their 8–0 decision, the Court rightly sided with reason and sanity. American citizens and private companies should not be at the mercy of a bureaucracy that is effectively extorting them to have their day in court.

On the surface, this court case was about a peat company in Minnesota trying to sell some turf to golf courses, but it represents much more than that. We have a government that is too large, spends too much, and interferes with the private sector, especially at a time when our economy is stagnant and millions of Americans are struggling to find the work they are eager to take on. We have the ability to return the government's role in the economy to its original and appropriate place by creating the conditions for economic growth for all Americans rather than attempting to pick winners and losers through a centrally planned economy.

Yesterday, Speaker RYAN introduced a proposal by House Republicans that provides a better way toward economic prosperity for all Americans. One of those ways is to reduce the regulatory and administrative burdens placed on the private sector. If we modernize the regulatory framework, provide real and aggressive oversight of major regulations by requiring an up-or-down vote by Congress, and give the American people a larger role in the development of the Federal rules and regulations that affect them, we can set our economy on a path towards prosperity. More importantly, we can make sure all Americans have the opportunity to improve their lives, to live out their own version of the American Dream, and allow their children and grandchildren to inherit a more confident and prosperous Nation.

MASS SHOOTING IN ORLANDO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise today, along with other Members of this body and tens of millions of Americans in every corner of our Nation, to express my profound sympathy and heartfelt condolences to the families and friends of the 49 beautiful young people of Orlando whose lives were stolen Sunday morning. We may never know the kind of hatred, what kind of sickness moves an individual so vehemently with such unchecked racism and homophobia to commit mass murder allegedly in the name of one or more terrorist causes.

My mind constantly returns to those who lost their lives at the Pulse, along with the 53 who were wounded, in an attempt to understand how one individual came to have the power to wreak such destruction and havoc. These innocent souls now join those lost at Blacksburg, Virginia; Newtown, Connecticut; Killeen, Texas; San Ysidro, California; San Bernardino, California; Edmund, Oklahoma; Fort Hood, Texas; Binghamton, New York; and Aurora, Colorado, as victims of modern warfare.

So far 2016 has seen 136 mass shootings, according to the Gun Violence Archive.

How can we countenance the continued ownership, availability, and use of semiautomatic weapons such as the AR–15? What legitimate purpose can they serve? What legitimate need do they fulfill? How many more must die before we rise up as a Nation and reinstate the ban on such weapons in civilian life? Would that have an impact? Would such a ban save lives?

We don't have to guess. We can look to the experience of Australia, a nation with some significant parallels to the United States. In 1996, after the worst mass shooting in Australian history, then-Prime Minister John Howard led the battle for what was to become the National Firearms Agreement, which banned certain semiautomatic and self-loading rifles and shotguns and required all firearm license applicants to show a genuine reason for owning a gun, which couldn't include self-defense.

The country instituted a mandatory federally financed gun buyback program, which led to the repurchase of 700,000 guns, which halved the number of gun-owning households and reduced the number of guns in circulation by about 20 percent. The firearm homicide rate fell by 59 percent and the firearm suicide rate fell by 65 percent without increases in other types of deaths. Australia hasn't had another mass shooting on that scale since.

Mr. Speaker, I want to close on another even more critical note: addressing the deadly end result of racism, homophobia, and male chauvinism.

The self-serving notion that any individual or group is superior to another has plagued America from our earliest days as a Nation. Slavery was a cancer on our people. Justified by the crudest, cruelest, most vicious ideology, which proclaimed persons of African or Native American ancestry to be inferior and subhuman and persons of European ancestry to be their natural masters, it was the basis of a vicious system of social oppression and economic exploitation. No people will endure such oppression and exploitation forever. Indeed, it inevitably led to the deadliest and most divisive war in our Nation's history: the Civil War. 204,070 people died in battle or from injury in battle, and 414,152 died from disease or accident, a total of 618,000 souls.

Yet here we have these evils lingering in our society today. They continue to express themselves in so many different ways.

What kind of deranged mind leads itself to believe that it can pass judgment on other individuals or groups? What kind of mind raised in the United States places itself above our constitutional declarations of equality for all? What kind of mind finds the basis to declare other individuals or groups defective or inferior? What kind of mind declares other individuals unworthy or unqualified to share the protections of our Constitution? What kind of mind asserts they are above judgment by a member of another group? What kind of mind envisions a world where one people are superior to another people and believes that such notions can lead to anything other than enduring conflict, death, and destruction?

Mr. Speaker, these kinds of thoughts can no longer linger. The answer rests, to a real degree, with us.

CALLING ON SENATE ACTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ZELDIN) for 5 minutes.

Mr. ZELDIN. Mr. Speaker, I rise today to call on the Senate to act now to send to the President's desk several important bills that I have introduced in this Chamber, which have all now passed this House.

In Congress, I have been working hard to pursue my New Era of American Strength agenda to protect America's security at home and abroad, help grow our economy, support our veterans and first responders, improve the quality of education, repair our Nation's infrastructure, improve health care in America, and safeguard our environment.

Working with my colleagues on both sides of the aisle in the House and Senate, I have been able to secure a number of important victories for my district. These include a 5-year fully funded transportation bill, including my Safe Bridges Act, which was passed and signed into law.

My proposal to allow States to opt out of Common Core without penalty from the Federal Government was also passed and signed into law.

Working with Peconic Bay Medical Center, I was able to open a new veterans healthcare clinic in Manorville.

I also helped lead the effort to permanently reauthorize the Zadroga Act for our 9/11 first responders and stop the Medical Device Excise Tax for 2 years.

Additionally, my office has successfully resolved over 3,000 cases in favor of New York's First Congressional District constituents.

While I am very proud of the victories I have been able to secure thus far for New York's First Congressional District, I have introduced a number of other bills that have now passed this House.

The Senate should act to pass all of the following bills:

My Counterterrorism Screening and Assistance Act, which is H.R. 4314. With the rise of terrorism across the world, the need for an improved security clearance process and increased border security has become even more apparent. The free movement of those who would commit horrific acts of terror is one of the greatest threats to America's safety, both at home and abroad. My bipartisan bill, H.R. 4314, would help close gaps in foreign borders by establishing international security standards while also guaranteeing that U.S. resources are utilized in the most efficient way possible wherever they are needed the most. H.R. 4314 would also put in place a monitoring system to screen for infectious diseases abroad, like Zika, in order to contain and prevent any potential outbreaks.

The Senate should also pass my three bills for our Nation's veterans: H.R. 2460, H.R. 1569, and H.R. 1187. One of my greatest priorities is ensuring that the veterans of our Armed Forces receive the treatment and benefits that they have earned and deserve. In Congress, I have introduced several pieces of legislation to provide for our heroes, including H.R. 2460, which would provide adult day health care for disabled veterans at no cost; H.R. 1569, to require the VA to pay accrued benefits to the estate of deceased veterans; and H.R. 1187, to eliminate the loan limit that the VA can guarantee for a veteran. Passing all these bills, all of which have received enormous support from Democrats and Republicans alike, are essential to increase our veterans care and assistance.

I also introduced a bill to save Plum Island: H.R. 1887. This island is a critical natural, cultural, and historical treasure that has been cherished by our local community since before the 1700s. Rather than allow the Federal Government to sell the island to the highest bidder, H.R. 1887 would safeguard the island from development to preserve this beautiful land, almost all of which is completely undeveloped. Additionally, we can ensure good-paying research jobs are on the island while allowing public access for more Long Islanders and others to experience this great land that is right in our own backyard.

Another one of my bills, H.R. 3070, would allow striped bass fishing off the coast of Montauk. Just this month, H.R. 3070 passed the House with unanimous bipartisan support. My bill would clarify Federal laws governing the management of the striped bass fishery in the exclusive economic zone between Montauk, New York, and Block Island, Rhode Island. Fishermen are desperately pleading for commonsense relief, and the EEZ Transit Zone Clarification and Access Act is one way that Congress can help.

The Senate should act quickly on all of these essential pieces of legislation. I will continue doing everything in my power to bring home more victories for Long Island through my New Era of American Strength agenda.

□ 1030

A TIME COMES WHEN SILENCE IS BETRAYAL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. ESTY) for 5 minutes.

Ms. ESTY. Mr. Speaker, I rise today to remind this House that Martin Luther King, Jr. said: A time comes when silence is betrayal.

Early Sunday morning, 49 Americans were murdered and 53 wounded, gunned down at a gay nightclub in Orlando.

As a nation, we grieve for the 49 Americans who were taken from us that day. Our hearts and prayers are with their loved ones and with all those who were wounded. Yet while we grieve, we must also act. This heinous, hateful attack had three important aspects, each of which we must acknowledge and address. Orlando was a hate crime. It was a terrorist attack, and it was committed with a gun that this individual should never have had.

This terrorist attack was a hate crime, and if we ignore that brutal reality, if we are silent about it, then we disrespect the victims of this tragedy, their families, and LGBT Americans across this Nation. So let's be very clear. On Sunday, an individual set out to kill LGBT Americans simply because of who they are. It was a direct attack on the LGBT community in a place where they gathered for safety and fellowship, and it was an attack on the Latino and Hispanic community as well.

As the sister of a gay man, this attack is personal to me, but in reality, this attack is personal to all Americans. It is an attack on our families, our friends, our values. It is an attack on our diversity and our freedom. As Americans, we do not back down from our values. We unite around them. We do not respond to hatred with hatred.

Today it is more important than ever to stand up proudly against discrimination in all forms, whether it is based on sexual orientation, on gender identity, religion, race, or anything else.

This was also a terrorist attack that requires a counterterrorism response. We need to strengthen our intelligence efforts at home and abroad. At home we need to identify potential lone wolf attackers and stop them before they become radicalized. Our political leaders, or those seeking to become political leaders, need to stop singling out Muslim Americans for hatred and violence.

Targeting Muslim Americans with violence and discrimination isn't just unAmerican; it makes our entire Nation less safe. It gives ISIS a recruiting tool to radicalize individuals in this country and around the world. It puts families in this country in greater danger, and it puts our troops at greater risk. We need the Muslim communities throughout this country that are standing up against terrorism and against dangerous radical perversions of their faith. We rely on their cooperation to identify potential attackers before they attack.

Finally, we need to close the gaping hole in our laws that allow suspected terrorists who are on the FBI's terrorist watch list to walk into a store and buy a firearm. This issue is only controversial in this House and in Congress. Among our constituents, it is common sense. If you are too dangerous to fly, you are too dangerous to own a gun. Quite simply, no fly, no buy.

The time for silence is over. We in Congress have a sworn obligation to protect the people of the United States. Every day we fail to act is a failure to carry out our most basic duty.

So, Mr. Speaker, I ask unanimous consent that the House bring up H.R. 1076, the Denying Firearms and Explosives to Dangerous Terrorists Act.

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the House is in session solely for the purpose of conducting morning-hour debate. Therefore, that unanimous consent request cannot be entertained.

Ms. ESTY. Mr. Speaker, I will stand here for the remainder of my time to protest the appalling silence of this House and its refusal to act in the face of this terrorist act.

The SPEAKER pro tempore. The gentlewoman's time has expired.

REMEMBERING JERRY McCLOSKEY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. MIMI WALTERS) for 5 minutes.

Mrs. MIMI WALTERS of California. Mr. Speaker, on May 24, Laguna Niguel councilman and former mayor Jerry McCloskey passed away unexpectedly.

Jerry, a United States Navy veteran, continued his service to the military and his community through his volunteer work with Laguna Niguel Military Support Foundation and the American Legion Post 281. He was also involved in the local Rotary Club, Lions Club and Historical Society, and served as the president of the Orange County Watershed and Environmental Center.

I met Jerry when I ran for city council in 1996, and in all the years I knew Jerry, he truly exemplified what it means to serve. He will be sorely missed.

Jerry leaves behind his beloved wife Marilyn, his two daughters, and his four grandchildren. We join them in their mourning and hope that they can find comfort in knowing that his impact on the Orange County community will live on for decades to come.

HONORING JOCELYN DORSEY ON HER RETIREMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to honor one of the great servants, a truly great servant in Atlanta broadcasting history. Her name is Jocelyn Dorsey. She has been working at WSB-TV in Atlanta for the last 40 years. She was the first regularly scheduled Black female anchor on Atlanta TV in the history of our great city. She is truly a pioneer. She was inducted into the Georgia Association of Broadcasters Hall of Fame among her many accolades and recognitions in the industry.

Throughout her more than 40-year award-winning career, Jocelyn Dorsey has collected more hardware in terms of awards than I could possibly take 5 minutes to recite. It certainly would take us all day to recite the many awards that she has received, but my point is that in every professional recognition category that she has been considered under, she has won awards, and her recognition is duly noted by the professionals and her peers throughout the country.

She has been giving back to her community in ways that have been unseen. While she started her career out in front of the camera, she is ending her career behind the cameras. She has been behind the cameras promoting community awareness, community service, making the station itself, WSB, which is the top-ranked station in the Atlanta market, truly representative of the community and truly responsive to the community.

There are just so many things that have transpired as a result of her behind-the-scenes work that have helped so many individual Atlantans and not just Atlantans, people who are served by the Atlanta television market. She has truly left a great impact. We hate to see her go. She has been a true warrior for good and for fairness and inclusion as well.

I will leave with the words of someone who has worked closely with Jocelyn for more than 40 years. His name is Mark Winne, who is an award-winning investigative reporter in his own right.

> She has found her calling in life, the way to use the distinctive suite of gifts God has given her in a way that serves others, and at the same time she makes a living doing it. She lives and breathes the work, rolling up her sleeves, and sticking her arms all the way into the dirt to plant, harvest, and plant again year in, year out. She brings zest and joy to it. She digs new technology, and she uses it, but her keen people sense has enabled her to be such an effective steward of the considerable resources WSB-TV invests in the community. She is a personal heroine and role model, and I think she may have the best—and in some ways toughest—job in the Atlanta television market.

I will rest on those words of Mark Winne, and I will say to Jocelyn Dorsey: Work well done. I hope you enjoy your tremendous retirement. You are still a young woman. You have a lot to offer, but you deserve to have some fun. So have fun.

By the way, she is an avid motorcyclist, and she rode—or, actually, piloted her motorcycle all the way from Anchorage, Alaska, to, I think, Tampa, Florida, in a ride to raise money for various charitable events and causes.

So you will have a lot more time to ride now. When the group tells you, Hey, we are getting ready to go to Nevada, you won't have the excuse of having to go to work anymore. You will be able to jump on the bike and ride. So ride peacefully, ride strong, and we will see you soon.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to a perceived viewing audience.

RECOGNIZING DICK RAMSAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. CURBELO) for 5 minutes.

Mr. CURBELO of Florida. Mr. Speaker, I rise today to recognize the passing of one of Monroe County's most respected and decent public servants. Richard ''Dick'' Ramsay, a former Marathon mayor and city councilman, small-business owner and airline pilot, passed away on June 2 at the age of 74.

A true visionary who worked tirelessly to better his community, Mayor Ramsay played a pivotal role in the incorporation of Marathon, Florida. He possessed a genuine passion for the Florida Keys, a passion that was reflected in his dedication to public service.

Dick's contributions to Marathon are both significant and extensive. He served three 2-year terms on the city council and expressed great interest in issues concerning the Florida Keys Marathon International Airport. One of his many successful projects was the newly installed U.S. Customs and Border Protection facility, which now allows international flights to clear customs in Marathon for the first time in decades.

Beloved by his family, his friends, and his community, Dick Ramsay will be dearly missed by all. I am honored to have been able to call him my friend. My thoughts and prayers go out to the Ramsay family and to the Florida Keys for the loss of such an active and caring member of the community.

RECOGNIZING ED KNIGHT

Mr. CURBELO of Florida. Mr. Speaker, I rise today to recognize Edward B. Knight of the Florida Keys. Ed, as he is known, is a true staple in our community. During his time in Key West, he and his wife opened one of the first U.S. Volkswagen dealerships, operated a successful real estate company, and served as an executive on several boards, including the Rotary Club of Key West and the Boy Scouts of America. Mr. Knight also created an annual Rotary scholarship program to help students attend Florida Keys Community College.

Edward Knight is a leader, a businessman, and the definition of a philanthropist, so much so that Key West Mayor Craig Cates led a naming ceremony of the White Street Pier in Mr. Knight's honor on June 9.

I want to personally congratulate Ed Knight. Thank you for all you have done for the Florida Keys community throughout the years. Your service is deeply appreciated.

□ 1045

ALZHEIMER'S AND BRAIN AWARENESS MONTH

Mr. CURBELO of Florida. Mr. Speaker, I rise to recognize June as Alzheimer's and Brain Awareness Month.

There are more than 5 million Americans in the United States who have been diagnosed with Alzheimer's. It is a devastating disease for patients and their families and is currently the sixth leading cause of death for individuals living in the United States.

This disease, unfortunately, cannot be prevented, cured, or slowed, but as lawmakers, we have the ability to support patients and their families. I have cosponsored the HOPE for Alzheimer's Act, which would amend Medicare to cover comprehensive Alzheimer's disease care-planning services.

I look forward to working with my colleagues on both sides of the aisle to help move toward finding a cure for this awful disease.

BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, today marks 100 years since the Boy Scouts of America received their Federal charter. This week also represents an important anniversary for my hometown council in Pennsylvania.

For three-quarters of a century, the Ockanickon Scout Reservation in Pipersville, Bucks County, has fulfilled the goals of its early founders and provided adventure and fun for scouts from States as far away as Arizona, Texas, and the U.S. Virgin Islands, and hosted many scouts from across the globe. While the site is busy year-round, more than 3,000 young people arrive each summer, with more than 3,800 expected this year alone.

Ockanickon Scout Reservation's objectives are simple: character, citizen training, and personal fitness. But there is also a rich scouting history of meeting the spiritual, developmental, and social needs of young people and instilling lifetime values that will help them reach their full potential.

As a former camper and counselor myself, I want to offer my congratulations to Camp Ockanickon, the Washington Crossing Council, and Ajapeu Lodge on this anniversary marking 75 years. I hope there are many, many more years ahead of providing an outstanding experience to tomorrow's leaders.

STATESVILLE IS A GREAT PLACE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, today, I rise to recognize the city of Statesville, North Carolina, which was recently named one of North Carolina's Great Places by the State's American Planning Association chapter.

The Great Places in North Carolina program honors the best planning efforts in the State. The selected cities are celebrated for their active main streets and serve as models for vision, partnerships, and collaboration.

Statesville is a dynamic town located in the foothills of North Carolina at the intersection of Interstates 77 and 40. Its vibrant main street is the intersection of Center and Broad Streets, which is known affectionately as ''The Square.''

The Square serves as the center of this charming community known for its beautiful buildings, historic homes, terrific quality of life, and incredibly friendly people. The 223-year-old city boasts a variety of retail, dining, and entertainment options, with art at every corner. It is an honor to represent Statesville in North Carolina's Fifth Congressional District.

HONORING THE ORLANDO SHOOTING VICTIMS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE. Mr. Speaker, the overwhelming grief that America now feels warrants this body to continue to offer our sympathies and concern to those families now in the most dire of conditions; that is, those families whose loved ones are no more, who died on what was to be a joyous occasion, socializing, as we do as Americans, and those families who are hovering over sickbeds for those who are injured.

I rise this morning to again give them my sympathy and my respect. What the American people want to see from this body is action.

I rise as well to pay tribute to the LGBTQ community all over the Nation. In my hometown of Houston, Texas, over these last tragic days, we have come together with them and the Muslim community. The Muslim community is making a very strong stand that they stand with those fallen and killed, those who were part of the LGBTQ community. The Muslims were strong. They were Americans. They were prayerful. They were imams, and they were civilians.

We prayed. We heard from a Catholic deacon. We heard from a Christian Presbyterian minister in a press conference when we came together on Sunday in the midst of the unbelievable. We came together in Houston and advocated for unity and respect. We quoted scriptures that said to love one another.

We joined President Barack Obama in taking the moment not to politicize but to speak that we must come together. Calling names and defining what a radical religion is or not will not answer any question. It may make some feel good, but it will not answer for the basis of the violence of Mr. Mateen.

I do believe that the American people are mourning and giving our love and letting them know that they are not alone; they will not walk this place alone. I use that because I listened to that rendition by an Orlando choir as the names and faces of the 49 were shown on television. In the quietness of my office, the emotion was overwhelming.

So I think it is immoral. It is clearly a response to the depravity of this Nation if my colleagues cannot come together and do something this week. Ban the assault weapons. Join us in recognizing that this is not a violation of the Second Amendment. Pass the no fly, no buy bill. If you are on the terrorist watch list, why are you getting assault weapons?

Then H.R. 5470, introduced by my colleague, Congresswoman BROWN, the Representative of Orlando—where the tragedy and terrorist act occurred—and myself, gives added tools to the FBI that says that if you have had any encounter with Federal law enforcement, as you purchase a gun, you must make that known so that it can be a trigger; and if you do not respond, you still must have that reported to the FBI so that a thorough investigation can be had.

I don't believe that we can leave this week without answering the concerns of the American people. I make a plea to organizations that we know have consistently stood in blocking the door of sensible, responsible gun safety legislation, to go on their knees and pray for humility and guidance and to be able to seek some other place of responsibility than their own selfish interests.

Dead people cannot speak. Their families are overwhelmed with grief. The injured are filled with grief and are trying to recover.

This Congress must pass the no fly, no buy bill. It must pass a ban on assault weapons. It must enhance the various tactics that our law enforcement can have to stop a heinous terroristic and horrible killing—a massacre, a slaughter.

Mr. Speaker, I say that we will be in the band of the immoral if we do not do something today. To those who mourn in Houston, I wish I could be with you. I thank the mayor and all of those who will come together this evening. My spirit is with you. I love you.

JOSEPH MUSSOMELI ARTICLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, Joseph Mussomeli spent 35 years in the U.S. Foreign Service, including serving as our Ambassador to both Cambodia and Slovenia.

Ambassador Mussomeli wrote a column for The Washington Post, which, frankly, I am very surprised that the paper published in its June 10 edition. I would like to quote at length from this very important column.

Ambassador Mussomeli wrote as follows:

> Most of my former colleagues at the State Department will be appalled by the assertion, but much of the media-fed angst about Donald Trump's dearth of foreign policy expertise is contrived.
>
> Our cadre of neoconservative foreign policy experts, unhumbled after marching us into a reckless war in Iraq and a poorly conceived one in Afghanistan, who applauded as we bombed Libya and bitterly resent our having failed to bomb Syria, are frightened.
>
> Wisely, they often focus on comments that Trump has made on issues that are of less genuine interest to them. But what really troubles them is his generally level-headed and unmessianic attitude untoward foreign affairs. Trump has no desire to make the rest of the world in our image.
>
> The neocons bemoan Trump's rejection of a global role for the United States, but Trump has no intent to withdraw the United States from the world stage. He only rejects the wanton use of our young men and women on foreign adventures of questionable value.
>
> The neocons have two clear foreign policy objectives, and Trump may grant them neither. For many of them, their deepest yearning is an air campaign against Iran.
>
> Trump doesn't like the Iran nuclear agreement, but his instinct is to make a better deal rather than attacking, while Hillary Clinton has a strong record of supporting the prodigal misuse of military force.
>
> Clinton is just another neocon, though wrapped in sheep's clothing. But clothing makes a huge difference. Most Americans don't want the United States to be disrespected, and they want a muscular military that doesn't take any nonsense—but they also don't want military adventurism.
>
> Trump succeeds in having it both ways: he reassures that the United States will be respected and also that we will not employ our troops as cannon fodder on distant battlefields.
>
> Underneath all the tirades against illegal immigration and the need to be tough with our adversaries, there is an inward focus. There is a sense that America—in order to be great again—needs to relinquish its role as global cop and tend first to its needs at home.
>
> By sounding caustic, Trump is able to appear more militaristic and tougher than the far more reckless Clinton. Calculating and cavalier, Clinton would agree with her old pal, then-U.N. Ambassador Madeline Albright, ''What's the point of having this superb military . . . if we can't use it?'' The stern rebuke to that question later provided by General Colin Powell that the military is not a toy is lost on the neocons and Clinton. Among Clinton's weaknesses, her fear of appearing weak may be her most damning.
>
> The second neocon priority? A new cold war with Russia. Vladimir Putin, unlikable and increasingly uncooperative and antagonistic, admittedly makes this objective more within reach, but Trump might avoid it as well. Clinton repeats over and over that Russia only understands a tough and determined opponent, while Trump may have a more sophisticated and mature approach.
>
> Far less petulant than most of the former Republican candidates, Trump says he would

actually talk with Putin. That takes real courage, given the general view among Republican elites.

Contrast that with Clinton, who thinks we should not be talking too much to Putin and that we ought to further expand NATO because, in her view, Russia would be an even greater threat had it not been for NATO expansion. Of course, to admit that NATO expansion triggered the current crisis would be admitting that her husband is largely responsible for it.

Trump seems to understand George Kennan's warning that NATO expansion would directly lead to a more paranoid and aggressive Russia.

Trump, for all his bizarre commentary on domestic issues, better grasps the subtleties of global politics and the dangers of thinking ourselves infallible and invincible.

It is quite an irony: The ostensibly more reckless, infantile, inexperienced and bombastic candidate may actually be more mature, level-headed, and reasonable on foreign policy than his critics who, against all the good advice our parents gave us as children, pout and refuse to talk to those they don't like, escalate arguments to violence when they are upset, lack any remorse for the harm caused by their past opinions and actions, and fail repeatedly to see that there might be two sides to any disagreement.

Mr. Speaker, I think these words of Ambassador Mussomeli should be considered very seriously by all of our Members.

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in personalities toward presumptive nominees for the Office of President.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 a.m.), the House stood in recess.

The following proceedings were held before the House convened for morning-hour debate:

UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS 2016 ANNUAL REPORT TO CONGRESS

The meeting was called to order by the Honorable Martin Frost, Secretary of Former Members of Congress Association, at 8:30 a.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Lord God of history, we thank You for this day when former Members return to Congress to continue in a less official manner their service to our Nation and to this noble institution.

May their presence here bring a moment of pause, where current Members consider the profiles they now form for future generations of Americans.

May all former Members be rewarded for their contributions to this constitutional Republic and continue to work and pray that the goodness and justice of this beloved country be proclaimed to the nations.

Bless all former Members who have died since last year's meeting. May their families and their constituents be comforted during a time of mourning and forever know our gratitude for the sacrifices made in service to the House.

Finally, bless those gathered here, that they might bring joy and hope to the present age and supportive companionship to one another. Together, we call upon Your Holy Name now and forever.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARTIN FROST led the Pledge of Allegiance as follows:

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

Mr. FROST. The Chair is happy at this point to recognize the distinguished Speaker of the House, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. First of all, welcome everybody. I see a lot of familiar faces, a lot of folks I served with, people I know who came here before I served.

I came here when I was 28, in 1998, and never thought I would be doing what I am doing. And it is just funny how this place can work its will.

I would say a couple of things.

I grew up with mentors. I lost my dad when I was young, so I went from mentor to mentor to mentor. When I came here to this job at a young age, I had a lot of mentors. Jack Kemp was my original mentor, who taught me about public service and politics and policy. A lot of you, like Jim, you served with Jack; you knew him well from the delegation and the rest.

But then when I came here, I had mentors. I don't know if McCrery is here or not. Jim is a part of the organization, I assume; right? So Jim McCrery.

Bill Thomas was a mentor of mine. Even though that is hard to imagine, he really was because he taught me to be scrutinous, how to really pay attention to detail.

I see Tim Petri is here. Tim Petri was a mentor. He taught me kindness. He taught me how to relate to people. He taught me how to be like a nice person and still be a nice person after years in Congress. I try.

But all I would say is it is great to have you home. So welcome home.

I look at you, and I see relaxed faces. I see the lines have kind of gone away. I see happy people. I see people in a great phase and stage of life. So know that when we see you, it gives us happiness and hope because we know that, in the mix of the day and all the tumult we go through around here, a lot of this is just a tempest in the teapot; a lot of this is just noise that doesn't take us off the horizon where we are all going to.

So I would say a couple of things. Thank you for being the mentors you have been, on behalf of the people you have been mentored to, number one. Number two, thank you for your passion and for keeping your dedication to the causes you believed in and the causes you came here to fight for.

I came young, idealistic, you know, thinking I kind of knew everything. And then as time got on, in the ninth term, I realized discernment, temperament, and just good judgment is what matters the most. And I realized that there is so much we have yet to learn from people who have walked the same path and have been in the same kind of shoes. And because you are here giving the rest of our Members—on our side of the aisle, 65 percent of our people are first- or second-termers. So we have so many new people for whom it is important that they learn from those who have been through this. It is important that you make new friendships with new people so that they can get a little discernment and get a little wisdom from your pearls that you can drop them. So thank you for being here and being involved in doing that. Please mentor some of our folks.

And the last point I would say is just thanks for showing that this life of public service continues on in a very graceful way, in a very relaxing way, in a way where you can really be in control of your own destiny in your own time. I mean, probably you look back at this and you remember time was my problem, time management, having time to do this, having time to do that. That is one of the big frustrations of the day to day around here. And just knowing that you can get back in control of your own time and your own life after these days of public service, that, to me, is very comforting. It is a very comforting thought.

So your presence helps our Members kind of get their keel, get their groove, get their sense of peace and calm so that they can focus on what is really important and not get distracted by the things that knock us off our game. So all I would say is welcome. It is great having you, and thanks for doing what you do. I appreciate it.

Mr. FROST. Thank you. Mr. Speaker, we all wish you well in the months ahead.

The Chair recognizes the distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I am glad I got here to hear the Speaker talk a little bit. And I am so glad that you guys have brought calm and consideration to us junior Members. I happen to be one of the old junior Members, as all of you know—I am older than some of you—but I am still here.

Mr. FROST. We wish you a happy birthday.

Mr. HOYER. Thank you so much.

I always loved so many of you with whom I had the opportunity to serve.

I remember a time many years ago when I got into the Members' elevator on floor seven, which my office is on floor seven in the Longworth. I have got an office here, too, obviously, as you know. But anyway, this young kid gets on, tall, dark, nice-looking kid got on, and I sort of looked at him and wondered who he was. He thought I was looking at him as if he shouldn't be on

the elevator, which I, by the way, think is a pretty kind of arrogant thing to have. This is a Members' elevator.

In any event, I said, ''Hi.'' He said, ''I am PAUL RYAN. I am a Member.'' And he has since been calling me ''old man'' for a number of years now, which I highly resent, which I don't think is very bipartisan and not good camaraderie. But in any event, he does it anyway.

All of you have seen the House for a long period of time. I came in 1981. Some of you came before, and I have been here since. I remember Jim and I serving together on the Appropriations Committee, others of you—Jo Bonner. Bev Byron I have known since—there was just censorship there. She said, ''All right. That is enough.''

She is like NANCY. I start telling stories about NANCY, and NANCY says, ''Nope. Nope. That is not when it happened. It happened 20 years later than you are saying it happened.''

But in any event, it is lamentable what has happened to the House. You know, we can have a lot of happy talk, and we can talk about all this. It is lamentable—it is manifest, frankly, in our Presidential campaign—and our country deserves better.

ELIJAH CUMMINGS, our colleague, whom many of you know, he says, ''We are better than that.'' And we are better than that.

I remember serving with so many of you for such a long period of time where, yes, there was an aisle, but there was much greater diversity of sentiment in terms of working together than exists today—in part, because a lot of Members are new. We have had great turnover.

Remember, we talked about term limits. You have got to have turnover. There has been extraordinary turnover. Has it been helpful? I am not so sure. I am not so sure because Members come, and before they get to know people as individuals, as opposed to just Republicans or R's on this side of the aisle or that side of the aisle, they want to confront.

Now the longer you get to know people—you know, Chris Shays. Sure, he was a Republican, I am a Democrat, but we had an opportunity to sit down and talk. And Jim and Chris are sitting next to one another now. You know, they are friends. We are all friends.

I mentioned Jo's name. But a lot of Republicans that I have been very close to—as many of you know, ROY BLUNT is one of my best friends, and he was the minority whip and then the minority leader for a while, and we worked very closely together.

You know what I tell my staff? I say, when they leave—all to make more money than I am making, for the most part, or that you made when you were here. I say, ''I let my staff go off the payroll, but not off the staff.''

You are off the payroll. But I hope none of you—and obviously your presence here in this Chamber reflects that you think you are off. And that is what PAUL was talking about. PAUL was talking about those of you who have served.

Connie and I—and Connie and I were on different sides of the aisle in our State; but Connie and I have been good friends, with great respect for one another. And I know that Bev and Connie are good friends. They represented sort of the same part of our State, the western part of our State.

We have lost that. And, frankly, I want to tell my Republican former colleagues that your side of the aisle now is having great difficulty working together with one another—forget about the other side of the aisle—and that is why John Boehner wasn't speaking to you today. John Boehner ultimately said, look, if you don't want to work with me, I am out of here. Not to us. John and I worked very closely together. We had a great relationship.

And I think a lot of PAUL RYAN, but he has got a lot of Members who think that they are not part of a team but they are part of a different group that is outside, that wants to confront. I don't want to be too negative here, but we would be silly and we would be Pollyannaish if we didn't look at this and say this is a problem for our country and we need to resolve it.

We need to let our citizens know that, yes, each of us has ideas in our own districts, but we come here in a body of 435 people. It wasn't that large when our Founding Fathers constructed it, but they constructed it so that it would be a crucible to which we could bring all the differences and different perspectives and different interests that we have in the country and try to bring them together, sort of grind them up so they would come out as a positive substance together.

Barb is shaking her head. Barbara and I came in special elections, and we came just sort of back-to-back in special elections. Bev was already here. Some of you were already here when I got here. We were able to work together.

I tell people, you know, even in the Gingrich years, when it was perceived to be really—you know, Gingrich came in on fire, and he worked us about 9,000 hours a week. My Republican friends were coming over here and saying, ''He is going to kill us.'' I mean, we were working around the clock, some of you who were here. But the fact is there was a large number of people who were in the body at that point in time who were used to working together.

Of course those of us who served on the Appropriations Committee, on the Appropriations Committee, it was pretty easy to make a deal. You know, if you have got $100 and you are in the majority, you get $60, the minority gets $40. There is not a philosophical issue here. It is easy just to divide it up. On the authorizing committees, it is a little tougher. But, frankly, all the committees now, as you have seen, have become sort of partisan confrontations—not good for the country, not good for the Members.

By the way, the working conditions of Members has been sorely tested. And I will tell you—and I tell my Republican friends, if I were the Speaker or the leader, I would work very hard to get earmarks back, make sure that Members get COLAs so they don't have to be living in their offices, and make sure that we go back to the Federal Employee Health Benefits Program. Not only have Members not gotten COLAs for 7 years, but they are paying $4,000, on average, more for their health insurance, because GRASSLEY thought it would be a fun thing to do to say, okay, you want the Affordable Care Act, all of you guys are going to have to be in, in effect, the D.C. small market.

So, Members, when you see Members, they are getting $4,000 or $5,000 less in take-home pay because the Federal Employee Health Benefits Program is no longer available to them. We are not serving Members well or this institution well.

My view, as a leader, was to try to protect Members from themselves. I am serious. You know, if a leader can't take the heat and say, look, this is what we are going to do for Members who cannot take the heat because they will be demagogued by taking a 1.5 percent COLA—what a lot of baloney that is. We don't have the press here, but I say this publicly.

Members are feeling put upon—I don't mean some of the ideologues who think it is great to beat their chest and wear a sack cloth and black ash all over them. But we need you to speak up on that because you can speak up on that, and you can say, if you don't have respect for your Members, you are not going to have respect for your institution.

I forget which Member said—we were talking about pay at one point in time. He said, ''Well, pay then was probably, you know, maybe $120,000 or something.'' And I said, ''Well, you may not think I am worth it, but the job is worth it. And elect somebody you think is worth the job.''

I think former Members can do a great deal, given your perspective, given your experience, and given the fact that it no longer has political consequences for you, that you can speak up to make the institution stronger by respecting our Members and making it affordable for all but the rich to serve here.

So I thank you for staying in touch, for staying on the staff—not on the payroll, but staying on the staff—and for making sure that the public understands what a great institution this is.

And I tell people the Congress of the United States, right now, in my view, is less than the sum of its parts. And I tell people there are great Members on both sides of the aisle, but together we are not, as a board of directors for the greatest country on the face of the Earth, doing what we need to do for our country and for our people.

Thank you for staying involved. Thank you for raising up the message of what a great institution this is and how critically important it is to have respect for our institutions if our democracy is going to be all that we want it to be.

God bless you. Thank you very much.

Mr. FROST. I thank the gentleman from Maryland.

The Chair now calls upon the Honorable Jim Walsh, vice president of the U.S. Association of Former Members of Congress, to present the Association's annual report to Congress.

Mr. Walsh.

Mr. WALSH. I thank the Chair and ask the Clerk to call the roll of former Members.

Mr. Altmire of Pennsylvania.
Mr. Blanchard of Michigan.
Mr. Bonner of Alabama.
Ms. Byron of Maryland.
Mr. Carr of Michigan.
Mr. Edwards of Texas.
Mr. Ferguson of New Jersey.
Mr. Frost of Texas.
Mr. Gordon of Tennessee.
Mr. Gingrey of Georgia.
Mr. Hertel of Michigan.
Mr. Horsford of Nevada.
Mr. Hughes of New Jersey.
Ms. Kennelly of Connecticut.
Mr. Konnyu of California.
Mr. Kramer of Colorado.
Mr. Lancaster of North Carolina.
Mr. Lungren of California.
Mr. McIntyre of North Carolina.
Mr. Mezvinsky of Iowa.
Mr. Moran of Virginia.
Ms. Morella of Maryland.
Mr. Petri of Wisconsin.
Mr. Rahall of West Virginia.
Mr. Sarasin of Connecticut.
Mr. Shays of Connecticut.
Mr. Slattery of Kansas.
Mr. Stearns of Florida.
Mr. Tanner of Tennessee.
Mr. Walsh of New York.

Mr. FROST. The Chair announces that 30 former Members of Congress have responded to their names.

Mr. Walsh.

Mr. WALSH. Thank you all for coming here and being with us this morning. It is always a great privilege to be back in this Chamber and to reconnect with so many friends and colleagues, and there are many here.

I am honored to represent the Association today in my capacity as vice president of the organization. I am a nonascending vice president. I ask that I not be considered as president, and I am delighted that Cliff Stearns will be the new president. So I suspect this will be my last opportunity to speak from the well, other than perhaps with a tour of family and friends and so forth.

My dad served here before I did, so it is a great, great pleasure to make this presentation with you this morning, to have the associations that I have had with you all over the years. It is a huge and distinct honor to serve in this place. You all have experienced that. Very few people do. You all know the purpose of this place and the importance of this place, and we, every day, even as retired Members, represent those values.

So I have had the great pleasure of serving with Barbara Kennelly of Connecticut. I am very proud of the many impactful things that we have been able to accomplish through the Association this year.

We have many, many programs. And over the next 20 minutes or so, Barbara and I will report on our work. Unlike other years, we are a bit pressed for time, so Barbara and I will submit for the RECORD a more in-depth report covering our activities since the 2015 annual meeting. I encourage you to go online in a day or two and take a look at the additional information in the CONGRESSIONAL RECORD because we really are delighted with how much our Association accomplishes, both domestically and abroad.

Our Association is bipartisan. It was founded in 1970 and chartered by the Congress in 1983. The purpose of the U.S. Association of Former Members of Congress is to promote public service and strengthen democracy, abroad and in the United States. About 600 former Senators and Representatives belong to the Association. Republicans, Democrats, and Independents are united in this organization's desire to teach about Congress and the importance of representative democracy.

We are proud to have been chartered by Congress, and we are proud to receive no funding from Congress. All the activities which we are about to describe are financed via membership dues—thank you—program-specific grants and sponsors, or via our major fundraising dinner, which many of you have helped with, and we would welcome even more.

Our finances are sound, our projects are fully funded, our most recent audit by an outside accountant confirmed that we are running our Association in a fiscally sound, responsible, and transparent manner.

It has been another successful, active, and rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures overseas. We have created partnerships with highly respected institutions in the area of democracy building and election monitoring. We have developed new projects and are expanding others. And we again sent dozens of bipartisan teams of former Members of Congress to teach about public service and representative democracy at universities and high schools, both in the United States and abroad.

Our most important domestic undertaking is teaching America's next generation about their government and their responsibility of citizenship. We do so via our Congress to Campus program. And I would like to thank Larry LaRocco of Idaho and Jack Buechner of Missouri, who co-chair the Congress to Campus program, for the terrific job that they are doing with this program.

The Congress to Campus program sends bipartisan teams of former Members to colleges and universities across the country and around the world. The program engages our Members from all over the country, to educate the next generation of leaders about the institution of Congress, the duties and responsibilities of being a Member of Congress, and, most importantly, the value of public service. And since our visits always involve a bipartisan team, they demonstrate that civil discourse can be—and should be—respectful and dynamic, all while remaining courteous.

The former Members volunteer their time leading classes, meeting with student leaders and campus organizations, speaking to campus media, sharing meals with students and faculty, joining in student government meetings and holding community forums and interacting with local citizens.

The schools are encouraged to offer the program to the entire campus community, and even to reach out into the community at large, to show how decisions in Congress affect their areas of study, and their everyday lives. The former Members also ask the students to look at the importance of public service and to consider whether they would like to engage in public service.

We are delighted to report that this year we have added some new schools to our roster as well as having returned to visit some of our favorites. During the 2015–2016 academic year, the Congress to Campus program visited over 22 schools, including Palm Beach State, Missouri Western University, Boise State University, Waubonsee Community College, both the U.S. Naval Academy and West Point, and, I am proud to say, my alma mater, St. Bonaventure University, where I was joined by Richard Stallings of Idaho. It was fun. That is just to name a few of the colleges. More than 40 former Members participated during the academic year, including a few who had never participated in the Congress to Campus program before, but have vowed to participate more in the future. Most of the former Members wonder who gets more out of the visits, they or the students.

I hope the Members in attendance this morning will consider volunteering and inviting a friend from across the aisle to join them on a visit. If your time is limited, you can still help the program, for example, by connecting us with your alma mater or a school located in your old congressional district.

We are thrilled that we continue our outstanding partnership with the Stennis Center for Public Service in the administration of the program, and we are grateful particularly to its associate director, Brother Rogers. The Stennis Center has been a great partner in bringing the program to schools all around the country.

Internationally, the Congress to Campus program was again able to send two delegates to the U.K. for a week-long visit where the former Members met with hundreds of British students and also participated in town

hall meetings open to the public. It has been reported that this is one of the highlights of their semester, and we want to thank Philip Davies with the British Library in London for all he does to make the U.K. program so successful.

Also thanks to David Skaggs, our colleague from Colorado, who was able to arrange for a Congress to Campus visit to Oman, Jordan. I understand it was a fascinating experience. We hope to arrange for more international Congress to Campus visits. We find that students around the world are deeply interested in the U.S. Government and the political system. Who better to explain how Congress truly works than former Members. The students of the host countries are extremely inquisitive and immensely appreciative of the visit. We hope to have more international Congress to Campus visits on the roster in the future.

Sadly, after years of partnering with the People to People program, the organization is no longer in existence. However, Former Members of Congress has expanded its partnership with Envision, which brings hundreds of middle school students from around the country to our Nation's capital to learn about leadership and the American government. We have 12 days this summer for a bipartisan pair of former Members to speak to hundreds of middle school students. In fact, Jason Altmire from Pennsylvania and Ann Marie Buerkle from my old district of upstate New York addressed a group of students this morning here in the House Chamber. Thank you to all of the Members who have been available to the students, and if there are any former Members here now willing to talk with these young people this summer, please tell our staff.

We also partnered with the Ford's Theatre and their oratory programs, by being an example of how public speaking is critical to influencing people and getting across a point of view. We have recently begun to work with the D.C. Public Schools system to bring former Members into the D.C. high school U.S. Government classes.

An informed and engaged citizenry helps our democracy prosper. As former Members, I hope that you will consider becoming involved in this program and all of the programs that FMC has to offer to inspire and educate America's young people and future leaders.

Since our last annual meeting and our last report to Congress, we have added a number of projects to expand our outreach in civic education. One is a series of webinars which brought a condensed version of Congress to Campus to community colleges across the country. Bipartisan teams of former Members were assembled here in Washington and spent 2 hours via Internet connecting with a number of community colleges.

The schools brought the former Members team either into a specific class or had a large group of students meet as an extracurricular activity. After making some opening remarks focused on a specific topic, for example our environmental policy, the students were given the opportunity to question our former Members via email.

While this certainly cannot replace the value of a person-to-person visit, it is a cost-effective and abbreviated way of bringing Congress to Campus to audiences we would not normally reach.

At our last annual meeting, we began an effort to engage former Members across the Nation in an effort to restore civics to our Nation's public school curriculum. Working with the University of Central Florida, where the Lou Frey Institute is housed, as well as with the Civic Mission of Schools, we positioned the Association to become an umbrella group connecting former Members across the country with like-minded NGOs in their States. Through us, former Members in any State can team up with a statewide effort to incorporate basic civics back into the State's public school system. Who better than former Members, who have public service and civic responsibility in their DNA, to become an advocate at the State level for increased civic understanding.

Our Common Ground work also continued to bring bipartisan groups of former Members together with the public for a constructive and productive dialogue on the issues that affect all of us. We achieve this mostly via a wonderful partnership with the National Archives. And we thank the Archivist of the United States, David Ferriero, for his many years of supporting our public outreach in this manner. Those are great programs.

Since our last report to Congress, we assembled former Member panels on the topics of The Partisan Divide, based on the book of same title written by our chair, Martin Frost, and also Tom Davis. There was a program on D.C. Statehood and Representative Democracy, a panel on which I participated. I was chair of the Legislative Branch Subcommittee when we set up the Financial Control Board, and all of the emotions came back. It was pretty cool. I was joined by former D.C. Mayor Tony Williams and D.C. Delegate ELEANOR HOLMES NORTON. There were panels Caring for Our Veterans, a panel that included Purple Heart recipient Charles Eggleston; also Money and Politics, in partnership with a great organization called Issue One; and a conversation about Congress with former Members Lee Hamilton and Ray LaHood. It was a wonderful evening.

Again, this is one of our most impactful ways to connect with the public, and all of our programs are carried live—if not by C–SPAN then on the YouTube channel of the National Archives.

Next I will cover our charitable golf tournament. Another great example of how powerful and productive bipartisanship can be is our Annual Congressional Golf Tournament. It is chaired by our past president, Dennis Hertel of Michigan, and by fellow board member Ken Kramer of Colorado. We benefit two great charities, Disabled Sports USA's Warfighter Sports and Tee It Up for the Troops.

The mission of Warfighter Sports is simple: to provide adaptive sports to severely wounded warriors free of cost. The organization was founded by Vietnam War veterans in 1967 and now offers 30 sports as part of its rehabilitative programs. In 2015 alone, over 1,500 wounded warriors received support. Their experience includes a family member, so that in addition to improving the warrior's self-confidence and independence, the program also helps unite families through shared healthy activities. I encourage you to find out more about this outstanding organization at www.disabledsportsusa.org.

Please also get to know Tee It Up for the Troops. Tee It Up believes in engaging and inspiring communities across the United States to do great things on behalf of the military men and women who have served and sacrificed so much for our freedoms. Tee It Up for the Troops targets its efforts across the most pressing areas of need, with priority emphasis in supporting PTS research and treatment, suicide prevention, employment, rehabilitation, and athletics equipment and services. You can find them at www.teeitupforthetroops.org.

The Members Charity Golf Classic was held in April this year, which turned out to be a great decision. We had fabulous weather, the course at Army and Navy Club was outstanding, and we had one of the best turnout of sponsors and players in many years. There were 25 current and former Member players and over 30 wounded veterans returning from Afghanistan and Iraq.

This tournament gets better and better every year. Nine years ago we converted the event from a highly competitive tournament with just former and current Members of Congress to a fun and meaningful and inspiring charity event. It is still a great day of golf on a great course, and the tournament continues to have a friendly competition with the Speaker's Cup. This year, I am proud to say, this side of the aisle won that trophy. Actually, I believe JIMMY DUNCAN from Tennessee, one of the honorary co-chairs of the tournament, was here a few weeks ago making note of the Republican win. Congressman GENE GREEN, our good friend from Texas, the Democrat honorary co-chair, assures us that he will be back and the Democrats will bring home the trophy next year.

Over the past 9 years, we have raised nearly three-quarters of a million dollars for our beneficiaries. One of our beneficiaries has been with us since the very beginning, Warfighters Sports, a program of Disabled Sports USA, and this was our third year with a second beneficiary, Tee It Up for the Troops. Both of these organizations use golf to help severely wounded veterans. At the tournament this year, several wounded

warriors spoke to the group and explained how warfighters are competitive at their core, and using sports profoundly helps them with their readjustment to civilian life.

I want to thank our tournament cochairs Ken Kramer and Dennis Hertel and everyone at the Association for all they have done to make this tournament such a great success. I would also like to thank all of our sponsors for their generous contributions. We look forward to continuing to raise money and awareness, and having a little bipartisan fun with the tournament again next year. We hope all current and former Members will consider joining us.

And we should also thank our great corporate partners who make the event such a success and help us support this highly deserving constituency. They include Lockheed Martin, AIG, PING, Trijicon, Oshkosh Defense, Anthem, Robert Trent Jones Charitable Golf Foundation, Ernst and Young, Willis Group Holding, Ariel Corporation, The Club Foundation, AVI Systems, International Council of Shopping Centers, Geoffrey Feldesman, Master Electric, B–3 Solutions, Trinity Logistics, Northrup Grumman, BMW of Fairfax, Hanger and the Congressional Federal Credit Union. Our sincere thanks to all of them for making such an impactful contribution to a very worthy cause.

Let me add one more veterans-oriented group which our Association supports and which you should take a closer look at: Veterans Campaign. Veterans Campaign's goal is to demystify the process of running for public office, and make it accessible to veterans who are interested in continuing their service as elected officials. The organization encourages, mentors, and prepares veterans for a second service in civic leadership. Veterans Campaign works with potential candidates from both parties, as well as independents. In addition to love for country, leadership, and commitment to service, veterans are united by a common bond that has historically encouraged bipartisanship, cooperation, and better government. We strive to connect former Members from both sides of the aisle with veterans interested in running for office, regardless of party affiliation. Our former Members serve as mentors and sounding boards to these outstanding men and women. We are pleased that there exists an organization aimed at recruiting highly qualified candidates for elected office, and we hope you will consider getting involved in this effort. Please check out their website at www.veteranscampaign.org.

In addition to the National Archives panels which we already reported on earlier, our Association continues to identify opportunities to highlight in a bipartisan way the many important contributions our Members have made to our representative democracy and the lessons learned from present day politics. An example of this type of outreach is a full-day conference we organized focused on the accomplishments of the 94th Congress, the group of legislators elected following Watergate.

In September, former Members partnered with the College of Behavioral and Social Sciences at the University of Maryland to present a symposium at the U.S. Capitol Visitor Center. The event commemorated the 40th anniversary of the 94th Congress by highlighting and exploring its record and the political change it helped to initiate. Reforms adopted by both the 94th Congress and the 104th Congress under GOP control were contrasted with the current management and operation of today's 114th Congress. With the 2016 elections looming and the challenges to govern facing the Republican-controlled Congress, the symposium was of great currency and of great relevance.

While a number of former Members from that class were involved in putting this effort together, we should acknowledge again that David Skaggs and Bob Carr, two of our active Members, along with our CEO Pete Weichlein were the driving force behind this effort, which gives me an opportunity to thank Peter and all of our staff for the marvelous, marvelous work they do to prepare us for these events.

Opening remarks were given by FMC President, Barbara Kennelly (D–CT) followed by FMC Board Members and event organizers David Skaggs (D–CO) and Bob Carr (D–MI). FMC Board Member Ron Sarasin (R–CT) served as the moderator to the Congressional Reform and the Republican Resurgence panel. Former Members Dave Obey (D–WI) and Mickey Edwards (R–OK) were integral panelists during the afternoon discussions on Congressional Reform in the 1970s and Congressional Reform and Republican Resurgence. FMC was delighted to be working with UMD and the members of the Steering Committee to help make this event a huge success.

This wonderful conference was made possible by grants from three outstanding foundations, which we wish to recognize and acknowledge: The Williams and Flora Hewlett Foundation; the Rockefeller Brothers Fund; and the Carnegie Corporation of New York. Links to the videos of the presentations and photographs can be found through the FMC website at www.usafmc.org.

Having thus far reported on our domestic programs, I would like to yield at this time to our Association's distinguished president, Barbara Kennelly of Connecticut, to report on our international work. She has been a tireless president. I have greatly enjoyed working with her and learning from her and laughing with her and sometimes whining with her about all of the work that this organization performs. It has been a great experience. I would like to add that I enjoyed the experience every minute. She was an outstanding president for our organization who has really put her personal stamp on the terrific work that we do.

Barbara, thank you for your leadership, and I yield the floor.

Mr. FROST. Ms. Kennelly is recognized.

Ms. KENNELLY. Thank you, Jim, for those kind words. I really enjoyed working with you also. These past 2 years have been incredibly busy. You heard Jim's report. Now get ready, I am going to take more than 1 minute, to be sure. We have done so much.

Each year when Connie was president and following, it is magnificent work how much work this staff is able to accomplish, and include the Members who want to be active. Tell your friends how much they can get out of this Association and how we have grown. We are really becoming part of the scene here.

Listening to STENY, aren't we lucky. We are totally nonpartisan. We all get along. If that can happen, it can happen to them, too.

As Jim has already demonstrated when reporting on our domestic undertakings, we are just as busy and impactful in the larger world. This is certainly true in our international work.

In addition to the domestic programs Jim has just described, our Association has a very active and far-reaching international focus.

We conduct programs focused on Europe and Asia. We bring current Members of Congress together with their peers in legislatures overseas. Just last week, a group came back from China. Some of you are sitting right here. I understand it was a marvelous trip and you were exhausted, but that is the way it should be.

We partner with former parliamentarians from other countries for democracy strengthening missions. Two of our most valued partners over the years have been the Canadian Association of Former Parliamentarians and the Association of Former Members of the European Parliament.

Right now, we have a former head of the European group, Enrique Baron Crespo, and he has come all of the way from Brussels. I met him in Brussels about a month ago and told him that he had to be with us because I enjoyed the visit in Brussels with him so much. It was shortly after the bombing, and it was an absolute wonderful thing to see the parliament functioning and seeing everything being absolutely calm. I thank you for being such a wonderful host.

In Brussels, I participated in the annual general meeting of the former members of the European Parliament. And just a few weeks ago, my colleague Martin Frost joined the Canadian former Members for their annual meeting in Ottawa. We are expecting representation from the group, but their plane was held up and I guess they haven't gotten here yet. We will welcome them later.

Via the Association of Former Members, I have met with numerous groups of legislators from emerging democracies who have come to Washington for a better understanding of our representative government and our form

of democracy. These conversations and meetings are always two-way streets, and I have learned as much, if not more, from our visitors as they do from me. Just last month our Association hosted at our offices a large group of young professionals from ASEAN countries including Vietnam and Indonesia. We had a great dialogue about running for office and serving our constituency. I would also like to thank Bev Byron because when we have some of these wonderful folk coming in from other countries, she has been very generous in entertaining them in her home and it has been a delight.

Our Association has also had a longstanding partnership with a great NGO called Legacy International—bringing young professionals from the Middle East and North Africa to the United States. Our most recent group just completed their 6-week D.C. stay last month and was composed of young professionals from Morocco and Tunisia. An earlier group also included young professionals from Egypt.

Our program promotes a positive relationship between the United States and North Africa, which, in light of the Arab Spring is now more vital than ever. Our Association connects the Fellows with former Members, whom they meet with several times over the course of their stay. The former Members act as a kind of mentor to these young men and women through one-on-one meetings, roundtable discussions, and by attending Program discussions and events.

The goal of this program is to seek a better understanding between cultures and establish an avenue of dialogue between nations. It is a unique opportunity to create a constructive political and cultural discourse between the United States and North Africa. I am very proud that our association can be part of this very interesting and vital dialogue.

In addition to hosting visiting delegations, our Association organizes former Member delegations to travel overseas and engage overseas audiences—students, government officials, NGOs, and corporate representatives—in a dialogue about the many challenges that are global in nature and require across-border communication.

You have already heard about our Congress to Campus program, and it has a very active international component in that we have brought the program to numerous universities and countries such as Turkey and the U.K.

Also, earlier this year we brought a bipartisan team of former Members to Germany for a number of town hall meetings in Munich and Berlin to talk about the United States election. It was no surprise that many discussions this year veered toward the upcoming Presidential election and the two presumptive candidates. Even in Europe, it is a lead topic of conversation, as you can well imagine.

Two foundations in Germany invited a bipartisan pair of former Members to provide some insight into what they thought about the elections, the candidates and how it may or may not impact the US-Germany relationship and the US-Europe relationship. Speaking to audiences in both Berlin and in Munich this spring Mary Bono of California and Carol Moseley Braun of Illinois participated in two journalist moderated town-hall style discussions, fielding questions from business leaders, student and political junkies. The former Members were asked to address a number of central issues that appeared controversial during the presidential debates. The discussions included the TTIP agreement, the role of Putin, education reforms, growing populism on both sides of the Atlantic and the status of western democracies in general. The audience was also able to take part during the course of the debate, by vote on central issues by iPods, with the resulted revealed at the end of the discussion.

We thank the BMW Foundation and the Alfred Herrhausen Foundation for their partnership and sponsorship of this excellent program.

Other overseas delegations, we called them ExDELs, have traveled to countries where dialogue is often difficult, but nonetheless incredibly important. A country on which we have focused quite extensively is China. In the past 5 years, we have sent nine delegations of former Members to China. The most recent one just returned last week, and included your colleagues Cliff Stearns, Tim Petri, Mike Ross, Jim McCrery, and Tim Roemer, as well as our Association's CEO Pete Weichlein. They traveled to Beijing, Chongqing, and Shanghai, and had meetings with the National People's Congress, the Foreign Ministry, as well as corporate and academic representatives, and engaged in dialogue focused on issues ranging from environmental policy to the South China Sea. I can see why they were somewhat tired when they got home.

The ExDELs are an excellent example of how former Members can play a pivotal role in establishing a dialogue where current Members might be a bit more curtailed in their outreach.

Since starting our China outreach, we have been able to send 9 delegations totaling almost 40 former Members of Congress. These ExDELs depend on strong partners in China, and we are extremely fortunate to work with two of the most respected and influential NGOs in China: The China Association for International Friendly Contact, and the China United States Exchange Foundation. In addition, we have partnered with the Committee of 100 to bring a more productive and impactful focus on China to Capitol Hill. Thanks to these three outstanding partners, our China program now involves current and former Members of Congress as well as senior staff in both the House and the Senate.

In addition to these former Member international programs, our Association supports Congress' international dialogue in a meaningful, productive and bipartisan way via our Congressional study groups. These are groups that I am really most proud of because sometimes—years ago—when we became members of the Association of Former Members, we really didn't know what we were getting into or what it was. Now we have these study groups, and they are incredibly successful. They are incredibly successful. We have luncheons and we have get-togethers, and that means that present Members of Congress are familiar with our organization and are ready to join us. As you can see as we read these many programs that we have, we need more active Members. We are so appreciative of you coming this morning at 7:30, but we do need more active members, and I think this is going to do it by having present Members be active in the Association before they leave Congress.

"The Congressional Study Groups on Germany, Japan, Turkey and Europe are the flagship international programs of FMC. The Study Groups are independent, bipartisan legislative exchanges for current Members of Congress and their senior staff that strive to create better understanding and cooperation between the United States and our most important strategic and economic partners abroad.

The Congressional study groups are not the only programs dedicated to this mission, but they are unique in their year-round outreach to Capitol Hill. Unlike our other formats, we provide long-lasting staff support and maintain a well-respected reputation as independent and nonadvocacy. As a result, our network attracts a large, diverse group of legislators and policymakers who are committed to international dialogue. What is most important for us is that they join the discussion.

Our model celebrates active discussion among all participants, avoiding lengthy speeches or formal presentations in order to create an atmosphere that promotes personal connections. We believe that the network of peers created via our programs have acted to renew and expand areas of mutual cooperation.

Each Study Group has a membership roster of between 75 and 125 Members of Congress and is led by a bipartisan, bicameral pair of co-chairs. Our co-chairs are true leaders, who not only serve in their role at official Study Group events, but are also called on by various embassies and outside organizations to speak on panels, attend roundtables, and meet with countless visiting delegations.

I would like to acknowledge the service of all of our co-chairs for their hard work and dedication to these critical programs:

The Congressional Study Group on Germany is led by Senator JEFF SESSIONS, Senator JEANNE SHAHEEN, Representative CHARLIE DENT, and Representative TED DEUTCH.

The Congressional Study Group on Japan is led by Senator MAZIE K. HIRONO, Senator LISA MURKOWSKI, Representative DIANA DEGETTE, and Representative BILLY LONG.

The work of The Congressional Study Groups is complemented by our Diplomatic Advisory Council. Initially focused on European nations, the Diplomatic Advisory Council is now comprised of four dozen ambassadors from six continents who advise and participate in our programming. Their interest and commitment to multilateral dialogue is a valued addition to The Congressional Study Groups and provides a valuable outreach beyond our four core Study Groups.

In the past year, we have also formed the Congressional Staff Advisory Council. As former Members of Congress, we know the value of good staff. The Staff Advisory Council formally recognizes the mutually beneficial relationships we have in offices across Capitol Hill. We are as grateful for the staff who participate in and support our programming as we are for the Members of Congress.

Finally, I would like to thank the institutions, foundations, and companies which support our mission. We would like to give particular thanks to Admiral Dennis Blair and Ms. Junko Chano of Sasakawa Peace Foundation USA and Dr. Karen Donfried and Ms. Reta Jo Lewis of the German Marshall Fund for their support as our institutional funders of The Congressional Study Groups in 2016.

The Congressional Study Groups are also grateful for the support of the international business community here in Washington, D.C., represented by each Study Group's Business Advisory Council. Companies of the 2016 Business Advisory Council are: Allianz, All Nippon Airways, Airbus Group, American Honda Motor Co., BASF, Bank of Tokyo—Mitsubishi UFJ, B. Braun Medical, Central Japan Railway Company, Cheniere Energy, Daimler, Deutsche Telekom, DHL, Fresenius, Hitachi, Honda, Lockheed Martin, Lufthansa German Airlines, Marubeni America Corporation, Mitsubishi Corporation (Americas), Mitsubishi Heavy Industries America, Mitsui, Representative of German Industry and Trade, Sojitz, Toyota Motor North America, United Parcel Service, and Volkswagen Group of America.

Because of this support, our activities not only help to build vital bilateral relationships between legislatures, but also build bipartisan relationships within our own Congress. Mutual understanding and shared experiences among legislators are crucial to solving pressing problems, whether at home or abroad.

As former Members of Congress, we are proud to bring the important services provided by The Congressional Study Groups to our colleagues still in office and are proud to play an active role in our continued international outreach.

In addition to these substantive and issue-specific international projects, our Association also offers its members the opportunity to participate in group travel where our staff puts together the logistics and participating Members assume all the costs. These trips are unique because they combine a tourist experience with more formal meetings that involve current and former government officials in the country we are visiting.

For the 2015 FMC Study Tour, over 25 former Members traveled to Cuba, on two separate trips. Both trips proved to be incredibly insightful at this interesting time in the history of U.S.-Cuban relations. After fifty years of limited travel to the country, the recent changes in our diplomatic relations make it one of the most intriguing destinations for Americans at this time.

The proud people of this culturally rich country were welcoming to the delegations. The former Members met with experts on the U.S.-Cuban relationship, Cuban government officials helping to define the new bilateral relationship, and government officials dealing with trade and the promotion of new businesses. We met with Cuban professors focused on Cuba's economy, Members of the Cuban National Assembly, internationally acclaimed Cuban artists, students and average citizens of Cuba. The group also had the privilege of meeting with Ambassador Jeffrey DeLaurentis (Charge d'Affaires at the U.S. Embassy in Cuba). The contingent heard frank opinions regarding the burden the embargo has had on the citizens of Cuba and many of their international relationships.

Many Cuban citizens welcome a more extensive relationship with America. However, concerns about the endurance of Cuban cultural identity have grown in light of increasing American presence. There is clearly apprehension and suspicion directed toward the motives of the United States.

Though Fidel Castro is still much respected and admired, there was a clear feeling that Raul Castro—or rather the current political state—as softened the hard edges of communist living and blurred the bold line defining the U.S.-Cuba bilateral relationship. The Cubans remain very proud of their government's ability to provide free healthcare, free education, and support for the arts. That being said, the study groups noted a substantial positive effect that private businesses, such as the paladores (privately owned restaurants), had on the Cuban community.

We visited artists' studios, art museums and went to iconic music and dance shows, enhancing the rich cultural experience. Though many of the buildings in Havana were shadows of their past beauty, one could see in the restored Old Havana how it was once one of the most cosmopolitan cities of the Caribbean, and very well could be again.

We all came home from the visit with a new appreciation and understanding of the country. Changes are happening which will take a lot of work and may take a long time. In fact, later today we will be hosting a panel discussion on Cuba that will include some of those who traveled there.

By traveling at this time and meeting the U.S. Ambassador, members of the Cuban government, esteemed professors and citizens of Cuba, the former Members were able to still see how Cuba has existed for the past fifty years while getting a glimpse of the dynamic and promising future of this island nation.

All the programs you have heard about clearly require funding, and we have been very successful in growing our fundraising capabilities along with our programming. The most impactful single fundraising mechanism we have created is the Annual Statesmanship Awards Dinner.

We held our 19th Annual Statesmanship Awards Dinner on April 14 of this year at the historic Mellon Auditorium on Constitution Avenue in Washington, D.C. This year's theme was Recognizing Those Who Support Our Nation's Heroes. The dinner paid tribute to individuals and programs that have made it their mission to support the nation's active duty troops, veterans, and military families.

The Statesmanship Awards Dinner has become a ''must attend'' event in Washington, and this year was no exception. There were over 400 VIP guests, including former and current Members of Congress, Ambassadors, wounded warriors, military service members from the U.S., France and Japan, and heads of industry.

FMC was honored to give the Statesmanship Award to Senator Max Cleland of Georgia, who has been a distinguished public servant for nearly 50 years. Senator Cleland served his country in uniform and returned from Vietnam a highly decorated and severely wounded veteran. His commitment to our troops continued during his time in elected offices in the state of Georgia and in the United States Senate, and while heading the Veterans Administration. Currently, he preserves the memory of American troops who have fallen overseas by leading the efforts of the American Battle Monuments Commission. Fellow Georgian, Representative JOHN LEWIS, presented the award to Senator Cleland.

In recognition of its company-wide commitment to facilitate the transition of active duty personnel and veterans into the labor force, FMC was proud to present Audi of America, Inc. with the Corporate Statesmanship Award. Audi's highly successful ''Veterans to Technicians'' program trains former military personnel to become service technicians, service consultants, shop foremen and parts specialists in dealerships across the country. Scott Keogh, president of Audi of America, accepted the award on behalf of Audi.

The Navy SEAL Foundation, whose mission is to provide immediate and ongoing support and assistance to the Naval Special Warfare (NSW) community, their families, and the families of the fallen, as well as wounded and transitioning NSW veterans, was the recipient of the Civic Statesmanship Award. Robin King, Chief Executive Officer and wife of a Navy SEAL, accepted the award for the Foundation. This is as impressive and outstanding an NGO as we have ever worked with, and I urge you to find out more about their crucial work by visiting www.navysealfoundation.org.

The tradition of holding a panel discussion with the awardees was continued this year, and our new emcee, Jennifer Griffin of Fox News, deftly moderated the discussion with Senator Cleland, Scott Keogh and Robin King, which touched upon the different ways we can support our troops, veterans, and military families. The award recipients talked about the progress and challenges this community has faced, as well as what needs to be done to take care of our heroes in the future. FMC was proud to recognize these individuals and organizations that have demonstrated a true commitment to our nation's armed forces, veterans, and military families.

All the programs we have described of course require both leadership and staff to implement. Our Association is blessed to have top people in both categories. I want to take this opportunity to thank our board of directors—30 former Members divided equally between parties—for their advice and counsel, I really appreciate it.

I also want to thank the many partners and supporters we have to make our programs possible. We are truly lucky to have assembled a group of corporations and foundations that believe in our work and make our success possible, and we very much value our partnership with them. Also, I would be remiss if I did not thank the other members of our Association's Executive Committee: our Vice President, Jim Walsh; our Treasurer, Martin Frost; our Secretary, Mary Bono; and our Past President, Connie Morella. You all have made this Association a stronger and better organization than it has ever been, and I thank you for your time and energy.

To administer all these programs takes a staff of dedicated and enthusiastic professionals.

Alexis Terai is part of our international team and runs our Congressional Study Group on Japan. She was born here in the United States, but spent many years in Japan. She's fluent in Japanese and has already been an invaluable addition to our Japan program, as well as a host of other projects.

Lorraine Harbison is our other international programs officer, focusing mostly on our Germany and Europe programming. She has studied both in the United States and in Europe, is fluent in Spanish, and has been instrumental in making our Diplomatic Advisory Council such a huge success.

Rachel Haas is our CEO's right hand person, but she is so much more. First of all, she's the most pleasant professional you could ever spend time with, and I would know because Rachel and I traveled to Brussels together earlier this year for our sister organization's annual meeting. In addition to that, Rachel runs the office, controls the books, and plays a leading role in putting together our outstanding gala fundraising dinner.

Andrew Shoenig, who is our Associate Director of International Programs, has been with the Association for five years now. He is instrumental in putting together all the international programs you heard about earlier today, and as we're speaking he's leading a delegation of District Office Directors on a Study Tour to Germany.

Sharon Witiw is our Domestic Programs Director and without her our Congress to Campus Program would not be half as active and as successful as it currently is. In addition, she oversees all of our civic education projects, makes sure the golf tournament is a success and put together the two Cuba trips you heard about earlier.

Sabine Schleidt is our Managing Director who designs and implements all the current Member international programs called the Congressional Study Groups. In addition, she's the driving force behind our fundraising efforts, has 10 brilliant ideas every day, and never seems to take a break!

Pete Weichlein is our Chief Executive Officer, who has been with the Association since 1999 and became CEO in 2003.

In addition to our wonderful staff, we benefit greatly from volunteers who lend us their talents and expertise pro bono. None deserve more appreciation than Dava Guerin, who has taken on the role of our Communications Director. She tells our story and connects us with the media. She also is an author and her most recent publication is a terrific book called ''Unbreakable Bonds'' about the mothers who become full-time caregivers again when their grown children return severely injured from the battlefields in Iraq and Afghanistan.

I should also mention that we are benefitting tremendously from the support of our Association's Auxiliary, led so ably by Betty Ann Tanner, wife of former Member John Tanner. The Auxiliary is playing a more and more prominent role in working with us on our programming, and the memorial service in Statuary Hall, which we will host for the first time later this afternoon, is a great example of the tremendously valuable contribution our Auxiliary is making. Thank you Betty Ann, and we're looking forward to getting the same outstanding leadership from her successor, Chris English, spouse of Phil English.

It is now my sad duty to inform the Congress of those former and current Members who have passed away since our last report. I ask all of you, including the visitors in the gallery, to now rise as I read the names and at the end of the list we will pay our respect to their memory with a moment of silence. We also want to use this time to include in our thoughts and prayers the victims of the horrible massacre in Orlando, and remember them as well as all victims of terrorism across the globe. Thank you.

We honor the following Members of Congress for their service.

They are: Bruce Alger of Texas, Thomas Cass Ballenger of North Carolina, Robert Bennett of Utah, Mario Biaggi of New York, Edward Brooke of Massachusetts, Dale Bumpers of Arkansas, Don H. Clausen of California, Howard Coble of North Carolina, Wes Cooley of Oregon, Frank Denholm of South Dakota, Don Edwards of California, Allen Ertel of Pennsylvania, Joe Gaydos of Pennsylvania, Robert Griffin of Michigan, John Paul Hammerschmidt of Arkansas, Robert W. Kastenmeier of Wisconsin, Delbert Latta of Ohio, Arch A. Moore, Jr. of West Virginia, John H. Murphy of New York, Morgan Murphy of Illinois, John T. Myers of Indiana, Allen Nunnelee of Mississippi, Mike Oxley of Ohio, Martin Sabo of Minnesota, James Santini of Nevada, Gus Savage of Illinois, Richard Schweiker of Pennsylvania, Louis Stokes of Ohio, Fred Thompson of Tennessee, Tim Valentine of North Carolina, George Voinovich of Ohio, Jim Wright of Texas.

Mr. FROST. Will the gentlewoman suspend for just a moment.

We have been advised that we have to vacate the floor in 5 minutes by 9:25. I would ask that the gentlewoman submit the remainder of her remarks for the RECORD. However, she must proceed directly to the election of the board and the officers for the coming year.

Ms. KENNELLY. Yes.

I really want to thank Betty Ann Tanner, wife of former Member John Tanner.

Another thing I am going to say quickly is we are working very closely with the Auxiliary. This afternoon, I am going to read the names of former Members who have died this year, and this afternoon at 6 p.m. we are going to have a memorial. It was my visit to the European community where they had the most wonderful, wonderful memorial to their members who had died that year. And another one in Canada that some of our Members went to, and I want to have something like that this afternoon so I hope you can come. Staff has put a great deal of thought into it.

Now we are going to have the election of our board of directors.

Every year at our annual meeting we ask the membership to elect new officers and board members. The candidates are running unopposed. Everybody who wants to say ''yea,'' say ''yea.'' I doubt there will be any ''nays.''

For the Association's board of directors, the candidates are:

Ann Marie Buerkle of New York
Bob Clement of Tennessee
Mike Ferguson of New Jersey
Phil Gingrey of Georgia
Dan Maffei of New York
L.F. Payne of Virginia
Tom Petri of Wisconsin
Nick Rahall of West Virginia.

All in favor of electing these eight former Members to our board of directors, please say ''yea.'' Any opposed? Hearing no ''nays,'' the slate has been elected by the membership, and I congratulate them on their election and the work they are going to do.

Next, we will elect our executive committee. The candidates for our executive committee are:

Cliff Stearns of Florida for president
Martin Frost of Texas for vice president
Tim Petri of Wisconsin for treasurer
Karen Thurman of Florida for secretary.

All in favor of electing these four former Members to our executive committee please say ''yea.'' Any opposed? Hearing no opposition, the slate has been elected by the membership. Congratulations to all four of them, and I especially look forward to working with Cliff Stearns.

Mr. FROST. We need to go directly, if we may, to Cliff Stearns.

Ms. KENNELLY. All right. But before I do that, I do want to tell you that the 6 p.m. event, the memorial that many of us have worked hard on, will take place at 6 in Statuary Hall, and we have invited the families of the Members who have passed this year, and we have had a good reception from them. If you have to leave, I do hope you will come back for the memorial. We will have the memorial, and then we will have a reception after the memorial.

Now our new president will say a few words to us.

Mr. STEARNS. Barbara, thank you very much. And thank you, Members, for your confidence.

I think in light of the hour here, we will go right directly to honoring our past president and our vice president.

Pete, if you will give me the plaques, I would like to read them. They have done an extraordinary job, and I think at this point we are going to recognize what they have done.

So, Jim, would you mind coming up here.

I want to thank Congressman Jim Walsh of New York for his stewardship and counsel as vice president of the association. His dedication to bipartisanship and his respect for the Congress, as an institution, were evident in every program he led, and he played a pivotal role in making our association even more impactful and successful.

Jim, congratulations.

Mr. WALSH. Thank you.

Mr. STEARNS. Barbara, if you will come up.

Barbara, your plaque is inscribed:

''We thank Congresswoman Barbara Kennelly of Connecticut for her leadership and guidance for the past 2 years as president of the U.S. Association of Former Members of Congress. Her wisdom and sage counsel have been invaluable. The dedication and support she

has given to the board, her fellow Members, and the Former Members of Congress staff has guided and grown the Association, and we are a better organization thanks to her.''

Thank you, Barbara.

Ms. KENNELLY. As I accept this award—and we are not going to read the names of the memorial that we are going to have this afternoon—I think we all ought to just stand for a moment and just say a small prayer for what happened in Orlando.

Thank you.

Mr. STEARNS. Thank you, Barbara. And let me just conclude before we leave here to say we have a lunch today—and I hope all of you will come—to bestow the 2016 Distinguished Service Award on the current Senators and Representatives who are retiring after the 114th Congress. Our Association has decided that every 2 years, we will take our Distinguished Service Award and dedicate it to the retiring Members as an opportunity to thank them for their public service and to let them know that, through our Association, their service can continue.

And since we cannot hand a plaque to all of these people, we have decided to award a $1,000 scholarship in their name to a graduating high school senior from a D.C. school. We invited students to compete for this scholarship by writing an essay about civic responsibility and what it means to be a citizen. Out of the many really outstanding submissions we received, we selected a very impressive individual who is graduating and is heading to Harvard. His name is Nicholas Stauffer-Mason, and he and his mother will join us for lunch later today. I hope all of you will attend.

Thank you, everybody, for this opportunity.

Mr. FROST. The Chair again wishes to thank the former Members of the House for their presence here today and also the leadership of the House of Representatives for hosting us once again in this revered Chamber.

Before terminating these proceedings, the Chair would like to invite those former Members who did not respond when the roll was called to give their names to the Reading Clerk for inclusion in the roll.

The meeting stands adjourned.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Father Mina D. Essak, St. Mark Coptic Orthodox Church, Troy, Michigan, offered the following prayer:

Almighty God, thank You for our lives, our health, and the opportunity to serve our beloved United States of America. Send Your spirit for protection of her inhabitants as she continues to exist as the most powerful nation in the world.

Send Your spirit to touch the hearts of our Nation's leaders.

Endow the spirit of wisdom on President Obama and the Members here today with familiar words: The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace.

Accept the great goodness they strive for: trust, justice, and peace in our great Nation. Inspire our leaders with new approaches to increase the prosperity of those whom they represent. Grant each Member talent with which to multiply their fruits.

May we please You, O God, this day. Hear us, Almighty God.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi (Mr. KELLY) come forward and lead the House in the Pledge of Allegiance.

Mr. KELLY of Mississippi led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND FATHER MINA D. ESSAK

The SPEAKER. Without objection, the gentleman from Michigan (Mr. TROTT) is recognized for 1 minute.

There was no objection.

Mr. TROTT. Mr. Speaker, I rise today to recognize the contributions of Father Mina and the Coptic community he represents in southeast Michigan. Egypt's Coptic Christians have been a staple in my district since they held their first liturgy at St. Mark Coptic Orthodox Church in Troy almost 40 years.

Father Mina is an engineer by trade, but in 1991, he accepted God's calling and became a priest to serve the then-small congregation of Coptic Christians in southeast Michigan. Under the leadership of Father Mina, the Coptic community has grown from a handful of families to over 750 today.

The Copts are my neighbors and friends. They are our nurses, schoolteachers, public servants, and business leaders. The Copts represent what America represents. Their story is America's story: the story of people who dreamed of a better life, the story of people who left everything they had ever known to come to this country for a new beginning.

I am proud to represent this vibrant and welcoming community, and, under the leadership of Father Mina and Father Maximus, the Copts will continue to serve an important role in southeast Michigan for a long time.

I want to thank, again, Father Maximus and Father Mina for leading the House in prayer today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

HAPPY BIRTHDAY TO THE U.S. ARMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday was the 241st birthday of the United States Army, a celebration for the strongest fighting force in the world. There are now more countries liberated and thriving in peace and democracy than in the history of the world because of the American military.

It is an honor to represent Fort Jackson in the Midlands of South Carolina, the largest initial entry training facility of the Army. I was grateful to meet the incoming commanding general of Fort Jackson, Brigadier General Pete Johnson. I appreciate departing Brigadier General Roger Cloutier, who served in the tradition of Major General Bradley Becker.

This is also a special day for my family, as the son of a World War II veteran of the U.S. Army Air Corps, as a grateful 31-year veteran of the Army Reserves and the South Carolina Army National Guard. I especially appreciate the Guard service of my sons, Alan in Iraq, Julian in Egypt, and Hunter in Afghanistan. My fourth son, Addison, served as a Navy doctor with the Army Rangers in Iraq.

In conclusion, God bless our troops, and may the President, by his actions, never forget September the 11th in the global war on terrorism.

Happy 241st birthday, U.S. Army.

ORLANDO

(Ms. BROWNLEY of California asked and was given permission to address the House for 1 minute.)

Ms. BROWNLEY of California. Mr. Speaker, my heart goes out to the victims of the tragedy in Orlando. This act of terror and hate has reverberated across our Nation with a goal to divide us and instill fear against those who simply wish to express themselves and live their lives freely.

We cannot let fear lead us to single out an entire community or take our

focus away from fighting terrorism. We cannot allow politics to distract us from coming together and passing commonsense gun reform.

We must stand up against hate in all of its forms and the weapons that allow our enemies to too easily violently express it. That is something we all stand for.

We must act. The victims and their families of Orlando deserve no less.

TUPELO POLICE ATHLETIC LEAGUE

(Mr. KELLY of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLY of Mississippi. Mr. Speaker, today I rise to recognize the incredible work being done by the Tupelo Police Athletic League.

The Police Athletic League is a national organization that allows members of the police force to expand community outreach and connect with young people and their parents through athletics and other school-related activities. This organization has reduced juvenile crime and teaches our youth to appreciate and trust police officers.

During the National Police Athletic League conference, Major Anthony Hill of the Tupelo Police Department was named the national 2016 Male Volunteer of the Year. Additionally, Tupelo Police Department Lieutenant Michael Russell was appointed to the Police Athletic League national executive board.

I want to thank Major Anthony Hill and Lieutenant Michael Russell, among others, not only for their dedication to this program, but for their work to leave Tupelo a better place than they found it.

I have worked with both of these officers firsthand as a city prosecutor, and I have seen the love and dedication they have for their community and the youth, and the countless hours of overtime, nights, and weekends they spent away from their families to make sure they help our youth.

Police officers across the country make countless sacrifices to both protect and improve our communities.

Thank you for all you do, Major Hill and Lieutenant Russell.

HATE CONTINUES TO FESTER

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, 49 dead Americans: sons, daughters, husbands, wives, friends.

Whatever his ideology, whatever gun he used, this killer was driven by hate toward the lesbian, gay, bisexual, and transgender community.

Just as hate struck the LGBT community at the UpStairs Lounge in New Orleans or at Uncle Charlie's in New York City or the BeBar nightclub here in Washington or the hundreds and hundreds other attacks that occur each year, it is because of the inaction of bodies like this, the Congress of the United States, to address discrimination, to ignore cries for equality, that this hate continues to fester.

The LGBT community deals with this fear and hate every single day, all for wanting to live and love and be who they are. And who they are, just like every member of the LGBT community, are sons, daughters, husbands, wives, and friends.

ALZHEIMER'S AND BRAIN AWARENESS MONTH

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise today to recognize June as Alzheimer's & Brain Awareness Month.

More than 80,000 Americans die as a result of Alzheimer's each and every year, which makes it the sixth leading cause of death among our Nation's senior citizens.

With over 5 million Americans suffering from Alzheimer's, research toward finding a cure, as well as the rehabilitation of patients, is crucial to eliminating this debilitating disease. That is why I am a cosponsor of the HOPE for Alzheimer's Act, which will increase access to care for those with Alzheimer's and ease the burden on their families.

Mr. Speaker, Alzheimer's and dementia have affected everyone in this country, in every congressional district across the country, in some way, shape, or form. A strong congressional response is critical to helping those struggling with this disease as well as their family and friends.

This month, I call on my colleagues to pass the HOPE for Alzheimer's Act, and I ask them to join me in raising awareness for this very important issue.

WE NEED MOMENTS OF SUSTAINED ACTION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, the murder of 49 innocent people at the Pulse nightclub in Orlando last Sunday once again demonstrates the urgency of addressing gun violence in this country.

While I appreciate the moment of silence we observed earlier this week, what we really need are moments of sustained action to ensure that this never happens again.

We should immediately close the terror gap so individuals on the terrorist watch list cannot legally purchase a gun. If you are too dangerous to get on an airplane, you are too dangerous to own a gun.

We should move quickly to prohibit the sale and possession of weapons of war, like the assault rifle that the Orlando gunman used.

We should also close the hate crimes loophole so that anyone convicted of a hate crime is prohibited from buying or owning a gun.

We should close the Charleston loophole so gun sales cannot go forward until a background check is completed.

These are commonsense measures that would immediately reduce the incidence of gun violence in this country.

It is on all of us, as the people's elected representatives, to take action today. Choosing to do nothing is an insult to the victims of these attacks and a danger to the safety of those we represent. There is no more solemn responsibility that we have than to protect the people we represent.

Let's get to work.

FARM CREDIT CELEBRATES 100 YEARS

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, I rise today to recognize Farm Credit on its 100th anniversary.

On July 17, 1916, the Federal Farm Loan Act was signed into law, thus creating the Farm Credit System. Since then, Farm Credit has provided our Nation's rural communities with the financial tools they sorely need.

At a national level, Farm Credit has provided more than $260 billion in credit to more than 500,000 rural customers. In my district, the Farm Credit System serves over 544 borrowers and customers, providing roughly $160 million in credit.

As a large animal veterinarian, I have seen firsthand how Farm Credit has served generations of young farmers and ranchers who rely on these tools available to start successful businesses, businesses that keep American farming strong.

Without the Farm Credit System, our farmers in Florida and the Nation would not have access to the much-needed credit required to farm so that they can feed not just America, but the world.

DERELICTION OF DUTY

(Mr. JEFFRIES asked and was given permission to address the House for 1 minute.)

Mr. JEFFRIES. Mr. Speaker, on June 12, the worse mass shooting in the history of this great Republic took place in Orlando, Florida. It was an egregious act of terror, a vicious hate crime directed at the LGBT community, and an attack on our democracy.

In times like this, the American people deserve real congressional leadership. The American people deserve legislation to prevent suspected terrorists on the no-fly list from being able to purchase weapons of war that are not used to hunt deer, but are used to hunt

human beings, such as the 49 individuals who were viciously killed in Orlando, Florida.

Instead, House Republicans brought us a brief moment of silence and then got back to business as usual. It is a shameless, shameful dereliction of duty, but it is what we have come to expect from this reckless Republican majority—and the American people deserve better.

□ 1215

REMEMBERING ENDY EKPANYA

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, there is great pain and agony in Pearland, Texas, and all across America. Pearland police officer Endy Ekpanya was killed in the line of duty while on patrol in Pearland. He was killed at 3:15 a.m. on Sunday. He died 45 minutes later at a hospital.

Endy was only 30 years old. He had been with the Pearland police force for less than a year. His fellow D squad officers said he was always eager to learn, and with that huge smile. Endy was the first Pearland policeman killed since 1973. As you can see, Endy leaves behind a wife and a young son.

Mr. Speaker, I will use my remaining time to say a silent prayer to honor Endy.

IT IS TIME FOR CONGRESS TO DO ITS JOB

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, once again, the United States Congress observed a moment of silence for the victims of a mass shooting, this time in Orlando, Florida. Once again, many in this Chamber remain silent on stopping more of the same.

Nearly a third of the world's mass shootings occur right here in our country; and yet, this Congress, defying the wishes of our constituents, refused to take any reasonable steps to keep dangerous guns out of the wrong hands.

This Congress has refused to ban military grade assault rifles whose primary purpose is to kill as many people as possible at one time. This Congress refuses to close the loophole that lets criminals buy firearms online or at gun shows without a background check. And, most shockingly, this Congress is refusing to prevent those suspected of terrorism from buying weapons that could be used in the next attack.

This Congress offers lots of thoughts and sympathies when people are massacred by firearms, but no action to stop the carnage. It is time for this Congress to do its job before we have to say more prayers for innocent victims.

RECOGNIZING VIRGINIA STATE PARKS

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, I rise in recognition of our Virginia State parks. From the Blue Ridge Mountains to the Chesapeake Bay, the Commonwealth boasts some of the most beautiful natural landscapes in the United States, and for the past 80 years, the Virginia State Parks have served as an avenue for families to enjoy the outdoors together.

Outdoor recreation is such an important part of our national heritage, and our 36 Virginia State parks have fostered that tradition by helping generations of Virginians explore and understand our natural resources. With more than 600 miles of trails and convenient access to Virginia's major waterways, our Virginia State parks offer no shortage of opportunities for Virginians to go places they have never been before.

I commend the Virginia Department of Conservation and Recreation for their role in maintaining the Commonwealth's State parks and for preserving our lands in the public trust.

I thank Virginia State Parks for keeping our Commonwealth beautiful. I wish them a happy 80th anniversary and many, many more to come.

REMEMBERING TWO YOUNG MICHIGANDERS KILLED IN ORLANDO

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, I rise today to remember two young Michiganders who tragically were among the 49 people who lost their lives in Orlando on Sunday.

Tevin Crosby, from Saginaw, Michigan, was just 25 years old. He was on a trip visiting family in North Carolina and went on to Florida to see some friends and some colleagues. He was a young businessowner. He was described as a rising star, according to his friends and his colleagues. An employee at his company told The Saginaw News that he was always smiling and always positive.

Michigan also lost Christopher ''Drew'' Leinonen, who was a native of Detroit. His mother, Christine, told ABC that her son established the gay-straight alliance at his high school and received a humanitarian award for his effort. Juan Ramon Guerrero, the man he planned to wed, was also killed.

My heart aches for Tevin and Drew's families and their loved ones and all those who were killed over the weekend. This was an act of terror against the LGBT community.

As our Nation heals from this tragedy, Congress must turn our country's grief into action. There is no place for weapons of war on the streets of America's cities, murdering our children. This Congress has it within its hands to act, and this Congress needs to act.

RECOGNIZING 100TH ANNIVERSARY OF BOY SCOUTS OF AMERICA CHARTER

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Boy Scouts of America Charter. On June 15, 1916, President Woodrow Wilson signed the law granting a national charter to the Boy Scouts of America, which had been incorporated 6 years earlier in 1910.

I spent more than four decades in scouting as a scoutmaster, Juniata Valley Boy Scouts Council executive board member and Council president. In my own scouting experience, I was honored to become one of just 2,000 people since 1969 to receive the national Distinguished Eagle Scout Award.

It was my experience in scouting that first sparked my interest in public service, in the vein of the Boy Scouts model, which urges us in part to do our duty to our country.

In 2013 there were more than 2.6 million members of the Boy Scouts of America. In a time which has in many ways been highlighted by a decline of volunteerism, I know that our Nation's future is in good hands with these young men and young ladies.

It is my hope that this wonderful organization continues to contribute to the lives of youth for generations to come.

SICK OF SILENCE

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, our country continues to grieve with Orlando and the LGBT community in the wake of the deadly shooting at the Pulse nightclub.

The American people are angry; they are anxious; they are afraid; and they have good reason to be. This is the deadliest in a long list of recent attacks. Yet, after each mass shooting, many of my Republican colleagues have stood in the way of efforts to protect Americans from the next one.

Monday night we held yet another moment of silence on the House floor. I have lost track of how many moments of silence we have had since I have been in Congress. Mr. Speaker, I am sick of silence.

Forty-nine people were murdered this weekend in Orlando, and that is not just a number. Those are 49 young men and women who had parents and boyfriends and girlfriends who loved them and whose lives will never be the same. Moments of silence are not enough to

honor these victims, and they do nothing to prevent future attacks.

Mr. Speaker, I am calling on you to allow us to vote on reinstating the assault weapons ban and legislation to prevent suspected terrorists from buying firearms.

WHAT WE KNOW ABOUT THE ORLANDO ATTACK

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we all know the facts from the Orlando attack, and they are absolutely heartbreaking. We know that the terrorist pledged his allegiance to ISIS before he carried out the assault and murder of 49 people.

We also know that we need to be supporting our law enforcement. What we are learning is that law enforcement, local law enforcement, is constrained by political correctness. They are constrained by lack of communication. They are constrained, and we have to understand that they are on the front lines in this fight. Congress must listen to the FBI, Homeland Security, and other law enforcement entities and give them the tools that they need to protect our communities.

This attack calls into question the assessment, threat assessment programs, the vetting, and the information sharing that is in place. The FBI twice investigated the Orlando shooter. This reveals vetting is nearly impossible. The vetting process being nearly impossible is one of the reasons that we need to halt the migration of Syrian refugees until a proper process is in place.

THIS IS NOT THE TIME TO BE SILENT

(Ms. JUDY CHU of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JUDY CHU of California. Mr. Speaker, once again, our country has been shocked by a horrific act of gun violence, and, once again, the only real response from Congress has been a moment of silence.

Well, this is not the time to be silent. Congress needs to act, and Congress needs to act now.

This murderer at the Pulse nightclub of Orlando, who was once on the terror watch list, was free to walk into a store and purchase an assault weapon that could kill 49 people and wound 53 others. Today, someone inspired by ISIS, who was deemed too dangerous to even board a plane, could walk into a gun store to buy whatever weapon they want. That is outrageous. That is why we must pass the no fly, no buy legislation that would keep those on the terrorist watch list from buying lethal weapons.

Unless we act to finally keep the most dangerous weapons out of the most dangerous hands, our moments of silence will become our legacy of silence.

RESILIENCE IN THE FACE OF ADVERSITY

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, in June, a gay nightclub—what is supposed to be a safe place where the LGBT community can gather and be who they are—was targeted by violence and bigotry. That was 47 years ago in New York City. The Stonewall riots are considered the very beginning of the gay rights movement, and that is why we celebrate June as LGBT Pride Month, pride for progress made against fear, against HIV/AIDS, against violence, and against the silence that too often greets bigotry, including in this Chamber.

Here we stand today, so much progress, but still so far from true equality. And we see more hatred-fueled violence at a gay gathering place.

What do we do?

I know only because I have seen the path well worn by my LGBT brothers and sisters, whose resilience in the face of adversity inspires me. We organize, we fight for equality and against prejudice. We change the hearts and minds of those who have yet to embrace the fundamental American principle that all are created equal.

This Pride Month we stand up against bigotry and against the silence, and we do it proudly.

□ 1230

ORLANDO

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, as we have heard repeatedly, this past weekend, Omar Mateen walked into a nightclub that had been a fixture of Orlando's LGBT community for over a decade and opened fire, killing 49 people and wounding dozens more.

This tragedy was many things. It was an act of terror and the deadliest mass shooting in American history. It was an attack targeting the LGBT community in what was meant to be a safe space on what was meant to be a night of celebration.

Information is still coming in about the perpetrator and his past, and we will continue to learn more in the days ahead. But we do know now that Mateen had been investigated by the FBI for possible terrorist ties and placed on the terrorist watch list. Despite this, he was able to pass a background check and legally purchase a gun.

There were other warning signs as well. He was described by coworkers and family as a violent and unstable person with a history of domestic abuse. But the loophole by which suspected terrorists can purchase guns is something that we have the power to fix right now with one simple change. The vast majority of Americans agree with us: if you are too dangerous to ride on a plane, you are too dangerous to own a gun.

Let's fix this commonsense loophole.

ORLANDO SHOOTING

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, on Monday, the House stood to bow our heads in a moment of silence for gun violence on the House floor for the 27th time since the horrific shooting of children at Sandy Hook Elementary; this time, for the unspeakable murders that took place in Orlando.

A moment of silence for gun violence; that is what we do. We have stood, and we have prayed.

One time, I stood up and said: Now, let's do something. We are not short of solutions.

The American people cannot believe that the Republicans have voted against a bill that says that people on the suspected terrorist watch list should not be able to buy guns. That is right. They would not support that law. They won't support a ban on assault weapons that have no other purpose than to kill people.

Enough is enough. That silence is a deafening silence. We cannot stand to do that anymore without taking real action.

CLOSE THE CHARLESTON LOOPHOLE

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I often quote Martin Luther King, Jr.'s iconic letter from the Birmingham City Jail when he wrote:

> We are going to be made to repent not just for the hateful words and deeds of bad people, but for the appalling silence of good people.

Mr. Speaker, some very dastardly acts have been committed, one of which we will be commemorating the first anniversary of on Friday, June 17, when the people of Charleston, South Carolina, the State, and many across the Nation, will pause to commemorate the lives of nine people who were murdered and the three who survived because our gun laws allowed a young man to purchase a gun whose background check showed he should not have have been allowed to purchase a gun. However, the loophole says if the background check is not completed in 3 days, you can still purchase the gun.

Mr. Speaker, it is time to close the Charleston loophole.

PRINTING OF PROCEEDINGS OF FORMER MEMBERS PROGRAM

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that the proceedings during the former Members program be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the proceedings have the privilege of revising and extending their remarks.

The SPEAKER pro tempore (Mr. WESTMORELAND). Is there objection to the request of the gentleman from Alabama?

There was no objection.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5293, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 783 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 783

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) The bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 170, line 7. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

(b) No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, and pro forma amendments described in section 4 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. During consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. It shall be in order at any time on the legislative day of June 16, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 1 hour.

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 783 provides for further consideration of H.R. 5293, the Department of Defense Appropriations Act. The resolution provides for a structured rule and makes in order 75 amendments. The rule also provides suspension authority for Thursday.

I want to kick off today's debate by making one thing very clear: the underlying bill is a very good bill. I know some of my colleagues may have some things to say that they would want to have added or a few things they would want to see changed. But all things considered, this is a very good bill. Let me tell you why.

This bill provides funding for the entire United States military, including critical funding to help fight the Islamic State and others who wish to do us harm. This bill ensures that our military receives the 2.1 percent pay raise they deserve, instead of the 1.6 percent pay raise requested by President Obama.

An important function of our military is research and development of new technologies and weapons systems, so this bill provides funding for those efforts. This bill makes important investments in military readiness by providing for equipment procurement for each of the service branches. We are sending far too many of our servicemembers into harm's way with outdated or damaged equipment, so this bill also includes much-needed funding for maintenance operations.

This bill also includes vital funding for the Defense Health Program, which provides care for our troops, while also spurring investment in important areas like traumatic brain injuries, cancer research, suicide prevention programs, and sexual assault prevention and response.

Now, I seriously doubt that any of my colleagues disagree with those functions. So this should be a bipartisan bill that passes with overwhelming support, especially considering all that is going on in the world today.

Just look at what happened this past weekend in Orlando. A person influenced by radical Islamic terrorists took the lives of innocent Americans.

Well, this bill includes funding to help fight the groups and organizations like the Islamic State that are spreading this radicalization. This bill is critical if we are to defeat the radical organization that is spreading terror all around the globe.

Sadly, Mr. Speaker, I expect that today's debate will focus little on what is actually in this bill. I fear that today's debate will result in conversations about things that have absolutely nothing to do with the United States military. That is a real shame, because this bill is so very important.

I know some of my colleagues are going to express concerns about procedure and the fact that this is a structured rule. So I want to share some quick facts with you. More importantly, this rule makes in order 75 amendments out of 105 submitted to the Rules Committee. Forty-three of these amendments—over half—are Democrat and bipartisan amendments.

Mr. Speaker, we hear a lot of talk here about regular order. Well, regular order means that the House works. Regular order doesn't mean chaos. Regular order doesn't mean that Members get to offer poison pill amendments just to kill a bill. Regular order is about ensuring we can do the business that the American people elected us to do and that they expect us to do.

Let's be real for a second. Only in Washington are people debating or worried about whether a bill to fund our troops comes to the floor under a structured rule or an open rule.

You know what people are worried about in homes from Maine to Hawaii? They are worried about the safety and security of their families.

So let's not get caught up, especially on this bill, in political games. The men and women who put their lives on the line each and every day to keep us safe deserve better than that. And the American people deserve better than that.

I urge my colleagues to support this rule and this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding.

Mr. Speaker, despite Speakers BOEHNER and RYAN promising that the Chamber would be open, we haven't had an open rule since Speaker RYAN became Speaker. He has closed down the legislative process, shutting out Members and, thus, their constituents.

We need a full, open debate process, and though Speaker RYAN had the best of intentions when he assumed the mantle, his best laid plans have already crumbled and the Chamber has been slowed to a halt so Republicans can avoid taking difficult votes.

Mr. Speaker, the bill before us provides appropriations for the Department of Defense at a level $3 billion above fiscal year 2016, though it still remains $587 million below the President's request.

There are some strong, bipartisan measures in the bill, including funding for research into traumatic brain injuries, cancer, and physiological health research, as well as sexual assault prevention funds. Those are welcome investments.

Also included is a well-deserved pay raise for our men and women in uniform. Their immense sacrifice cannot be quantified, and they deserve our wholehearted support for the tireless defense of our Nation.

Additionally, the bill provides robust funding for cybersecurity and sorely needed assistance for our friends struggling for democracy in Ukraine so they can get the training and equipment they need to defend themselves against Russian aggression.

One of the most important aspects of this bill, however, is the investment made in the Department's manufacturing technology programs. That is the wave of the future, Mr. Speaker. We have no way to achieve national security if we cannot manufacture the goods that we need here at home.

The Manufacturing Technology Office administers the soon to be eight DOD-led Manufacturing Innovation Institutes that allow us to secure technological advantage and economic competitiveness around the world.

I am proud that one of these institutes, AIM Photonics, is included, and that this bill fully funds the institute's launch with $25 million of the total $110 million committed by the Federal Government. I thank the chair and the ranking member for making our Nation's industrial policy a bipartisan priority.

However, these essential pieces of funding are overshadowed by the way in which the House majority has decided to source their funds. They do so by raiding the overseas contingency operations, or OCO, which is meant to be emergency supplemental funding.

This budget gimmick makes it even more likely that the Department of Defense will run out of funding early next year as we will come to another standoff over funding.

□ 1245

This is robbing Peter to pay Paul, and it is not how any rational citizen would run a household budget. And why would the House majority endorse it?

The discussion and debate, while essential, detract from the urgency of addressing the war at home, the gun violence epidemic that is crippling our Nation. Mr. Speaker, I rise today heartbroken from the horrific loss of life due to gun violence in America, but this Chamber keeps turning and churning, and going about business as usual.

On Monday night, as so many of my colleagues said, we held yet another moment of silence. Since there have been 998 mass shootings in the United States since Newtown, that is a lot of moments of silence, but no action at all.

How many times do we have to stand on the floor and observe that silence when our colleagues who actually have the power to make the changes necessary to stop it are in the room with us?

For the victims of Orlando and every shooting before, for their families and our constituents, we need more than thoughts and prayers. We need action and laws now.

Mr. Speaker, according to the United Nations, half of the world's guns are in the United States. We have 317 million people in our Nation, but an estimated 350 million guns. If you think that the ubiquity of firearms in our Nation has not increased the likelihood of mass shootings, I encourage you to reconsider.

What happened in Orlando was a man with a military weapon shot without pause for heaven knows how long a time because he had a weapon. The fact that he had that—and we have said over and over again that those guns are only intended to kill people, and, unfortunately, that has come true, and it is our citizens that they are killing.

Now, we, the Members of this body, could vote for lifesaving, commonsense measures, yet the majority refuses to act. The majority blocks votes to prevent terrorists from buying guns. A terrorist on a watch list can go ahead and buy a gun.

They won't consider legislation to require universal background checks, which the majority of Americans support. They won't even consider, anymore, the assault weapons ban. Before it expired, it made a lot of difference in the mass killings in this country.

What is even more dangerous is that, in the healthcare bill passed—it was stunning to me that it was even in there—the Centers for Disease Control can't even track data on gun violence as a public health issue. Also, family doctors, who can ask about drugs in the home, are not allowed to ask about guns in the home; and some gun sales records are destroyed after 24 hours, by law, making it incredibly hard, if not impossible, to verify information and to track sales.

So that is the state of affairs in this Chamber today. Instead of thoughts and prayers, which we always turn to for solace, we would like to have, now, some actions and laws.

Mr. Speaker, I reserve the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentlewoman's positive words about the underlying bill. She pointed out a number of things about this bill that are very good indeed.

I hear that she disagrees with the use of the overseas contingency account for funding part of what is going on here, but we are in a war. We are in a war overseas, and we are going to have to use that account to fight that war overseas.

I also heard her say that we need to do more than just have a moment of silence, as we did the other night. Acting on this bill does something very important to stop terrorists over there from coming over here and harming us, or to stop terrorists over there from being able to inspire some of our own citizens to attack us. I have said many times, if you want to stop terrorism in the United States, it is better to defeat them over there. The underlying bill does that. It has been worked out carefully, in a bipartisan fashion, as the gentlewoman said, with the Department of Defense, so that they have what they need to protect us, because the most important way to stop violence from terrorists hitting us here at home is to make sure those terrorists are destroyed abroad.

I am glad the gentlewoman from New York brought up the issue of open rules. To have this debate, I think it is important to look at the minority's record when it comes to openness and fairness on appropriations bills.

When the gentlewoman was chair of the Rules Committee in the 111th Congress, they also had a structured rule for the Department of Defense Appropriations. So how many amendments did they make in order? Fifteen. This bill makes in order 75 amendments to the Defense Appropriations bill. That is a pretty stark difference, Mr. Speaker.

Let's not just look at the Defense Appropriations legislation. On the Energy and Water bill, which this House considered under an open rule a few weeks ago, the Democrat majority considered it under a structured rule and made just 21 amendments in order.

What about the Military Construction and Veterans Affairs bill in fiscal year 2010? The gentlewoman made just eight amendments in order. The House considered the same bill earlier this year under an open rule.

A few more numbers for you from fiscal year 2010. Only 5 amendments were made in order through the Labor,

Health and Human Services bill, just 23 for Transportation, Housing and Urban Development Appropriations, 17 for Financial Services, and 1—only 1—amendment to the Legislative Branch Appropriations bill.

Then, for fiscal year 2011, under the Democrat majority, only two appropriations bills were presented to the House, both under structured rules. They were considered, and then they just stopped the appropriations process altogether.

Mr. Speaker, it is easy to talk a big game about open rules and the importance of fairness; but, if you look at the record, it is clear that this House has been much more open and much fairer under Republican leadership.

Our Conference wanted to restore open rules in the appropriations process; however, the minority has abused the process, and we have no choice but to take the steps necessary to ensure we can get the business of the American people done.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, let me take just a minute to say that I appreciate the history lesson, but the fact is that both Speaker BOEHNER and Speaker RYAN had said that this was going to be the most open Congress in history, but we haven't had a single open rule since Speaker RYAN took over. So I think we could go on in this debate like a tennis match all day long, but the facts are the facts.

Mr. Speaker, I am pleased now to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the Democrat whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

I tell my friend, BRADLEY BYRNE, I would love to have a discussion with him on that issue that he raised, but I don't have the time to do it now because I want to speak about the bill.

First, let me thank Chairman FRELINGHUYSEN, who is the chairman of the Defense Appropriations Subcommittee, and Mr. VISCLOSKY. They have worked together. They worked positively, and America can be proud of their leadership. Both of them have been extraordinary advocates for our military and men and women who serve.

This rule presents a rejection, however, of the regular order Speaker RYAN promised in the House. He promised it. That is the issue, not a question of how many. What he said was this was going to be open.

As soon as it became clear, however, that the House Republicans might have to take an up-or-down vote again on whether to ban discrimination against LGBT Americans, they shut the open appropriations process down. And, in fact, when we adopted that amendment, a majority of the Republican Members voted against their own bill. That was the abuse of the system, I tell my friend, not anything we have done over here.

No transparency, no open process, no regular order, no scruples about denying Americans' Representatives the chance to add their input in this Defense bill, simply because they want to allow discrimination against LGBT Americans. That is what this is about. That is how we got to this closed rule or structured rule. Make no mistake about it.

In rejecting the Maloney amendment last month and now closing the process as a result of losing the Energy and Water bill because it did not allow discrimination, House Republicans are feeding the same kind of anti-LGBT sentiment that makes gay, lesbian, bisexual, and transgender Americans feel unsafe in our country and creates an environment which furthers racism, homophobia, and xenophobia. That is tough language. I get it.

Speaker RYAN had said he would allow the House to work its will. That was his pledge. He told Roll Call in November that the Republican leadership would not ''predetermine the outcome of everything around here.''

Well, in this instance, the House is being steered in a very deliberate direction by the Speaker and the leader. The Republican leadership, once again, is more concerned with keeping its Members from having to vote on LGBT discrimination than on maintaining the open process that it promised. Each and every Member of this House ought to be not only willing but eager to cast their votes to say, unequivocally, we are against discrimination.

Let me be clear. There are many provisions in this bill that I support, but there are a number about which I have serious concerns. My concerns include the dangerous act of setting up a funding cliff next year that would put our troops in danger.

In their attempt to get around the funding caps both parties agreed to last year, House Republicans pretend that they are keeping the deal we made, but, in reality, they are raiding the account that provides our troops with the resources they need to do their jobs safely.

This bill also includes restrictions on the Pentagon's ability to transfer Guantanamo Bay detainees as well as, once again, abandoning military-civilian pay parity in cost-of-living increases.

The American public, Mr. Speaker, ought to know it costs $5 million per incarceree at Guantanamo, $5 million per person. How many terrorists have escaped from American prisons? Zero. Zero.

Now there is a Republican amendment to ban DREAMers from serving in uniform, a discriminatory provision in this bill.

Because the process has been shut down, Mr. Speaker, Democrats have been severely limited in our ability to put forward amendments to improve this bill and address these concerns. We will continue, however, to push hard to ensure all our troops have the tools they need to succeed at their mission and come home safely, and we will keep asking the House to take a vote to end discrimination. We must not rest until all Americans are truly equal under the laws and Constitution our men and women in uniform put their lives at risk to defend.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

I really appreciate my friend from Maryland who, recently, he and I had an opportunity to spend some time together. I have enjoyed his company, and I recognize that he is a man of great experience and wisdom. I do have some differences with him on some of his remarks, however.

He mentioned the Guantanamo Bay provision. It has recently come to light that the White House has now admitted that some of the Guantanamo Bay detainees that have been released are now back on the battlefield trying to kill American servicemen and -women. So, for those of us on this side of the aisle, that is not acceptable. We don't want more Guantanamo Bay detainees out there putting our men and women in harm's way. We want to keep them where they are, to keep our men and women in uniform safe.

He talked about a funding cliff. What he is referring to is that this takes us, on the OCO account, into next spring, to when we will have a new President in place and, at that time, we can put in the rest of the funding.

Now, this is exactly what was done 8 years ago when we were having a transition from the Bush administration to the Obama administration. At that time, then-Senator Obama, then-Senator Kerry, both voted for that, both supported that. So all we are doing now is the same thing we did 8 years ago. It is common sense. It was perfectly okay with them then; it is not now.

And then on the Maloney amendment, I know exactly what the gentleman is talking about. The other side asked for that amendment. It was adopted by the House. It was put in the bill, and then when the bill itself, with the amendment on it, came up for a vote, only six Democrats voted for it. I voted for the bill with the language in it. The Democrats voted and killed the bill that had the antidiscriminatory language that they feel so strongly about.

So let's understand what is really going on here. This is not an effort to do anything about discrimination. This is an effort to bring an end to the appropriations process, to throw a rock in the gears of what we have got to do to make government work for the American people. And our side of the aisle, the majority, is simply not going to allow that to happen. We are going to do the work that the American people sent us here to do; we are going to use structured rules; we are going to bring order out of chaos; and we are going to get the people's work done.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a valued member of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from New York, our ranking member, for yielding me the time.

I urge my colleagues on both sides of the aisle to vote against this restrictive rule. The gentleman from Alabama talks about a poison pill. The poison pill amendment he is talking about is an amendment that would prohibit discrimination against the LGBT community. That is the poison pill. It is pathetic that an anti-discrimination measure would be considered a poison pill, but only in this Republican-controlled House would that be the case.

I would also say to the gentleman that the last time I checked, Republicans have the majority in this place. You have 247; we have 188. You can do whatever you want to do. That is why we see these restrictive rules one after another after another coming before the House.

When I hear that we are limiting the appropriations amendment process only to get rid of poison pills, there are other amendments that I don't think would be considered poison pills that were denied. My colleague from California, JACKIE SPEIER, had an amendment dealing with littoral combat ships. That was not made in order. If we had an open rule under the appropriations process that we should have had, that we were promised, she could have offered her amendment. But that was denied as well.

In terms of how the whole bill is funded with this overseas contingency account, it is one gimmick after another. It is embarrassing to try to defend this OCO account and how my colleagues have tried to get around the budget caps by going in and taking money to lift up the overall amounts in the base bill.

But here is the deal: I will say that I am grateful that an amendment was made in order that I authored along with Congressman JONES and many of my other colleagues that would basically say that it is about time Congress has a debate and a vote on an AUMF. We are at war in Syria, and we are at war in Iraq again. Our troops are in combat situations. That is the way the Secretary of Defense describes it. Our troops are being wounded. We have lost soldiers in these recent battles, and we have not had the courage in this institution to actually debate these wars and to vote up or down on whether we should continue these wars.

My friends have all kinds of excuses why we can't do this. First they say: Well, the White House has to come up with a plan.

The White House did.

Now it is: Well, we can't debate this because it is a delicate time.

We should have debated these wars before we entered these wars, yet the leadership of this House prevented us time and time again.

Now we have 10 minutes, 5 on both sides, to debate this amendment. But my amendment is very simple. It basically says no AUMF, no money. If we don't have the courage to have this debate and to authorize these wars, then our troops ought to come home. It is that simple. It is very, very straightforward. For the life of me, I can't understand why anybody would vote against this.

The SPEAKER pro tempore (Mr. ROTHFUS). The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. MCGOVERN. If some of my colleagues want to expand these wars, then this is the opportunity for you to do it. If some of my colleagues, like me, want to lessen our military footprint in the Middle East, this is the opportunity. But to do nothing is unconscionable, and voting for this would force us—would force us—to do our job and to live up to our constitutional responsibility.

We cannot hide behind all these excuses anymore. There is no more excuse. Our brave men and women are in harm's way. The least we can do is show them that we care enough about what is going on to have this debate and vote on an AUMF.

Mr. Speaker, I urge my colleagues on both side of the aisle to vote for the McGovern-Jones amendment. Vote to force this House to have a debate and a vote on an AUMF. If not, let us bring our troops back home to safety with their families.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague from the Rules Committee is exactly right. We made in order his amendment that would allow him to have a debate on this floor on the AUMF. I also agree with him that it is probably not enough time to have a full debate on the AUMF. We talked about this several times in the Rules Committee, and he and I have a common understanding of the need for us to have a full debate on this floor on an AUMF. I agree with the gentleman, so we made his amendment in order.

I think he would like for us to go beyond that and actually bring an AUMF itself to the floor so we could have a fuller debate. When the time is right—and I don't know when that is going to be—I am going to be supportive of that. I have written letters in that respect, so I believe in that.

I want to point out to him that we made his amendment in order. We made his amendment in order and 74 others. That is 60 more amendments that were made in order on the Defense Appropriations bill than when the Democrats were in control of this House. So I have heard enough about this closed debate, closed rules. We have a structured rule to bring order out of chaos, and we have allowed many, many, many more amendments than the Democrats ever allowed on appropriations bills.

This is a good rule. It is a fair and balanced rule that allows for a full debate on issues. Some of these amendments I don't agree with, Mr. Speaker, but I thought they should be made in order, as did everybody else in the Rules Committee who voted for the rule. I know the Democrats didn't. This is a good rule, and I hope that we will adopt this rule and move forward with the debate on these important issues.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I would like to ask if my colleague has further speakers.

Mr. BYRNE. Mr. Speaker, I do not.

Ms. SLAUGHTER. Then I am prepared to close.

Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, my colleague says that some amendments he likes, some he doesn't. That is perfectly legitimate, but that is not why we make amendments in order in the Rules Committee. We don't pick out some we like and some we don't. We talk about the germaneness of the amendments. Certainly, if you have 70, I am sure there are going to be several people do not agree with.

But there is beginning to be a very unpleasant trend—and I am very concerned about it—that members of the majority on the Rules Committee will ask people coming to ask to have their amendments made in order—which, remember, as far as I can say right now, and I could be proved wrong, I think we are the only committee where members of a committee come up and ask for something. It is a totally different process from what happens in the other committees.

They come to us with full understanding—of course, the ratio, as you know, is 9–4, so it is kind of window dressing a lot of time—to ask that an amendment be in order. Those are sometimes people from the committee whose amendments weren't made in order in the committee, or it is other Members who have a great interest in that bill and would like to express the interest of their constituents in it.

But there is no question that there is really beginning to be a trend: if they don't like the amendment themselves, it is out the window. There is no chance of debate. In fact, so few of us get a chance to do any debating that we believe—and think that it is a fact—that many of our constituents in the country are just shut out of the debate.

What is even worse than that, now members have begun to ask the witnesses, as they come with their amendments: If we make your amendment in order, will you vote for the bill?

I object most strenuously to that. We are just getting into it, and I really want to study, but there is a quid pro

quo there that I don't believe is intended for members of the Rules Committee to have.

There is a favoritism being asked: If we do this for you, not because it is good, it is germane, it should move the bill and because, as a Member of Congress, you have a right to do it; but if we grant you this wish, your obligation is to vote for the bill, even though you may hate everything else that is in it.

So we will amplify on that a little bit. We have some review to do on how that is going to work, but on the face of it, I find it totally offensive myself.

Mr. Speaker, we have an opportunity now to make a meaningful change, as all my colleagues have said, to address the gun violence epidemic that is crippling our Nation.

If we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation that would bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

No matter how hard I might try—and I don't plan to—I don't believe I could find any kind of cogent argument that would argue against that. I think a thinking person would say: Yes, someone on the FBI's terrorist list, we would not like them to be collecting firearms and explosives.

It is unconscionable that the Republican majority has repeatedly refused to even debate closing such a glaring loophole. In fact, in our discussions about that and shouldn't that be done—as I said, the public really wants that done—they won't even consider it.

The country can't wait any longer for Congress to act. I think the whole country is absolutely paralyzed with sadness, anger, and mixed feelings about what is going on in this country. The number of people shot in a weekend in Chicago; the young singer the other night, just before the Orlando massacre, who was shot to death because somebody wanted to do it and had the ability to do it.

We have Second Amendment rights, but we also have rights to live. We have the right to think that when our children go to school in the morning, they are going to come home in the afternoon. I can assure you that all the people worshiping in Mother Emmanuel Church believed they were going to go home after that to supper and to bed and to look forward to the next day.

We are not sensibly looking at what is going on here. Our record internationally is appalling. I will tell you that the country, I believe, at this moment is really crying out for something, and I am afraid, again, it will fall on deaf ears.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so that we can do an amendment on guns and to vote ''no'' on the rule.

I yield back the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened very intently to the gentlewoman, and I do want to say this to her and to all of my colleagues in the House: The American people are worried. They are fearful, and they are fearful because there are people in other places who want to come here and do us harm simply because we are different from them. We are Christians, or we are a different type of Muslim from them, or we are LGBT, or we believe in all the principles that make America great. They want to come here and destroy all of us.

The attack on Sunday was an attack on every citizen of the United States of America. People are fearful that those terrorists will come here or they will find more people who are here now and inspire them to do the horrendous act that we saw done Saturday night, early Sunday morning.

They want us to defend them. We defend them by authorizing and appropriating the money to pay for the activities of the Armed Forces of the United States of America. That is what this bill is about. That is what we should be debating. That is what the people of the United States want us to do.

So we have put together a rule that is going to get the people's work done and provide the money to defend them from people that would harm us. That is the least we could do in reaction to what happened the other night, but it is a very, very important step for the people of this country.

Mr. Speaker, I, again, urge my colleagues to support House Resolution 783 and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 783 OFFERED BY MS. SLAUGHTER

At the end of the resolution, add the following new sections:

SEC. 7. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 8. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment

or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BYRNE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1402

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 2 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 783;

Adopting House Resolution 783, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5293, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 783) providing for further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 239, nays 183, not voting 12, as follows:

[Roll No. 304]

YEAS—239

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin
Zinke

NAYS—183

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—12

Brat
Fattah
Forbes
Herrera Beutler
Love
Pearce
Rice (NY)
Takai
Westmoreland
Whitfield
Wilson (FL)
Young (IN)

□ 1420

Mr. BRENDAN F. BOYLE of Pennsylvania changed his vote from ''yea'' to ''nay.''

Messrs. BOUSTANY and McHENRY changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. WASSERMAN SCHULTZ was allowed to speak out of order.)

CONGRESSIONAL WOMEN'S SOFTBALL GAME

Ms. WASSERMAN SCHULTZ. Mr. Speaker, colleagues, we stand before you as the congressional women's softball team. Our bipartisan team, which we are very proud of, has won the Congressional Women's Softball Game for the last 2 years in a row, and we are looking to three-peat against the Bad News Babes press team tonight.

So we encourage all of you to come out tonight. Tell your staffs and anyone that is interested in helping to raise money to beat cancer to join us

tonight at 7 at Watkins Recreation Center near Eastern Market. You are going to see a phenomenal competition.

We are raising money for the Young Survival Coalition, which is an organization that helps young women under 40 years old who are diagnosed with breast cancer.

I know many of you know that I was diagnosed with breast cancer at 41 years old, 8½ years ago, and continue to be a survivor who is very proud to be healthy, and continue to spread the message that women need to pay attention to their breast health. I stand here with my sisters in Congress, sisters in the fight against breast cancer.

I yield to the gentlewoman from the great State of Alabama (Mrs. ROBY), my friend and cocaptain.

Mrs. ROBY. Mr. Speaker, on behalf of our side of the aisle, I would encourage all of you to come tonight. We are going to beat cancer. More importantly, we are going to beat the press. Although, they are not up there, so they must be intimidated.

Every person in this room has been affected by cancer, so I would just encourage you to come. This is a great bipartisan effort for a great cause, and we would love to have all of you out there cheering us on to beat the press and beat cancer.

The SPEAKER pro tempore (Mr. CURBELO of Florida). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 185, not voting 9, as follows:

[Roll No. 305]

YEAS—240

Abraham
Aderholt
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—185

Adams
Aguilar
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—9

Brat
Duffy
Fattah
Forbes
Grijalva
Herrera Beutler
Takai
Whitfield
Wilson (FL)

□ 1431

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRAT. Mr. Speaker, regretfully I am absent from the floor today. My son is graduating from high school tonight. Had I been present, however, I would have voted: On the Ordering the Previous Question on H. Res. 783 (rollcall 304), I would have voted "yea." On the Adoption of H. Res. 783 (rollcall 305), I would have voted "yea."

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5293, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5293.

Will the gentleman from Georgia (Mr. COLLINS) kindly take the chair.

□ 1434

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, with Mr. COLLINS of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, June 14, 2016, all time for general debate pursuant to House Resolution 778 had expired.

Pursuant to House Resolution 783, no further general debate shall be in order. The bill shall be considered for amendment under the 5-minute rule and shall be considered read through page 170, line 7.

The text of the bill through page 170, line 7, is as follows:

H.R. 5293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $39,986,962,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,774,605,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,701,412,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,794,615,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,458,963,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,898,825,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $736,305,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,718,126,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,827,440,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,271,215,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $34,436,295,000: *Provided*, That not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $40,213,485,000: *Provided*, That not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $6,246,366,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $38,209,602,000: *Provided*, That not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $32,263,224,000: *Provided*, That not more than $15,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $35,045,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,023,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may

be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,767,471,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $975,724,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $320,066,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,106,066,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,923,595,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,708,200,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,194,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $170,167,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $289,262,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $371,521,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $9,009,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $222,084,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,125,000, to remain available until September 30, 2018.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $325,604,000, to remain available until September 30, 2019.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,628,697,000, to remain available for obligation until September 30, 2019.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,502,377,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,244,547,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,513,157,000, to remain available for obligation until September 30, 2019.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $6,081,856,000, to remain available for obligation until September 30, 2019.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $15,900,093,000, to remain available for obligation until September 30, 2019.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,102,544,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $601,563,000, to remain available for obligation until September 30, 2019.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine, $773,138,000;

Carrier Replacement Program, $1,271,205,000;

Carrier Replacement Program, (AP), $1,370,784,000;

Virginia Class Submarine, $3,187,985,000;

Virginia Class Submarine (AP), $1,742,134,000;

CVN Refueling Overhauls, $1,689,920,000;

CVN Refueling Overhauls (AP), $248,599,000;

DDG–1000 Program, $271,756,000;

DDG–51 Destroyer, $3,211,292,000;

Littoral Combat Ship, $1,439,192,000;

LHA Replacement, $1,559,189,000;

TAO Fleet Oiler, $73,079,000;

Moored Training Ship, $624,527,000;

Ship to Shore Connector, $128,067,000;

Service Craft, $65,192,000;

LCAC Service Life Extension Program, $1,774,000;

YP Craft Maintenance/ROH/SLEP, $21,363,000;

For outfitting, post delivery, conversions, and first destination transportation, $645,054,000; and

Completion of Prior Year Shipbuilding Programs, $160,274,000.

In all: $18,484,524,000, to remain available for obligation until September 30, 2021, of which $160,274,000 shall remain available until September 30, 2017, to fund completion of prior year shipbuilding programs: *Provided*, That additional obligations may be incurred after September 30, 2021, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,099,326,000, to remain available for obligation until September 30, 2019.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,213,872,000, to remain available for obligation until September 30, 2019.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment

and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $14,325,117,000, to remain available for obligation until September 30, 2019.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,288,772,000, to remain available for obligation until September 30, 2019.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,538,152,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,609,719,000, to remain available for obligation until September 30, 2019.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,342,313,000, to remain available for obligation until September 30, 2019.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,649,876,000, to remain available for obligation until September 30, 2019.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $74,065,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,864,517,000, to remain available for obligation until September 30, 2018.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,831,290,000, to remain available for obligation until September 30, 2018: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,106,851,000, to remain available for obligation until September 30, 2018.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,311,236,000, to remain available for obligation until September 30, 2018: *Provided*, That, of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $178,994,000, to remain available for obligation until September 30, 2018.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,371,613,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $33,576,563,000; of which $31,696,337,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2018, and of which up to $15,523,832,000 may be available for contracts entered into under the TRICARE program; of which $413,219,000, to remain available for obligation until September 30, 2019, shall be for procurement; and of which $1,467,007,000, to remain available for obligation until September 30, 2018, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than $644,100,000 shall be made available to the United States Army Medical Research and Materiel Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $551,023,000, of which $147,282,000 shall be for operation and maintenance, of which no less than $49,533,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $20,368,000 for activities on military installations and $29,165,000, to remain

available until September 30, 2018, to assist State and local governments, not more than $30,000,000, to remain available until September 30, 2018, shall be for the destruction of eight United States-origin chemical munitions in the Republic of Panama, to the extent authorized by law; $15,132,000 shall be for procurement, to remain available until September 30, 2019, of which $15,132,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $388,609,000, to remain available until September 30, 2018, shall be for research, development, test and evaluation, of which $380,892,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $908,800,000, of which $631,087,000 shall be for counter-narcotics support; $118,713,000 shall be for the drug demand reduction program; and $159,000,000 shall be for the National Guard counter-drug program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $322,035,000, of which $318,882,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $3,153,000, to remain available until September 30, 2018, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $483,596,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2017: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2017: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

(1) Environmental Restoration, Army;

(2) Environmental Restoration, Navy;

(3) Environmental Restoration, Air Force;

(4) Environmental Restoration, Defense-wide;

(5) Environmental Restoration, Formerly Used Defense Sites; and

(6) Drug Interdiction and Counter-drug Activities, Defense.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2017, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2018 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2018 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2018.

(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(d) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. Of the funds made available in this Act, $15,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation

of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $40,021,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $28,000,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $10,337,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $1,684,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development: *Provided*, That up to 1 percent of funds provided in this Act for support of defense FFRDCs may be used for planning and design of scientific or engineering facilities: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees 15 days in advance of exercising the authority in the previous proviso.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2017, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2018 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $126,800,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2017. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled ''Army Senior Reserve Officers' Training Corps (SROTC) Program Review and Criteria'', dated January 27, 2014.

SEC. 8032. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided*, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2018 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2018 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2018 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2018: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2018.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act and hereafter shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8040. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

(1) ''Aircraft Procurement, Army'', 2015/2017, $15,000,000;

(2) ''Other Procurement, Army'', 2015/2017, $30,000,000;

(3) ''Aircraft Procurement, Navy'', 2015/2017, $150,000,000;

(4) ''Weapons Procurement, Navy'', 2015/2017, $16,698,000;

(5) ''Procurement of Ammunition, Navy and Marine Corps'', 2015/2017, $43,600,000;

(6) ''Aircraft Procurement, Air Force'', 2015/2017, $65,800,000;

(7) ''Procurement of Ammunition, Army'', 2016/2018, $13,000,000;

(8) ''Other Procurement, Army'', 2016/2018, $58,000,000;

(9) ''Aircraft Procurement, Navy'', 2016/2018, $6,755,000;

(10) ''Weapons Procurement, Navy'', 2016/2018, $15,413,000;

(11) ''Procurement of Ammunition, Navy and Marine Corps'', 2016/2018, $1,000,000;

(12) ''Shipbuilding and Conversion, Navy'', 2016/2020, $276,906,000;

(13) ''Other Procurement, Navy'', 2016/2018, $54,394,000;

(14) ''Aircraft Procurement, Air Force'', 2016/2018, $178,300,000;

(15) ''Other Procurement, Air Force'', 2016/2018, $23,250,000;

(16) ''Procurement, Defense-wide'', 2016/2018, $2,600,000;

(17) ''Research, Development, Test and Evaluation, Army'', 2016/2017, $73,000,000;

(18) ''Research, Development, Test and Evaluation, Navy'', 2016/2017, $75,000,000;

(19) ''Research, Development, Test and Evaluation, Air Force'', 2016/2017, $181,700,000; and

(20) ''Research, Development, Test and Evaluation, Defense-wide'', 2016/2017, $3,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds made available by this Act for Evolved Expendable Launch Vehicle service competitive procurements may be used unless the competitive procurements are open for award to all certified providers of Evolved Expendable Launch Vehicle-class systems: *Provided*, That the award shall be made to the provider that offers the best value to the government.

SEC. 8048. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8049. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8050. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act: *Provided further*, That this section does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. Of the funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-wide'', $25,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8057. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in

development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8060. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8061. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8062. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8063. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either:

(1) rendered incapable of reuse by the demilitarization process; or

(2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8065. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $75,950,170 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8066. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)-(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

(e) This section shall not be construed to alter or affect the application of section 1633 of the National Defense Authorization Act for Fiscal Year 2016 to the amounts made available by this Act.

SEC. 8067. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $600,735,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $62,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $266,511,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $150,000,000 shall be for co-production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, of which not more than $90,000,000, subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli co-production agreement for SRBMD; $204,893,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $120,000,000 shall be for co-production activities of Arrow 3 Upper Tier missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, of which not more than $70,000,000, subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli co-production agreement for Arrow 3 Upper Tier; and $67,331,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $160,274,000 shall be available until September 30, 2017, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading ''Shipbuilding and Conversion, Navy'', 2012/2017: LPD–17 Amphibious Transport Dock Program $45,060,000;

(2) Under the heading ''Shipbuilding and Conversion, Navy'', 2011/2017: DDG–51 Destroyer $15,959,000;

(3) Under the heading ''Shipbuilding and Conversion, Navy'', 2012/2017: Littoral Combat Ship $3,600,000;

(4) Under the heading ''Shipbuilding and Conversion, Navy'', 2013/2017: Littoral Combat Ship $82,400,000;

(5) Under the heading ''Shipbuilding and Conversion, Navy'', 2012/2017: Expeditionary Fast Transport $6,710,000; and

(6) Under the heading ''Shipbuilding and Conversion, Navy'', 2013/2017: Expeditionary Fast Transport $6,545,000.

SEC. 8070. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for Fiscal Year 2017.

SEC. 8071. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8072. The budget of the President for fiscal year 2018 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8073. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8074. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by $573,400,000.

SEC. 8075. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8076. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8077. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8078. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8079. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2018.

SEC. 8080. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8081. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2017: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8082. None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command—New Jersey or make disproportionate personnel reductions at any Army Contracting Command—New Jersey sites without 30-day prior notification to the congressional defense committees.

SEC. 8083. None of the funds made available by this Act for excess defense articles, assistance under section 2282 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c et seq.) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $17,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8085. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8086. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8087. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8088. The Department of Defense shall continue to report incremental contingency operations costs for Operation Inherent Resolve, Operation Freedom's Sentinel, and any named successor operations, on a monthly basis and any other operation designated and identified by the Secretary of Defense for the purposes of section 127a of title 10, United States Code, on a semi-annual basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Funds appropriated by this Act may be available for the purpose of making remittances and transfers to the Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8091. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8092. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $122,375,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8094. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8095. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,000,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2017.

SEC. 8097. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 8098. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and 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 effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 8099. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantanamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) and section 1034 of the National Defense Authorization Act for Fiscal Year 2017.

SEC. 8100. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8101. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for any agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8102. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8103. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

SEC. 8104. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the ''Foreign Claims Act''); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8105. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8106. The Secretary of Defense shall post grant awards on a public Web site in a searchable format.

SEC. 8107. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: *Provided*, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8108. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8109. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 8110. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8111. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

SEC. 8112. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8113. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any A–10 aircraft, or to disestablish any units of the active or reserve component associated with such aircraft.

SEC. 8114. Of the funds provided for ''Research, Development, Test and Evaluation, Defense-Wide'' in this Act, not less than $2,800,000 shall be used to support the Department's activities related to the implementation of the Digital Accountability and Transparency Act (Public Law 113–101; 31 U.S.C. 6101 note) and to support the implementation of a uniform procurement instrument identifier as described in subpart 4.16 of Title 48, Code of Federal Regulations, to include changes in business processes, workforce, or information technology.

SEC. 8115. None of the funds provided in this Act for the T–AO(X) program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

SEC. 8116. The amount appropriated in title II for ''Operation and Maintenance, Army'' is hereby reduced by $336,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8117. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by $1,493,000,000.

SEC. 8118. None of the funds made available by this Act may be used to divest or retire, or to prepare to divest or retire, KC–10 aircraft.

SEC. 8119. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any EC–130H aircraft.

SEC. 8120. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8121. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

SEC. 8122. Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows: AH-64E Apache Helicopter and UH-60M Blackhawk Helicopter.

SEC. 8123. Of the amounts appropriated in this Act for ''Operation and Maintenance, Navy'', $274,524,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8124. Of the funds previously appropriated for the ''Ship Modernization, Operations and Sustainment Fund'', the Secretary of the Navy may transfer such funds to appropriations for research, development, test and evaluation; and procurement, only for the purposes of sustaining, equipping, and modernizing the Ticonderoga-class guided missile cruisers CG-63, CG-64, CG-65, CG-66, CG-67, CG-68, CG-69, CG-70, CG-71, CG-72, CG-73, and the Whidbey Island-class dock landing ships LSD-41, LSD-42, and LSD-46: *Provided*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred: *Provided further*, That the transfer authority provided herein shall be in addition to any other transfer authority provided in the Act: *Provided further*, That the Secretary of the Navy shall, not less than 30 days prior to making any transfer from the ''Ship Modernization, Operations and Sustainment Fund'', notify the congressional defense committees in writing of the details of such transfer: *Provided further*, That the Secretary of the Navy shall transfer and obligate funds from the ''Ship Modernization, Operations and Sustainment Fund'' for modernization of not more than two Ticonderoga-class guided missile cruisers: *Provided further*, That no more than six Ticonderoga-class guided missile cruisers shall be in a phased modernization at any time: *Provided further*, That the Secretary of the Navy shall contract for the required modernization equipment in the year prior to inducting a Ticonderoga-class cruiser for modernization: *Provided further*, That the prohibition in section 2244a(a) of title 10, United States Code, shall not apply to the use of any funds transferred pursuant to this section.

SEC. 8125. The Secretary of Defense may use up to $95,000,000 appropriated in titles II and IV of this Act to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management: *Provided*, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8126. None of the funds made available by this Act for the Joint Surveillance Target Attack Radar System recapitalization program may be obligated or expended for premilestone B activities after December 31, 2017.

SEC. 8127. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2918 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements shall include the use of energy sourced domestically within the United States as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of domestically sourced United States energy sources.

SEC. 8128. Of the amounts made available by this Act for ''Defense Working Capital Funds'' that are provided for the Defense Working Capital Fund, Defense Commissary Agency (DeCA), not less than $48,000,000 shall be used to support the transportation of fresh fruits and vegetables to commissaries in Asia and the Pacific.

SEC. 8129. None of the funds provided in this Act shall be used for the acceptance of fresh fruits and vegetables at any commissary in Asia and the Pacific unless such fresh fruits and vegetables were grown within the country in which the commissary was located or were accepted for use by the Defense Commissary Agency at a location in the continental United States.

SEC. 8130. None of the funds made available in this Act or any other Act making appropriations for the Department of Defense may be used to close, in part or in whole, or transfer, in part or in whole, from the jurisdiction of the Department of Defense of the United States, Naval Station Guantanamo Bay.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8131. In addition to amounts provided elsewhere in this Act for military personnel pay, including active duty, reserve and National Guard personnel, $340,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to military personnel accounts: *Provided*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8132. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8133. Additional readiness funds made available in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', ''Operation and Maintenance, Marine Corps'', and ''Operation and Maintenance, Air Force'' may be transferred to and merged with any appropriation of the Department of Defense for activities related to the Zika virus in order to provide health support for the full range of military operations and sustain the health of the members of the Armed Forces, civilian employees of the Department of Defense, and their families, to include: research and development, disease surveillance, vaccine development, rapid detection, vector controls and surveillance, training, and outbreak response: *Provided*, That the authority provided in this section is subject to the same terms and conditions as the authority provided in Sec. 8005 of this Act.

SEC. 8134. (a) The Secretary of Defense may provide from funds appropriated in title II of this Act up to $5,000,000 for financial support for military service memorials and museums in the acquisition, installation, and maintenance of exhibits, facilities, and programs that highlight the role of women in the military.

(b)(1) Subject to paragraph (2), the Secretary may carry out subsection (a) by entering into contracts with nonprofit organizations under which such an organization shall carry out the activities described in such subsection.

(2) The Secretary may not enter into a contract under paragraph (1) until the congressional defense committees have received a report from the Secretary that describes how the use of such a contract will help educate and inform the public on the history and mission of the military, or support training and leadership development of military personnel, and is in the best interests of the Department of Defense.

SEC. 8135. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 8136. None of the funds made available by this Act may be used to carry out the changes to the Joint Travel Regulations of the Department of Defense described in the memorandum of the Per Diem Travel and Transportation Allowance Committee titled ''UTD/CTD for MAP 118–13/CAP 118–13—Flat Rate Per Diem for Long Term TDY'' and dated October 1, 2014.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS/ GLOBAL WAR ON TERRORISM

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $2,426,130,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $1,154,828,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $257,501,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and

Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $63,500,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $453,542,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $349,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $591,792,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $145,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $203,174,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $172,362,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $7,905,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $3,087,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $15,979,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $436,968,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $316,454,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,125,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $12,582,680,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $2,186,672,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $5,029,252,000, of which up to $162,692,000 may be transferred to the Coast Guard ''Operating Expenses'' account: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $1,082,170,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $916,496,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $166,900,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $6,870,406,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $960,626,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,895,434,000: *Provided*, That of the funds provided under this heading, not to exceed $1,100,000,000, to remain available until September 30, 2018, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Government of Jordan, in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: *Provided further*, That of the funds provided under this heading, up to $30,000,000 shall be for Operation Observant Compass: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $351,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $272,047,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $186,381,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $138,019,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $112,350,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,628,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $24,550,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $72,723,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $27,550,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $380,221,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $237,880,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $279,036,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $247,950,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

COUNTERTERRORISM PARTNERSHIPS FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Counterterrorism Partnerships Fund'', $750,000,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support, or facilitate counterterrorism and crisis response activities: *Provided further*, That the Secretary of Defense shall transfer the funds provided herein to other appropriations provided for in this Act to be merged with and to be available for the same purposes and subject to the same authorities and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority under this heading is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That the funds available under this heading are available for transfer only to the extent that the Secretary of Defense submits a prior approval reprogramming request to the congressional defense committees: *Provided further*, That upon a determination by the Secretary of Defense that all or part of the funds transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred back to the appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That the amount provided under this heading is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $3,448,715,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not more than $25,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTER-ISLAMIC STATE OF IRAQ AND THE LEVANT TRAIN AND EQUIP FUND

For the ''Counter-Islamic State of Iraq and the Levant Train and Equip Fund'', $880,000,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; funding, including payments and stipends; infrastructure repair, renovation, and sustainment, to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces or other foreign security forces, irregular forces, or groups with a security mission, to counter the Islamic State of Iraq and the Levant, and their affiliated or associated groups: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading ''Iraq Train and Equip Fund'' in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and the Levant and returned by such forces or groups to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, ''Iraq Train and Equip Fund'' in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating or preparing to participate in activities to counter the Islamic State of Iraq and the Levant may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, with the concurrence of the Secretary of State, as having a security mission to counter the Islamic State of Iraq and the Levant, and following written notification to the congressional defense committees within 15 days of such designation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign security forces, irregular forces, or

groups: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces such elements are appropriately vetted, including, at a minimum, by assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entities may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That not more than 25 percent of the funds appropriated under this heading may be obligated or expended until not fewer than 15 days after: (1) the Secretary of Defense submits a report to the appropriate congressional committees, describing the plan for the provision of such training and assistance and the forces designated to receive such assistance; and (2) the President submits a report to the appropriate congressional committees on how assistance provided under this heading supports a larger regional strategy: *Provided further*, That of the amount provided under this heading, not more than 60 percent may be obligated or expended until not fewer than 15 days after the date on which the Secretary of Defense certifies to the appropriate congressional committees that an amount equal to not less than 40 percent of the amount provided under this heading has been contributed by other countries and entities for the purposes for which funds are provided under this heading, of which at least 35 percent shall have been contributed or provided by the Government of Iraq: *Provided further*, That the limitation in the preceding proviso shall not apply if the Secretary of Defense determines, in writing, that the national security objectives of the United States will be compromised by the application of the limitation to such assistance, and notifies the appropriate congressional committees not less than 15 days in advance of the exemption taking effect, including a justification for the Secretary's determination and a description of the assistance to be exempted from the application of such limitation: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines such provisions of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading. The reports shall include claimed numbers of members in each organization, as previously defined; numbers of actual fighters trained; ideology; status of relationship for each group; the areas of operation for each group and the scope of support provided for each group, and a listing of the countries, groups, and individuals providing assistance: *Provided further*, That the term ''appropriate congressional committees'' under this heading means the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That amounts made available under this heading are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $795,071,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $481,900,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $828,917,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $196,100,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $610,544,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $212,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $541,723,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $240,200,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,381,410,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $8,400,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $971,037,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $626,714,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $183,700,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $175,100,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $120,540,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $58,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for ''Shipbuilding and Conversion, Navy'', $3,086,300,000, to remain available until September 30, 2021, to be provided to the following programs: Carrier Replacement Program, (AP), $263,000,000; DDG–51 Destroyer, $433,000,000; Amphibious Ship Replacement LXR, $1,550,000,000; Ship to Shore Connector, $160,000,000; LCAC Service Life Extension Program, $80,300,000; and Classified Programs, $600,000,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $3,086,300,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $214,081,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $102,530,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $213,667,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $107,463,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $2,005,549,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $1,295,716,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $335,795,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $194,420,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $478,158,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $323,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,479,781,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $389,134,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $170,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2019: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $167,522,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $67,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $106,323,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $65,990,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $42,905,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $10,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $179,919,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $20,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $140,633,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $781,764,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $450,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $215,333,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED-THREAT DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised-Threat Defeat Fund'', $408,272,000, to remain available until

September 30, 2019: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $22,062,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2017.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,500,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $5,000,000 of the amounts appropriated by this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $2,000,000: *Provided further*, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the ''Afghanistan Security Forces Fund'' (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9011. From funds made available to the Department of Defense in this title under the heading ''Operation and Maintenance, Air Force'', up to $60,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction, and site closeout activities prior to returning sites to the Government of Iraq: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2017, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include non-operational training activities in support of Iraqi Minister of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions: *Provided further*, That not later than 30 days following the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training activities that they determine are

needed after the end of fiscal year 2017, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary of Defense shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2017: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9012. Up to $500,000,000 of funds appropriated by this Act for the Counterterrorism Partnerships Fund may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9013. None of the funds made available by this Act under the heading ''Counter-Islamic State of Iraq and the Levant Train and Equip Fund'' may be used to procure or transfer man-portable air defense systems.

SEC. 9014. For the ''Ukraine Security Assistance Initiative'', $150,000,000 is hereby appropriated, to remain available until September 30, 2017: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal weapons of a defensive nature; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or defensive articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9015. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9014 of this Act.

SEC. 9016. None of the funds made available by this Act under section 9014 for ''Assistance and Sustainment to the Military and National Security Forces of Ukraine'' may be used to procure or transfer man-portable air defense systems.

SEC. 9017. (a) None of the funds appropriated or otherwise made available by this Act under the heading ''Operation and Maintenance, Defense-Wide'' for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9018. In addition to amounts otherwise made available in this Act, $500,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: *Provided further*, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the authority to provide funding under this section shall terminate on September 30, 2017.

SEC. 9019. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

(RESCISSIONS)

SEC. 9020. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

(1) ''Operation and Maintenance, Defense-Wide, DSCA Coalition Support Fund'', 2016/2017, $300,000,000;

(2) ''Counterterrorism Partnership Fund'', 2016/2017, $200,000,000; and

(3) ''Other Procurement, Air Force'', 2016/2018, $169,000,000.

SEC. 9021. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. (a) Congress finds that—

(1) the United States has been engaged in military operations against the Islamic State of Iraq and the Levant (ISIL) for more than 20 months;

(2) President Obama submitted an authorization for the use of military force against ISIL in February 2015; and

(3) under article 1, section 8 of the Constitution, Congress has the authority to ''declare war''.

(b) Therefore, Congress has a constitutional duty to debate and determine whether or not to authorize the use of military force against ISIL.

SPENDING REDUCTION ACCOUNT

SEC. 10002. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in House Report 114–623, amendments en bloc described in section 3 of House Resolution 783, and pro forma amendments described in section 4 of that resolution.

Each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as provided by section 4 of House Resolution 783, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except as provided by section 4 of House Resolution 783, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–623.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 2, after the dollar amount, insert ''(reduced by $2,000,000) (increased by $2,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I want to thank the chairman of the subcommittee and the ranking member of the subcommittee for coming forward on what I know is a very hard task. I thank them so very much.

I thank the Rules Committee, in this structured rule, for allowing this amendment to come forward, and I would like to share with my colleagues my intense commitment to the language of this amendment and the purpose.

Over the last year, I have been working with IFES and NDI, and I have been working with women around the world who have come here to the United States Congress to discuss peace and security.

The purpose of this amendment is to encourage the Secretary of Defense to allocate resources needed to provide technical assistance to U.S. military women, to military women in other countries, so military women to military women, in combating violence as a weapon of war, terrorism, human trafficking, narcotics trafficking, and their impact on women and girls.

I recall the aftermath of the Afghan war, when we went over to Afghanistan, when they were writing the constitution. Members of the United States Congress, women, insisted on women's rights being in that constitution.

I, myself, went to Afghanistan and met with women parliamentarians, and we thought that we had secured their place in the infrastructure of that country. But, ultimately, when the Taliban rose up again, girls' schools were burned, and women were not protected.

I believe that now that more women are in the military—not only in the United States, but they are in the military around the world—this women-to-women conversation is a very important dialogue to help protect women and girls. Again, it is to give them the technical assistance and to help provide the Department of Defense with the resources needed for that technical assistance.

Terrorism, human trafficking, narcotics trafficking has a great impact on women and girls. To find your school burned has an impact.

It will help curb terrorism, this communication between women in the military of the United States and around the world, by making available American technical military expertise to militaries in other countries like, for example, Nigeria, which is combating violent jihadists such as Boko Haram.

These victims include Christians, Muslims, journalists, healthcare providers, relief workers, school children, and members of the diplomatic corps, and the armed services.

Terrorists across the globe have wreaked havoc on our society and cannot be tolerated or ignored, for their actions pose a threat to our national security and the security of the world.

I ask for support for the Jackson Lee amendment.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Ms. JACKSON LEE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to accept the gentlewoman's amendment, and thank her for her advocacy.

Ms. JACKSON LEE. Mr. Chairman, again, let me thank the ranking member for his support and assistance, and let me also thank the chairman.

I ask my colleagues to support this amendment for the protection and safety and security of women and girls around the world. Peace and security can be emphasized by the Jackson Lee amendment.

I want to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for shepherding this legislation to the floor and for their devotion to the men and women of the Armed Forces who risk their lives to keep our Nation safe and for their work in ensuring that they have resources needed to keep our Armed Forces the greatest fighting force for peace on earth.

Mr. Chair, thank you for the opportunity to explain my amendment, which is simple and straightforward and affirms an example of the national goodness that makes America the most exceptional nation on earth.

The purpose of the Jackson Lee amendment is to provide the Secretary of Defense flexibility to allocate resources needed to provide technical assistance by U.S. military women to military women in other countries combating violence as a weapon of war, terrorism, human trafficking, narcotics trafficking.

Mr. Chair, the United States is committed to combating violent extremism, protecting our borders and the globe from the scourge of terrorism.

The United States Armed Forces possess an unparalleled expertise and technological capability that will aid not only in combating and defeating terrorists who hate our country and prey upon innocent persons, especially women, girls, and the elderly.

But we must recognize that notwithstanding our extraordinary technical military capabilities, we face adversaries who adapt very quickly because they are not constrained by geographic limitations or norms of morality and decency.

Al Qaeda, Boko Haram, Al Shabaab, ISIS/ISIL and other militant terrorists, including the Sinai's Ansar Beit al-Maqdis in the Sinai peninsula which poses a threat to Egypt.

The Jackson Lee amendment will help provide the Department of Defense with the resources needed to provide technical assistance to countries on innovative strategies to provide defense technologies and resources that promote the security of the American people and allied nation states.

Terrorism, human trafficking, narcotics trafficking and their impact on women and girls across the globe has had a great adverse impact on us all.

According to a UNICEF report, rape, torture and human trafficking by terrorist and militant groups have been employed as weapons of war, affecting over twenty thousand women and girls.

Looking at the history of terrorism highlights the importance of providing technical assistance through our military might, as this enables us to combat terrorism which now can plague us here in the United States.

The Jackson Lee amendment will help curb terrorism abroad by making available American technical military expertise to military in other countries, like Nigeria, who are combating violent jihadists in their country and to keep those terrorists out of our country.

Time and again American lives have been lost at the hands of terrorists.

These victims include Christians, Muslims, journalists, health care providers, relief workers, schoolchildren, and members of the diplomatic corps and the Armed Services.

This is why the technical assistance offered by our military personnel is integral to promoting security operation of intelligence, surveillance, and reconnaissance aircraft for missions to empower local forces to combat terrorism.

Terrorists across the globe have wreaked havoc on our society and cannot not be tolerated or ignored, for their actions pose a threat to our national security and the security of the world.

Mr. Chair, from the United States to Africa to Europe to Asia and the Middle East, it is clear that combating terrorism remains one of highest national priorities.

Collectively, helping our neighbors and their military build capacity to combat terrorism, eradicate human trafficking, stop narcotics

trafficking and negate their impact on women and girls across the globe serves our national interest.

I urge my colleagues to support the Jackson Lee amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SHUSTER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–623.

Mr. SHUSTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 14, after the dollar amount insert the following: ''(increased by $170,000,000)''.

Page 13, line 11, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 14, line 6, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 15, line 3, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $135,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I rise today in support of my amendment, to protect America's depots, arsenals, and ammunition plants, commonly known as the organic industrial base.

For over 200 years, the U.S. military has relied on a set of unique, highly technical facilities to equip its warfighters. They take equipment worn down in the field over months of hard use and remanufacture it, bringing it back to fighting condition and returning it to the hands of our Armed Forces.

In my district, Letterkenny Army Depot works tirelessly to get equipment turned around and to supply the Patriot missile battalions, the most deployed units in the Army. Everything from helicopters to small arms and tanks are brought into the depot system to be reset.

During the course of the war in Iraq and Afghanistan, the organic industrial base reset more than 3.9 million items, and over $30 billion worth of equipment for the Army, Air Force, Navy, and Marine Corps have been reset. In 2015 alone, over 66,000 pieces of equipment were reset in our depots.

Even better, the organic industrial base makes good business sense. For every dollar invested in depots and arsenals, $1.78 is returned to the taxpayers. Taken together, these installations are America's national security readiness insurance policy.

My amendment seeks to restore a damaging cut that will directly impact our depots and arsenals, and would do concrete damage to the ability to support the warfighter.

According to the Army, these reductions will affect the Army's ability to repair equipment needed to sustain readiness, increase unit production cost, and could result in the loss of critical skill sets.

Further, these cuts threaten Army readiness and the ability to support future operations.

ISIS is on the move. Russia is flying their jets within a few feet of our ships. And China is building a small island empire. Now is not the time to make cuts to the depots and arsenals repairing equipment so we can reuse it to defend our Nation.

Ladies and gentlemen, let me compare this to something that we all can relate to, and that is, if we were building a house and we had $1,000 to build the external structure of that house and, at the end of the year, we had spent $250 to build the foundation, well, that $750 that is not going to be spent this year has to be spent next year building the walls, building the roof, and building the siding. And that is what this is tantamount to doing.

□ 1445

Those equipment have long lead times. It takes them time. They can't get it all done at the end of the year, so those dollars are already obligated. They are dollars that are going to be spent to rebuild these pieces of important equipment.

With a range of dangerous enemies and a U.S. military that is stretched thin, it is not in our best national interest to strip these funds for such a critical purpose.

So I ask all Members to fully support this amendment. It is fully offset with bipartisan support, Mr. Chairman, and, again, I urge Members to accept it.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes

Mr. FRELINGHUYSEN. Mr. Chairman, let me thank Chairman SHUSTER for his strong advocacy on behalf of our military, our Army, our depot, and our arsenals.

Let me explain why I am opposed to his amendment. This amendment is in response to the committee's decision to make targeted reductions to the Army Working Capital Fund due to the historically large carryover balances above the allowable ceiling. Our bill does not cut funds for Army depots. Please understand that our bill strongly supports the depots and the organic industrial base. In fact, our bill provides an additional $750 million in the fiscal year 2017 budget for additional depot maintenance work across all of our services.

I know the gentleman is aware that given the fiscal constraints under the current budgetary caps, targeted reductions aimed at money unspent helps alleviate the need for actual programmatic reductions in the Army and the department's O&M activities. I can't support an amendment that would cut operations and maintenance accounts, which this does.

These accounts provide critical funding for training, operations, maintenance, and readiness programs, things our committee bill has emphasized.

After a decade of war, restoring readiness is the top priority for both the Army and our committee. Therefore, while I appreciate my colleague's concern and pledge to work with him closely on this issue, I urge rejection of his amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Again, I certainly thank the chairman and my good friend from New Jersey for being a champion for our national defense, but I disagree. I think this does hurt our readiness because these are dollars that are obligated. These are projects that aren't completed at the end of the fiscal year but have to go on to the next year. The Army, in fact, has been reducing carryover for the last 5 years, and, again, these budgets that are tight, you still have to complete the reset for this equipment to be able to go back into the field.

Again, it is already obligated, and it will impact readiness. So, again, our bill offsets it. I think we have bipartisan support, so I would, again, urge all my colleagues to support this to protect our depot system which is critical to the Nation's readiness.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding, and I simply want to associate myself with his remarks.

I also have a deep respect for the gentleman from Pennsylvania. I appreciate what he is trying to do, but as the chairman did mention, this does make cuts as far as operation, readiness, and training. So I do associate myself with Chairman FRELINGHUYSEN's remark.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Again, I have great respect for both the gentlemen from Indiana and New Jersey, but this, I do believe, does affect readiness. As I keep saying, these dollars are obligated. By cutting them, we will stop the flow of work once the fiscal year ends and they continue to rebuild this vital, vital equipment that needs to get back into the field and needs to be back and deployed so that our warfighters have the equipment necessary.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–623.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 14, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 7, line 23, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 8, line 11, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 31, line 8, after the dollar amount, insert ''(increased by $7,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM of New Mexico) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, the United States is a leader in the research and development of directed energy technologies, including high energy lasers. Now, this technology plays a significant role for our military on and off the battlefield, offering substantial advantages to our troops.

Directed energy technology uses highly focused energy to minimize collateral damage, reduce civilian casualties, and then give our troops the advantage they need on the battlefield.

Now, I have seen these systems being developed and tested when I visited the Air Force Research Laboratory in New Mexico. I am very proud of the groundbreaking work being done there and New Mexico's contribution to developing and advancing this important technology.

Now, I hope that as this technology develops, it could spur the development, then, of non-defense and civilian-related applications.

My amendment increases the funding for the HEL–JTO by $7 million. The HEL–JTO is the High Energy Laser Joint Technology Office which oversees the high energy laser research for the Air Force, Navy, and Army.

Now, this funding will support the development of beam directors, adaptive optics, deformable mirrors, and high energy diodes. These components, in fact, will help high energy laser technology to become smaller, more portable, and more efficient, which expands the possibilities for the military.

Given that the Army's current work is focused on large ground systems that lack mobility, I was pleased that the House Appropriations Committee recognized the need for smaller and more portable directed energy technology and urged the Army to invest in directed energy capabilities for both combat vehicles and dismounted soldiers.

The committee further encouraged the Secretary of the Army to reduce the size, weight, power, and cost for these directed energy systems and to focus on integrating them into our existing or future combat and tactical vehicles as well as individual soldier weapon systems.

It is clear that the committee understands the importance of further development of this important technology through HEL–JTO, and I hope to continue to work with my colleagues on both sides of the aisle to ensure that they have the funding that they need to fulfill their important mission.

Mr. Chairman, it is my hope that you will continue to work with me as this process moves forward in order to ensure that we are, in fact, fully investing in these and other technologies that really can make the difference, frankly, on and off the battlefield.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 4 OFFERED BY MRS. HARTZLER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–623.

Mrs. HARTZLER. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 20, line 14, after the dollar amount insert the following: ''(increased by $20,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentlewoman from Missouri (Mrs. HARTZLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. HARTZLER. Mr. Chairman, as our military has been severely shortchanged over the past few years from budget cuts, it has been stretched thin—too thin—and we must make some very significant decisions to ensure our military readiness remains at a level capable of addressing the expanding threats of today.

We have seen stories of airplane parts being cannibalized from museum aircraft and units making do with old or degraded resources, and our military operations and troops are suffering as a result. We have also seen evidence of buildings in disrepair, falling apart, or unusable due to their poor conditions.

This is true of the Army's old and aging ammunition plants like pictured here. These plants produce the small caliber ammunition and armaments required by our troops for training and combat operations. These critical facilities operate 24/7, 365 days a year, and they have little or no counterpart in the private sector, meaning any shutdown or production stoppage would have significant impacts and consequences for our men and women in uniform. At 75 years old, all four of these plants are in various states of disrepair and in dire need of modernization and upkeep. Failing to make this investment could result in the loss of 90 percent of all small caliber ammunition used by troops in every branch of our Armed Forces. Almost 90 percent of all small caliber ammo used by troops in every branch of our Armed Forces are produced in plants, and we must continue to provide the necessary resources to modernize these aging facilities.

The plants' conditions are the result of devastating budget cuts which have forced valuable dollars into other programs and projects. They have been neglected too long, and we must act before it is too late.

We are charged with making sure our men and women in uniform have the resources they need to address the threats of today and prepare for those of tomorrow. This amendment makes this critical investment for our troops, and I urge my colleagues to support it.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Mrs. HARTZLER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We are very pleased to support the gentlewoman's amendment, and we thank her for her advocacy on behalf of much-needed modernization of these ammunition plants.

Mrs. HARTZLER. Thank you, Mr. Chairman, and I appreciate your support. It is critical that we modernize these plants, and I urge all my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. HARTZLER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MEEHAN

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–623.

Mr. MEEHAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $7,000,000) (increased by $7,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MEEHAN. Mr. Chairman, I rise to offer an amendment that will facilitate health screenings in communities coping with groundwater contamination from nearby defense installations. My amendment dedicates $7 million in the operations and maintenance defense-wide account to screenings for residents who, unbeknownst to them, have fallen victim to exposure to firefighting chemicals which have bled into the drinking water.

One of those sites where this has happened for over a couple of decades is in my district, a district I share with the gentleman from Philadelphia, Mr. BRENDAN F. BOYLE, the Navy Air Station in Montgomery County, and Mr. FITZPATRICK of Bucks County in Warminster.

The Navy has been working very closely with the EPA and the public water authorities to take wells off line to address contamination and to provide public drinking water. But one of the things that they have not done is levels of screening to determine whether there has been any impact associated with the presence of what we call PFOAs, something the EPA has determined levels at which it may create a potential risk.

Make no mistake about it, the Federal Government is responsible for this. That will not be an issue which will be contested. So the question is whether there is precedent for the ability to work on something like this, allowing the Navy. And the answer is, yes, this has happened. Private entities in both Hoosick, New York, and West Virginia have worked through State authorities to enable there to be testing of thousands of local residents in situations like this to determine whether or not there could have been any local impact due to that.

So we are not asking the Defense Department to put any kind of man hours into this. We are asking them to work with what we believe are appropriate authorities that already exist, and for them to work in public-private partnerships with State entities to enable and facilitate some of this testing to take place.

I think the Navy deserves credit for being proactive in the way they have looked at this issue. But we see this as a continuing obligation and would like to see the Navy fulfill the support to enable this important, important testing to take place.

Mr. Chairman, I want to thank Chairman FRELINGHUYSEN for putting important language in the appropriations bill that includes report language requiring the Pentagon to report on what sites pose a potential health risk and its plan to address them. I am very thankful to my friend, Representative BRENDAN F. BOYLE from Philadelphia, who has worked closely with me on this issue. But I also understand, Mr. Chairman, that the chairman of the committee has some observations on this.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's concerns and share those concerns very deeply, as do all members of our committee.

Concerns about PFCs have been proliferating nationwide as more evidence becomes available about the toxicity of these compounds.

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Our bill does provide $33 billion for the Defense Health Program and another $289 million for the Navy Environmental Restoration Program, nearly $8 million more than requested.

However, it has come to our attention that the Department may lack the authority presently to administer blood screening tests or spend funds requested by my colleague for this specific activity. Our committee is certainly committed to working with him and thanks him for his leadership. We will be working very closely with him and closely with the State of Pennsylvania to see what sort of partnerships we could put together to address this problem and what would be a success in Pennsylvania. We could look across the Nation for implementation as well.

I thank the gentleman for yielding.

Mr. MEEHAN. I thank the chairman.

Mr. Chairman, I yield to the gentleman from Philadelphia, Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Chair, I thank my colleague who also represents Montgomery County and parts near Philadelphia, Mr. MEEHAN. It has been an absolute pleasure to work with him on this issue on a bipartisan basis, as well as our colleague, Mr. FITZPATRICK, from Bucks County.

Mr. Chair, PFOA and PFOS are chemical compounds, PFCs, that are found in the firefighting foams that have been used on military bases throughout the country. The EPA and other agencies are testing these chemicals for suspected links to cancer and other serious health impacts and recently lowered advisory levels for drinking water.

This past March, the DOD released a list of 664 sites nationwide where these firefighting foams might have been used and similarly infiltrated local groundwater. Every State in the Union has at least one of these sites. The DOD is currently investigating.

To date, 16 public wells and 140 private wells in our area have been taken offline because of the Navy's contamination at and around the former Naval Air Station Joint Reserve Base Willow Grove in my district. This list will likely grow.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition to the amendment to give the gentleman a further opportunity to make his case, and I also recognize his leadership on this important issue.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Chairman, I appreciate the gentleman from New Jersey showing that those from Philadelphia and those from across the Delaware River, in New Jersey, can get along, and I appreciate his support on this issue.

Just to continue and conclude with what I was saying, the Navy and National Guard have taken responsibility for contamination and have agreed to pay approximately $19 million to provide replacement water, install filtration systems on affected public wells, and hook homes with affected public wells into public water systems, but the community is seeking information regarding their years—possibly decades—of past exposure due to our military's contamination.

I think the amendment that Mr. MEEHAN and I are offering for $7 million in the context of a $32 billion operations, maintenance, and defense-wide account for screenings is reasonable. I understand, though, the recent Defense Department concerns.

I look forward to working with the chairman, as well as the ranking member, to ensure that we continue to fight for and advocate for our constituents in Montgomery County and Bucks County and all those potentially across the country who may be affected by this same issue. It is an issue that this body must pay closer attention to. Let's inform communities as the Defense Department investigates the potential scope of this issue.

Mr. FRELINGHUYSEN. I, again, thank both of the gentlemen from Pennsylvania.

Mr. Chair, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I would add my voice to the chair's. I look forward to working with both gentlemen on this very important issue. I do appreciate him raising it and do look forward to working with the chairman and with the both of them.

Mr. FRELINGHUYSEN. Mr. Chair, I yield to the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chair, I thank the gentleman for yielding, and I want to thank the gentleman and the chairman and the ranking member for their recognition of the issue and their willingness to work with Mr. BOYLE and Mr. FITZPATRICK in Bucks County, who is similarly situated, and myself. I look forward to working with both of those

gentlemen and the committee on this issue.

Mr. FITZPATRICK. Mr. Chair, I rise to join my colleagues from Pennsylvania, Representatives MEEHAN and BOYLE, in supporting an amendment that would provide health screenings for our constituents.

The DOD has begun the process of checking whether chemical compounds like PFOS and PFOA may have contaminated groundwater surrounding more than 660 military sites across the nation, including confirmed contamination around the former Naval Air Warfare Center in Warminster and former Willow Grove Naval Station in Horsham. In each of these instances, both public and private wells in my district have been impacted by contaminated groundwater—rightly concerning residents and local leaders.

Because of this immediate and widespread concern, it is only right the Department increase efforts to offer health screenings in communities surrounding these formerly used defense sites. This simple amendment clears that path by increasing funding for these screenings.

I urge this body to support this bipartisan amendment and, in doing so, reaffirm this government's commitment to protecting the health and safety of its citizens.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. FRELINGHUYSEN OF NEW JERSEY

Mr. FRELINGHUYSEN. Mr. Chairman, pursuant to House Resolution 783, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 7, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73 printed in House Report 114–623, offered by Mr. FRELINGHUYSEN of New Jersey:

AMENDMENT NO. 7 OFFERED BY MR. ROONEY OF FLORIDA

Page 8, line 22, after the dollar amount, insert ''(reduced by $40,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $32,000,000)''.

Page 33, line 12, after the dollar amount, insert ''(increased by $32,000,000)''.

Page 33, line 15, after the dollar amount, insert ''(increased by $32,000,000)''.

AMENDMENT NO. 47 OFFERED BY MS. MCSALLY OF ARIZONA

Page 146, line 17, after the dollar amount, insert ''(reduced by $100,000,000) (increased by $100,000,000)''.

AMENDMENT NO. 49 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 13, line 11, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $1,000,000)''.

AMENDMENT NO. 50 OFFERED BY MR. LOWENTHAL OF CALIFORNIA

Page 7, line 14, after the dollar amount, insert ''(reduced by $5,600,000)''.

Page 8, line 22, after the dollar amount, insert ''(increased by $5,000,000)''.

AMENDMENT NO. 51 OFFERED BY MR. COFFMAN OF COLORADO

Page 7, line 23, after the dollar amount, insert ''(reduced by $6,086,000) (increased by $6,086,000)''.

AMENDMENT NO. 52 OFFERED BY MR. DUFFY OF WISCONSIN

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

AMENDMENT NO. 53 OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $5,000,000) (increased by $5,000,000)''.

AMENDMENT NO. 54 OFFERED BY MR. AGUILAR OF CALIFORNIA

Page 8, line 22, after the dollar amount, insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

AMENDMENT NO. 55 OFFERED BY MR. NADLER OF NEW YORK

Page 8, line 22, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 30, line 1, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 85, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 85, line 8, after the dollar amount, insert ''(increased by $10,000,000)''.

AMENDMENT NO. 56 OFFERED BY MRS. NOEM OF SOUTH DAKOTA

Page 8, line 22, after the dollar amount, insert ''(reduced by $7,000,000)''.

Page 26, line 22, after the dollar amount, insert ''(increased by $7,000,000)''.

AMENDMENT NO. 57 OFFERED BY MR. ADERHOLT OF ALABAMA

Page 8, line 22, after the dollar amount, insert ''(reduced by $17,000,000)''.

Page 30, line 16, after the dollar amount, insert ''(increased by $17,000,000)''.

AMENDMENT NO. 58 OFFERED BY MR. GRAYSON OF FLORIDA

Page 8, line 22, after the dollar amount insert the following:''(reduced by $5,000,000)''.

Page 30, line 16, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 59 OFFERED BY MR. BERA OF CALIFORNIA

Page 8, line 22, after the dollar amount, insert ''(reduced by $5,500,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $5,000,000)''.

AMENDMENT NO. 60 OFFERED BY MR. GRAYSON OF FLORIDA

Page 8, line 22, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $5,000,000)''.

AMENDMENT NO. 61 OFFERED BY MR. GRAYSON OF FLORIDA

Page 8, line 22, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $1,000,000)''.

AMENDMENT NO. 62 OFFERED BY MRS. HARTZLER OF MISSOURI

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $5,000,000)''.

Page 33, line 11, after the dollar amount insert the following: ''(increased by $5,000,000)''.

Page 33, line 19, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 63 OFFERED BY MS. MENG OF NEW YORK

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $8,000,000)''.

Page 33, line 11, after the dollar amount insert the following: ''(increased by $8,000,000)''.

Page 33, line 19, after the dollar amount insert the following: ''(increased by $8,000,000)''.

AMENDMENT NO. 64 OFFERED BY MR. NOLAN OF MINNESOTA

Page 8, line 22, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $2,000,000)''. 4

Page 33, line 19, after the dollar amount, insert ''(increased by $2,000,000)''.

AMENDMENT NO. 65 OFFERED BY MR. DELANEY OF MARYLAND

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $7,800,000)''.

Page 84, line 16, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 66 OFFERED BY MR. FITZPATRICK OF PENNSYLVANIA

Page 8, line 22, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $2,000,000)''.

AMENDMENT NO. 67 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 30, line 1, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $10,000,000)''.

AMENDMENT NO. 68 OFFERED BY MR. MACARTHUR OF NEW JERSEY

Page 30, line 1, after the dollar amount, insert ''(increased by $12,500,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $12,500,000) (reduced by $25,000,000)''.

Page 85, line 7, after the dollar amount, insert ''(increased by $25,000,000)''.

AMENDMENT NO. 69 OFFERED BY MR. LARSEN OF WASHINGTON

Page 30, line 23, after the dollar amount, insert ''(reduced by $2,000,000) (increased by $2,000,000)''.

AMENDMENT NO. 70 OFFERED BY MS. GABBARD OF HAWAII

Page 31, line 8, after the dollar amount insert the following: ''(reduced by $5,000,000)''.

Page 31, line 20, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 71 OFFERED BY MR. WALBERG OF MICHIGAN

At the end of the bill (before the short title), insert the following:

SEC. 10003. None of the funds made available by this Act may be used to promulgate Directive 293, issued December 16, 2010, by the Office of Federal Contract Compliance Programs.

AMENDMENT NO. 72 OFFERED BY MR. GRAYSON OF FLORIDA

At the end of the bill (before the short title), insert the following:

SEC. 10003. None of the funds made available by this Act may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, as required by the Federal Acquisition Regulation, that the offeror or any of its principals—

(1) within a 3-year period preceding the offer has been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;

(2) is presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above in paragraph (1); or

(3) within a 3-year period preceding the offer, has been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

AMENDMENT NO. 73 OFFERED BY MR. YOHO OF FLORIDA

At the end of the bill (before the spending reduction account), insert the following:

SEC. __. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, the majority and minority have agreed to this en bloc amendment package. These are noncontroversial amendments that cover topics such as lung cancer, personnel security, and gulf war illness. The sponsors of the amendments have agreed to the amendments being considered en bloc.

I ask for the adoption of the amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I simply would indicate that I, too, support the en bloc amendment.

I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank, again, both gentlemen, the ranking member and the chairman.

I have come to the floor to emphasize these two amendments that are very important, I believe, to the work of the Defense Department and the many persons that they serve. I want to speak to the Jackson Lee amendment that addresses the question of post-traumatic stress disorder by emphasizing the numbers of individuals who are now coming back from service that have PTSD. PTSD has been discovered post the time of leaving the battlefield. Post-traumatic stress disorder is where one repeatedly relives the trauma of war in their thoughts—the day in and day out nightmares.

Texas, in particular, is a State that has a large number of returning veterans.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. VISCLOSKY. Mr. Chairman, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. In the name of a young boy who was killed by a former marine who indicated that he had post-traumatic stress disorder, this increase of $1 million is important.

Finally, let me say, triple negative breast cancer kills more women. It is important that there be an emphasis of up to $10 million for added research to ensure that this deadly aspect of breast cancer does not continue to kill women not only in the United States military, but elsewhere. As a survivor, let me be very clear that this research has not yet been completed. Lives have not yet been saved.

I hope these amendments will be passed because it provides $10 million for triple negative breast cancer and $1 million for post-traumatic stress disorder.

I ask support for the Jackson Lee amendments.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Chairman, Members of the House, I would like to begin by thanking the staff and respective chairman and ranking member and my colleagues as well, FRANK LOBIONDO and LOIS CAPPS, who co-chair with me the Lung Cancer Caucus. I have come to be so impressed with the hard work that the staff and the chairman and the ranking member do to bring this legislation forward.

My amendment would simply increase the amount of money available for lung cancer research by $2 million, from $12 million to $14 million, in the hope that we can do better.

Mr. Chairman, $2 million, I know, is but a dent in the Defense operations budget, but it is a source of great hope and great promise for people struggling with lung cancer, the most deadly of all cancers. 159,000 people, including many veterans, are victims of that each year.

I think so many of you know that my daughter Katherine was diagnosed some time ago with an advanced stage form of lung cancer. I would be remiss if I didn't thank my colleagues for their prayers, for their condolences, for their support, and for their support for this medical research to give hope to the victims of lung cancer for the future because, but for the money that this Congress has appropriated, my daughter wouldn't be experiencing the hope that she has for her recovery. With this additional amendment—it is a small one—I am appreciative of your support for it because it provides not only great hope for Katherine and her family, but it offers hope for so many more people all across the country affected with this dreadful disease.

I thank the committee, and I urge adoption of the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. AGUILAR).

Mr. AGUILAR. Mr. Chairman, I would like to thank the chairman and the ranking member for adding this amendment to the en bloc package, and to staff for their coordination and effort.

My amendment would increase funding for the Information Assurance Scholarship Program by $5 million and decrease the operation and maintenance defense-wide Office of the Secretary of Defense administrative account by the same amount.

The IASP is a DOD program designed to address our cyber personnel demands through the recruitment and retention of top IT and cybersecurity talent. It allows the Secretary of Defense to provide financial assistance to individuals pursuing studies in computer and network security in exchange for their obligation to either serve in the Armed Forces or fulfill a DOD civilian service commitment postgraduation.

Using 2014 numbers, the DOD has employed over 500 IASP/CAE—Centers for Academic Excellence—graduates, and has seen a 97 percent completion rate since the program was started in 2001.

It is imperative that we give the Department of Defense the tools necessary to recruit those personnel charged with protecting our critical infrastructure, fortifying DOD networks, and conducting computer network operations.

We must make sure that we have the right people with the proper training in the right positions, and this amendment would aid in that effort.

Mr. Chairman, I once again thank the chairman and the ranking member.

Mr. VISCLOSKY. I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chair, I rise today to encourage all members to support the Rooney amendment (Number 7) to the Department of Defense Appropriations Act of 2017, H.R. 5293, to reverse DOD's reimbursement rate cuts for Applied Behavioral Analysis (ABA) therapy for children of service members with autism.

Military life presents unique challenges for children with autism and their families, given the frequent changes of residence and schools, and the prolonged absences of a parent. In this context, coverage of ABA therapy is even more necessary to help military children adjust day-to-day, while also improving outcomes over the long term.

The Administration's reduction in the reimbursement rates for ABA for military children with autism could jeopardize access to this critical therapy. ABA is proven to bring about positive behavior change and assist in a child's long term development, especially for children with autism, and the program must be protected.

I urge my colleagues to support this amendment.

Mr. COFFMAN. Mr. Chair, I'd like to offer a statement in support of my amendment to H.R. 5293, the Department of Defense Appropriations Act for Fiscal Year 2017, as reported by the House Appropriations Committee. I commend my colleague, Rep. RODNEY FRELINGHUYSEN, the chairman of the Defense Appropriations Subcommittee, for his work on the bill before us and I thank him and all the members of the subcommittee and staff for their hard work in crafting this important piece of legislation.

My amendment seeks to transfer $6.086 million from within the Navy's fiscal year 2017 Operations & Maintenance (O&M) account, to increase funding for the Weapons Support, Fleet Ballistic Missiles, Project 934, Engineering and Technical Services sub-account managed by the Navy's Strategic Systems Program office. My objective in offering this amendment is to strengthen nuclear deterrence by improving the operational readiness and reliability of the Navy's Strategic Weapons Systems aboard Fleet Ballistic Missile submarines.

At a time when Russia is flexing its nuclear muscles, both China and Russia are aggressively modernizing every aspect of their nuclear arsenals, and North Korea is conducting long-range missile tests and underground nuclear weapon tests, it is incumbent on Congress to authorize and appropriate sufficient funds to ensure the operational readiness and reliability of our nuclear forces, including the most survivable leg of the U.S. nuclear triad, the sea-launched ballistic missiles aboard fleet ballistic missile submarines.

A strategic weapon system consists of the launches, fire control, navigation, test instrumentation, missile, missile checkout, guidance and re-entry subsystems. Funding in this particular account provides support for all subsystem equipment aboard Trident II (D–5) submarine-launched ballistic missiles (SLBMs) and at shore facilities. Critical readiness-related efforts include: maintenance for subsystem equipment aboard SLBMs; equipment renewal and updating during overhauls; testing and repair of various electronic and other components and subcomponents; logistics control procedures; operational flight testing; support of crew training; technical engineering services required to test, analyze and maintain reliability of the weapon system; missile maintenance operations; and targeting support.

According to the Navy's Congressional Budget Justification Book, in Fiscal Year 2017 the Strategic Systems Program office was forced to absorb a program decrease in Operational Engineering Support of over $6 million. This reduction will negatively impact Navy readiness in areas such as missile anomaly evaluations, re-entry body accuracy, launcher reliability maintenance, navigation accuracy, and guidance system performance evaluations.

I remind my colleagues of the fact that the Trident II (D–5) strategic weapon system will likely be in service through at least 2040, and possibly through 2080. This places a premium on engineering and technical services such as qualification and accelerated life testing, and other readiness-support efforts aimed not only at sustaining the missile system but also on ensuring its reliability.

Furthermore, I would add that my amendment is entirely consistent with one of the main themes and thrusts of this bill—and the National Defense Authorization Act (NDAA) as well—namely, identifying serious shortfalls in readiness across the armed forces and taking steps to address those readiness challenges by adding funding, where necessary and appropriate. A nearly identical increase to this account was also authorized in the House's NDAA.

In sum, given the increasingly dangerous global security environment, we must take proactive steps to bolster nuclear deterrence—and the readiness and reliability of systems such as the sea-launched ballistic missiles aboard SSBNs on which deterrence rests. My amendment is intended to move a modest amount of funds ($6.086 million) within the Navy Operations & Maintenance (O&M) account of over $40 billion to help sustain the readiness of a key leg of the U.S. Nuclear Triad, our Trident II (D–5) submarine-launched ballistic missiles.

Ms. MENG. Mr. Chair, I rise today to speak on amendment number 63 which has been included in the first en bloc package. My amendment seeks to increase funding for the Department of Defense Peer-Reviewed Cancer Research Program by $8 million in order to fight bladder cancer, brain cancer, colorectal cancer, liver cancer, lymphoma, melanoma and other skin cancers, mesothelioma, pancreatic cancer, stomach cancer, and cancer in children, adolescents, and young adults.

I'd like to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their support of this measure, and for accepting it into this package. It is my hope that this additional funding will be used to contribute to the creation of a cure for these horrific cancers. Every year, millions of Americans die far too early from these diseases. Perhaps, however, our actions here today will lead to a world where future generations will not have to know the pain of such losses. Thank you to each of my colleagues who supported this measure, and to the many groups who lent their support as well—including: Action to Cure Kidney Cancer, American Brain Tumor Association, American Urological Association, Asbestos Disease Awareness Organization, Bladder Cancer Action Network, Fight Colorectal Cancer, Melanoma Research Foundation, and Pancreatic Cancer Action Network.

We may not know the end of cancer in our lifetimes, but I pray we can find it during my children's. I submit the following letter:

JUNE 15, 2016.

DEAR MEMBER OF CONGRESS, The undersigned organizations strongly support the recent approval by the Senate Committee on Appropriations of $60 million for the Peer Reviewed Cancer Research Program (PRCRP) in their version of the fiscal year 2017 Defense Appropriations Act.

We are therefore encouraged to learn of an amendment that will be offered by Representative Grace Meng (D–NY) to the House version of the Defense Appropriations Act for fiscal year 2017 (H.R. 5293) to move funding for the PRCRP closer to the Senate level. Specifically, the Meng amendment increases by $8 million the $30 million appropriation for the Peer Reviewed Cancer Research Program (PRCRP) included in the bill.

Funded at $50 million in fiscal year 2016, the PRCRP funds innovative, cutting-edge research on a variety of cancers. Since Fiscal Year 2009, the PRCRP has funded innovative basic, applied, and translational cancer research to support our nation's military service personnel, their families, and the American public. Members of the military are exposed to hazardous environments due to the nature of their service and deployments and are therefore at risk for the development of many types of cancers. Funding innovative and translational research, the PRCRP focuses on the gaps in cancer research with respect to unique situations and military environments.

As approved by the House Committee on Appropriations, H.R. 5293 provides $30 million for the PRCRP and includes as eligible areas of study: bladder cancer, brain cancer, colorectal cancer, listeria vaccine for cancer, liver cancer, lymphoma, melanoma and other skin cancers, mesothelioma, pancreatic cancer, stomach cancer, and cancer in children, adolescents, and young adults.

House approval of the Meng amendment would bring the PRCRP funding level closer to the $60 million approved by the Senate Committee on Appropriations in their version of the Defense Appropriations. We hope that you will support this amendment to ensure the strongest possible funding level is included in the House-Senate conference for the final enacted version of the Defense Appropriations Act.

Thank you for your consideration of this important request.

Sincerely,

Action to Cure Kidney Cancer, American Brain Tumor Association, American Urological Association, Asbestos Disease Awareness Organization, Bladder Cancer Action Network, Fight Colorectal Cancer, Lymphoma Research Foundation, Melanoma Research Foundation, Pancreatic Cancer Action Network.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The en bloc amendments were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. PAULSEN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–623.

Mr. PAULSEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount, insert ''(reduced by $25,000,000)''.

Page 30, line 7, after the dollar amount, insert ''(increased by $25,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Mr. Chairman, I thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their hard work in bringing this important legislation to the floor today. It is vital that we do provide our men and women in uniform with the support and resources they need to keep our country safe. Mr. Chairman, I am offering this amendment to provide funding for Defense Production Act purchases for strategic radiation-hardened microelectronics.

Through research, development, and testing we have been able to create the

most sophisticated weapons systems in the world. These systems are created using thousands of different parts, many of which utilize some of the most advanced technology that is available anywhere.

□ 1515

One of those products that many of our systems rely on is radiation-hardened microelectronics. These microelectronics are specially designed to withstand extremely harsh natural and manmade radiation environments. Although they can be small, they play a large role in ensuring our systems work in the toughest conditions.

The Department of Defense requires accesses to these unique products from sources that it knows and that it trusts to be responsible for handling those components with the utmost security. That is why, in 2004, the DOD created the Trusted Foundry Program for microelectronics.

This program would ensure that the DOD had access to cutting-edge microelectronics that were produced right here in America by American companies. The Trusted Foundry Program has given the DOD the peace of mind of knowing that the microelectronics they receive are not counterfeit, are not tampered with, and have not been compromised in any way as to jeopardize our national security.

Unfortunately, through challenges both inside and outside of the DOD's control, we now find ourselves in the unenviable position of having no clear vision for the future of this vital program. One issue that we currently face is that there is a shrinking number of American-owned and -operated companies that are capable of producing strategic radiation-hardened microelectronics. We now face the stark decision of trusting foreign-owned entities or of scrapping these products altogether.

I think we all share the same belief that the DOD needs to reevaluate its long-term strategic plan on how it plans to acquire microelectronics going forward. However, in the meantime, we should make sure that we have continued access to these products from sources that the Department already knows and trusts.

Mr. Chair, that is simply what this amendment aims to do by providing the funding for purchases through the Defense Production Act. The Defense Production Act was created to make sure we always have access to the industrial resources that are necessary for national defense. This year's report that accompanies the National Defense Authorization Act highlights the exact same concerns that I have raised. In fact, the NDAA encourages the Secretary of Defense to do exactly what this amendment would do, which is to use his authority under the Defense Production Act to ensure that continued access to a domestic supply for strategic radiation-hardened microelectronics is there.

Mr. Chair, we should make sure that the DOD has access to as many trusted domestic suppliers as it possibly can instead of relying on just a single supplier for these products. The challenges that a single supplier presents have been well highlighted by the GAO in the past.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. PAULSEN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I am pleased to accept the gentleman's amendment.

Mr. PAULSEN. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. ZINKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114–623.

Mr. ZINKE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount, insert ''(reduced by $80,000,000)''.

Page 26, line 22, after the dollar amount, insert ''(increased by $80,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Montana (Mr. ZINKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Montana.

Mr. ZINKE. Mr. Chair, 2 weeks ago, when I held events across Montana to finally welcome our Vietnam veterans home and present them with the 50th Anniversary Vietnam Veteran Lapel Pin, many of these veterans were surprised to find out that the same UH–1 Novembers that they flew in in Vietnam are still in service today. Even more astonishing is that these 50-year helicopters are still used to protect our national nuclear missile sites.

Mr. Chair, I commend our men and women in uniform who are still able to maintain these aircraft in a constant state of readiness, but, in reality, the Huey is incapable of meeting the mission requirements they face today. In fact, they have failed multiple exercises, not from personnel issues but from equipment issues.

This amendment will provide the funding that is necessary for the Air Force to expedite a full and open competition to replace these aging aircraft. It is critical we provide our men and women who protect our Nation's nuclear missiles and arsenals with the equipment that is capable of meeting the requirements of this important mission.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ZINKE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I commend the gentleman for bringing this important issue to our attention. We support his amendment and commend him for his work.

This is something that needs to be done. It is hard to believe that we are still flying Hueys out there, and the fact that we are moving into competition I think is a very positive development.

I thank the gentleman for his special service to our Nation.

Mr. ZINKE. Mr. Chair, I thank the chairman and his staff for the hard work they have done in helping me to bring this to the floor. It was a learning experience for all of us. I thank the gentleman for his efforts and work.

I also thank the Vietnam veterans. They don't have to look at the UH–1s flying to protect our missiles again.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Montana (Mr. ZINKE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. ELLISON

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 114–623.

Mr. ELLISON. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chair, we can raise living standards for families who have members who are working for Federal contractors right now. I propose in this amendment that we can raise that living standard for working families across the country if we use the Federal dollars to create good jobs.

My amendment would reprogram funds to create an Office of Good Jobs in the Department of Defense that would help ensure that the Department's procurement, grant-making, and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices.

Right now, the U.S. Government is America's leading low-wage job funder, funding over 2 million poverty jobs through contracts, loans, and grants with corporate America. That is more than the total number of low-wage workers who are employed by Walmart and McDonald's combined. Many U.S. contract workers who work for Federal contractors earn so little that nearly 40 percent use public assistance programs, like food stamps and Section 8, to feed and shelter their families. To add insult to injury, many of these low-wage U.S. contract workers are driven deeper into poverty because their employers take away their wages through wage theft—breaking other Federal laws.

Now, some people might think, well, the debarment system covers this. Why is this necessary? The fact is you can get away with a lot of labor violations before you are debarred, yet there are some Federal contractors who have excellent employee relations, who pay decent wages, who allow collective bargaining, and who never engage in wage theft. These good contractors are competing with the bad ones.

Not only is this Office of Good Jobs going to prioritize the best public contractors, but it will also make sure that workers are treated fairly and that good, high road contractors are treated fairly.

Mr. Chair, I yield 30 seconds to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chair, I appreciate the gentleman for yielding, and I appreciate his effort to look at the largest Federal employer and look at ensuring that we do everything possible to make sure employees have living wage jobs and that there are responsible employment practices.

I tell people repeatedly what my greatest regret of public service is. When I came to the United States Congress on staff in 1977, the real hourly wage for 1-hour's worth of human labor, whether it was pushing papers, waiting on tables in a diner, or working for the military, or in a mill, was more in 1977 in the United States of America than it is today. I do think that we ought to look at Federal resources and do everything possible to make sure that people do have a living wage.

Mr. FRELINGHUYSEN. Mr. Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chair, this amendment would create a new office that would require the Department of Defense to make subjective determinations concerning a contractor's or a grant provider's workplace policies. The amendment would delay and disrupt an already complicated Federal procurement system and would harm a potentially large civilian contracting workforce that is essential to the missions and the operations of the Department of Defense. Furthermore, this amendment is unnecessary and duplicative of the many efforts that are already underway by the Department. The best way to ensure that government contracts or provides grants to the best employers is to enforce the existing suspension and debarment system.

Finally, the amendment reprograms funds away from the Department's operations and maintenance accounts—accounts which are critical to supporting our warfighters—and restores readiness to the services and to, may I say, our committee's top priority.

I urge a ''no'' vote on the amendment.

Mr. Chair, I yield back the balance of my time.

Mr. ELLISON. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Minnesota has 2½ minutes remaining.

Mr. ELLISON. Mr. Chair, first of all, I have a particular story I would like to tell.

There is a young woman named Mayra who works at the Pentagon food court. She was fired after challenging her managers to comply with labor laws and for going on strike multiple times in response to those violations.

Mayra is a first-generation immigrant who is struggling to pay her tuition at George Mason University. She now works odd jobs to make ends meet. Her experience at the Pentagon has inspired her to seek further education so she can help workers who get treated unfairly.

Research shows that Mayra is not alone. Federal contractors break Federal laws sometimes—not all. Many are good, but not all are, and the bad ones are not good for the United States. A U.S. Senate report, for example, found that over 30 percent of the biggest penalties for law-breaking were filed against the biggest U.S. contractors. This is an issue. We need an office to make sure that the best public contractors—Federal contractors—are the ones who get the best contracts and who get preferential treatment over the ones who have multiple violations.

Workers aren't the only ones who benefit from this new office, as I already mentioned. Let me emphasize that this is about benefiting law-abiding contractors, high road employers. They are competing with people who cut every corner and do the least to avoid debarment. We need to make sure that our system works well and that the largest spender of money in the world—the U.S. Government—spends it wisely, not with the ones who can barely skate by through the debarment process but with the best contractors, the ones who really prioritize good employment practices.

I ask Members to vote in favor of this amendment. It is a step toward bringing forth good jobs and closing this awful wage gap and wage stagnation we have seen in our country for 30 years. Please give us a ''yes'' vote.

Mr. Chair, it is intended that funds in the appropriation for Defense Wide Operations and Maintenance be used to establish an Office of Good Jobs in the Department aimed at ensuring that the Department's procurement, grantmaking, and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices. The office's structure shall be substantially similar to the Centers for Faith-Based and Neighborhood Partnerships located within the Department of Education, Department of Housing and Urban Development, Department of Homeland Security, Department of Health and Human Services, Department of Labor, Department of Agriculture, and Department of Commerce, Department of Veterans Affairs, U.S. Department of State, Small Business Administration, Environmental Protection Agency, the Corporation for National and Community Service, and U.S. Agency for International Development.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. GIBSON

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 114–623.

Mr. GIBSON. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 16, after the dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from New York (Mr. GIBSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1530

Mr. GIBSON. Mr. Chairman, this amendment pluses up the account for extended-range cannon artillery, and it is paid for.

I want to begin by thanking the leadership of this esteemed committee, both the chairman and the ranking member, for their teamwork and also for their great work. I have been here 6 years, and I think this is the strongest bill that I have seen with regard to Defense Appropriations. I am deeply grateful.

Let me say that a principle for our country dating back to the founding is one of peace through strength, which relies on this concept of deterrence. It certainly brings forward a strong military with the intent that we would deter potential adversaries so, indeed, that we can empower our diplomats.

On our best day, other countries want to be like us, and this bill here is critically important toward that end. Look, after this past weekend, as we continue to mourn for those killed in the terrorist attack in Florida, I think it is on everyone's mind how important it is that we get this bill passed.

With regard to peace through strength and deterrence, I do have some concerns. Inasmuch as I am a very strong advocate of this bill, I am concerned about where we are today

with regard to our indirect fires capability. In some regard, it is understandable that we are beginning to fall behind some of our potential adversaries, certainly our competitors.

We have spent the last 15 years consumed in efforts to protect our people, protect our homeland, existential threats from terrorists, and that has led to largely counterinsurgency operations. And that has been somewhat at the detriment to our full spectrum capability, including indirect fires.

Part of our concept is we do rely heavily on close air support as part of this, understanding that, but saying that there is some risk to that. And I do appreciate the fact that the committee has actually taken note of this. There is a plus-up in this bill, and I want to commend both the chairman and ranking member for doing that. I think that we need more.

I would encourage my colleagues, if they haven't already, to take a look at the writings of Lieutenant General H.R. McMaster. I think he is a visionary. He is a great battlefield commander. I served under his command in Iraq in 2005, and he continues to do great work for this Nation. He has written about Russian activities, for example, in Ukraine and Syria. And it is clear that Russia and China are continuing to march forward with their capabilities, including in Ukraine, where Russia has shown a very extensive capability to mass fires. Candidly, they outrange our artillery, and I think this is something we need to address.

So I brought forward this amendment. It does plus-up this account by a million dollars. I mean, candidly, we could do more. But I do want to commend the committee for what they have done so far, and I think our amendment would help reinforce that.

I want to also say, as proud as I am of all of this work, I want to say, too, that I am very proud of the work of those men and women who serve us in the industrial base.

The work that is done on cannons is done in Watervliet, New York, at the Watervliet Arsenal. I am very proud of their work, but no one is more proud than their own Representative. Their own Representative is here with us today. He sponsors this bill. He is a Democrat from New York, and his name is PAUL TONKO.

I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I thank the gentleman from New York (Mr. GIBSON), my colleague and friend for yielding and for leading us on this very important amendment.

Improving our artillery weapons system has been identified as a need by the Army Modernization Strategy. This amendment would make a modest increase to the Army's weapons and munitions advanced technology funding for extended-range cannon artillery.

We know that with additional research, development, and testing, we can make meaningful advances to these systems. Unfortunately, these systems have been overlooked in recent years as we have chosen to modernize other parts of our forces.

During this time, other countries have begun to produce artillery with new capabilities such as improved range, mobility, and accuracy. Not only does this increase the risk to our warfighters in the field, it has encouraged our allies to consider purchasing these systems from elsewhere.

I know we are capable of designing and building the best artillery in the world. I have seen it firsthand at the Watervliet Arsenal and Benet Laboratories in my district where hundreds of women and men support our warfighters by developing and manufacturing cutting-edge cannons and mortars.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GIBSON. Mr. Chair, I yield an additional 30 seconds to the gentleman from New York.

Mr. TONKO. Mr. Chair, we know that. It is a great inspiration just by their tradition alone.

We have an incredibly skilled workforce, the best in the world. Now we just need to make the investments necessary to ensure the products they manufacture will continue to be the best as well.

Once again, I thank our colleague, Congressman GIBSON, for this amendment, and I urge my colleagues to support it.

Mr. GIBSON. Mr. Chair, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the esteemed chairman of the Defense Subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New York for his advocacy on behalf of some remarkable installations in the State of New York. May I say we have a very close working relationship through Picatinny Arsenal. Firepower is important, considering what our adversaries are utilizing today and may be using in the future.

I am pleased to support the gentleman's amendment.

Mr. GIBSON. Mr. Chair, I appreciate the gentleman's comments, and I appreciate the support.

I just want to express my gratitude to both the chairman, the ranking member, and the committee staff. I know that this bill takes a lot of work, and I deeply appreciate all of those who are involved. I thank my friend and colleague, PAUL TONKO, for his great support and great work on this issue.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GIBSON).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. LANGEVIN

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 114–623.

Mr. LANGEVIN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 23, after the dollar amount, insert ''(increased by $29,800,000)''.

Page 31, line 20, after the dollar amount, insert ''(reduced by $33,900,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to offer this bipartisan amendment today with my friends, Mr. GARAMENDI, Mr. CONAWAY, Mr. LAMBORN, and Mr. NUGENT. The Navy's electromagnetic rail gun is a technology described as revolutionary and a potential multimission game changer for long-range, land-attack, ballistic, and cruise missile defense, and antisurface warfare.

Mr. Chairman, the best mix of air and missile defenses will consist of complementary kinetic and nonkinetic weapons systems, enhancing our capability to defeat larger salvos of air and missile threats.

Rail guns have the capability to fire at higher velocities, which means longer ranges. Under certain conditions, a 32-megajoule gun will be able to launch projectiles more than 100 nautical miles. And it is more cost-effective. Whereas low-cost kinetic defenses run around $400,000 each, surface-to-air interceptors and guided hypervelocity projectiles can be as low as $25,000 to $40,000 each.

My amendment also provides for the mount for the rail gun, a necessity that was promised to the Navy, appropriated but ultimately never delivered.

So this bipartisan amendment tracks the funds authorized in the FY17 NDAA and continues to provide imperative assistance to our Navy as they pursue high-tech, game-changing weapons systems across the fleet.

We must also not leave our sailors high and dry on a technology that we promised, one that is critical to the future of our military and promises to change the landscape of our missile defense capabilities at sea.

I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I rise in support of the amendment that would restore the funding for the directed energy weapons and rail gun.

If this funding reduction is left in place, then contracts will have to be renegotiated. Generally, those result in higher funding later on. We will lose a workforce that has been built and crafted generally over a long period of time, and that would require additional years getting back to this.

As my colleague from Connecticut said, this is about defending, in many instances, surface combatants. The

current opportunities are very expensive with a laser or rail gun. The cost per shot is dramatically less than it will be under the way we currently try to defend these multibillion-dollar assets as they move forward.

In my view, Mr. Chairman, these cuts are ill-timed and the program is mature to the point that it is ready to go that way. I understand we have a legitimate difference of opinion with my colleagues on our side of the aisle and the staff. This clearly may be one of those glass-half-full/glass-half-empty kind of scenarios. But many of us who look at this program—I am on the Seapower Subcommittee—believe that this program does, in fact, need to move forward.

I would request a positive end result and an ''aye'' vote on this amendment.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman from Texas for his comments. I support what he had to say and concur.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. LAMBORN), the distinguished co-chair of the Directed Energy Caucus.

Mr. LAMBORN. Mr. Chairman, I thank the gentleman from Rhode Island for his strong support of our national defense and especially for his leadership as ranking member of the Emerging Threats and Capabilities Subcommittee where we serve together. I also thank the gentleman for his engaged and well-informed chairmanship with me of the Directed Energy Caucus.

Mr. Chairman, I rise in strong support of this amendment because a rail gun is a game-changing, third-offset technology that has many applications across warfare domains and very high potential for a significant leap in capability.

It should also save money in the long term as guided hypervelocity projectiles, as has been mentioned, only cost around $30,000 apiece. Without this critical funding, this program will be hard-pressed to make progress and keep moving forward. This next-generation technology will be delayed, and warfighters will lack long-range precision fires against multiple threats.

Finally, funding is offset from an account that was originally intended for the exact same purpose.

I urge my colleagues to support the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim time in opposition, but do so reluctantly because the three previous speakers I have a very high regard for.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chair, the gentleman's amendment would restore a funding reduction and increase funding above the President's budget request for the Navy power projection advanced technology line.

While the Navy's high-energy laser program has its merits, it is one of the many examples of defense programs that has had, quite honestly, significant increases in funding for fiscal year 2017, in fact, 250 percent greater than the enacted level. So it hasn't been impoverished.

Our funding reduction still allows for a level that is more than 160 percent of the enacted level, a significant growth that allows for additional testing but puts the program on a path to actually be able to obligate funding in a manageable timeframe.

Our committee has a responsibility to conduct appropriate budget oversight, reducing funding to programs that aren't justified and adding funding to programs that aren't fully funded.

Appropriate budget oversight, reducing a program that is funded above its needs is an example of what I think we see, to some extent, here with this amendment.

We see no justifiable reason to add funding to this line, but it may be a matter of disagreement, but I think we have taken a close look at it.

This technology has great potential, but it also has significant development challenges that may be difficult to overcome. The weapons require very substantial power sources, cooling platforms, and corrosion protection.

The program should be continued in a fiscally responsible manner, which includes slowing funding to an appropriate level. I think we have reached that level.

While we may have some disagreement here, we are certainly supportive of the program, but I do reluctantly oppose the amendment put forward by these three great gentlemen.

I reserve the balance of my time.

Mr. LANGEVIN. Mr. Chairman, I have great respect for the chairman of the Appropriations Subcommittee on Defense. And although we respectfully disagree, I hope my colleagues will see the wisdom of following what the House Armed Services Committee did and add additional funding for this great capability, which is a game-changing technology which will better protect both our fleet, also ultimately all of our military assets, and our men and women in uniform who serve.

I would urge my colleagues to support the amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF ALABAMA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114–623.

Mr. ROGERS of Alabama. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 8, after the dollar amount, insert ''(reduced by $108,515,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $108,515,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Alabama (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

□ 1545

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

I rise to urge the House to support my bipartisan amendment to restore critical missile defense funding for next-generation investments. I want to be clear: the mark by the gentleman from New Jersey is a good mark. I support it. I just want to improve it a little.

Mr. Chairman, Deputy Secretary of Defense Bob Work has recently stated: ''Competitors have caught up on this regime and they're going to fire mass guided missile salvos at us . . . it doesn't have to be a kinetic solution. Hell, I don't really want a kinetic solution . . . it's got to be something else.''

Last week my subcommittee received a classified briefing by the Joint Staff on the results of the Joint Capabilities Mix Study IV. It is clear that we have to change the way we do missile defense if we expect to win in future years.

Our adversaries have not been standing still, and we can't stand still either. This amendment I offer, along with 13 colleagues on both sides of the aisle, including Mr. LANGEVIN, Mr. GARAMENDI, Ms. GABBARD, Mr. FRANKS, and Mr. LAMBORN, would simply restore the funding to the level of the President's budget for directed energy efforts in the weapons technology and technology maturation initiatives lines as well as the special programs—MDA technology line.

My amendment offsets this increase by cutting RDT&E for the KC–46 tanker program's budget request, which is not executable this year according to the GAO's recent budget fact sheet, and the Air Force does not dispute this fact. My office can share this document with any Member who has questions about the cut, which both the House and Senate NDAAs have also recommended.

Again, I strongly support the mark of the gentleman from New Jersey. I urge the House to support my bipartisan amendment to improve it and allow us the room to continue to work on this bill in the conference committee.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition, again, reluctantly.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise reluctantly knowing that

the gentleman is extremely knowledgeable and is a strong advocate for some very important things that relate to our missile defense. However, I do believe in responsible budgeting, which is a prerogative of our subcommittee. As stewards of taxpayer dollars, we prioritize funding programs at appropriate levels, levels that the Department can obligate responsibly in a timely manner. As such, when projects such as the weapons technology directed energy line are continually slow to develop and lag significantly behind other similar technology developments, reductions are warranted.

The funding provided in this bill provides $9 million for each of three projects to continue. This is an opportunity for these laboratories—and they are remarkable laboratories—to prove that their demonstrations will be effective and deserve to continue to be funded in the future. A more advanced directed energy line, technology maturation initiatives, was supported in our bill at an increase of 275 percent over the enacted level.

The minor reduction in this program is due to the fact that funding will not be obligated in fiscal year 2017 to purchase long lead items, making the request early to need. Let me reiterate, we are highly supportive of the program. However, funding should be appropriately timed to the schedule.

As for the request to restore $72 million in funding to a special program line, which, due to its classification we cannot discuss in an open forum, the funding is not tied to any requirement. We are concerned, and it is reflected in our bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I would associate myself with the chairman's remarks. I appreciate what the gentleman from Alabama wants to do, but I do oppose his amendment for two reasons primarily.

One, obviously, under the circumstances we find ourselves in, he had to find the money for the increase, and it was taken from research and development for the United States Air Force, also vitally needed research and development dollars.

And, secondly, dollars do matter, but dollars have to be effectively spent.

It is not my personal belief that any additional dollars to this particular account—given the analysis that the committee has done on the budget this year—can be effectively spent.

So, again, I join with the chairman in respectful opposition to the gentleman's amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. LAMBORN), the vice chair of the Subcommittee on Strategic Forces.

Mr. LAMBORN. Mr. Chairman, I thank the gentleman from Alabama for yielding. I do thank the gentlemen from both New Jersey and Indiana for their good work. Most of the time I am going to agree with their recommendations, but I reluctantly have to disagree in this case.

I rise in strong support of this amendment because we must do everything we can to protect our country from nuclear attack, especially in light of the rapidly growing threat from Iran, North Korea, and elsewhere.

Unfortunately, increasingly sophisticated ballistic missile technology is being widely produced and proliferated, and there is a long list of bad actors that currently have or desire this technology. According to the intelligence community, ballistic missile systems are becoming more mobile, survivable, reliable, accurate, and capable of striking targets over longer distances.

Today we can trust our current system and those who operate it to keep us safe and our allies safe from ballistic missiles, including warfighters like NORTHCOM/NORAD and the 100th Missile Defense Brigade in my district, and those doing the research and development, capably led by Admiral Syring of the Missile Defense Agency. However, we must not rest on our laurels. We must invest now in future technologies to be prepared to face future threats.

Most important, as my colleagues pointed out, there is consensus among senior DOD leaders as well as outside experts that nonkinetic, third-offset technologies such as directed energy are vital both to maintain superiority and to enable us to transition to a more cost-effective approach to missile defense over the long term. The current cost equation is against us. Our interceptor missiles we use to shoot down threats cost much more than hostile missiles we may have to destroy, and buying enough interceptors to counter a proliferating threat is ultimately a huge challenge.

Finally, I would simply point out that this amendment restores funding that is so highly classified, we can't debate it publicly, but suffice it to say that it has great promise to help us protect our homeland and keep Americans safe.

I appreciate the leadership of the gentleman from Alabama on the Subcommittee on Strategic Forces. It is an honor to serve with him as vice chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I would just close by saying I have enormous respect for the gentleman from New Jersey. I just disagree on this particular issue.

I would like to point out the GAO language in particular for this offset that I have offered.

GAO says:

> The Air Force fiscal year 2017 RDT&E budget request for the KC–46 program could be reduced by up to $140 million because fiscal year 2016 RDT&E funds are potentially in excess to program need.

So we have the money to pay for this. It is a critical national security need. I urge my colleagues to vote ''yes'' on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, again, I will say that I understand the gentleman's concerns. We respect them. We certainly respect his position and knowledge and commitment of the members of his subcommittee. They are experts.

We also take a look at the bottom line as well. We understand the gentleman's concerns that we properly fund homeland defense initiatives of the Missile Defense Agency. That is why our bill includes $130 million above the request for important Homeland Security defense priorities, including the Ground-Based Midcourse Defense System and the Aegis Weapons System, two systems that have demonstrated their capacity to perform, that should be, quite honestly, robustly funded.

I have no further comments and would ask that the amendment be opposed.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. ROGERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROGERS of Alabama. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114–623.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Page 31, line 8, after the dollar amount, insert ''(reduced by $75,802,000)''.
>
> Page 170, line 7, after the dollar amount, insert ''(increased by $75,802,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Air Force plans to acquire 1,000 next-generation air-launched cruise missiles, otherwise known as the long-range standoff weapon. This is double the size of the existing nuclear-armed cruise missile arsenal. However, many experts have already told us there is no need for nuclear-armed cruise missiles.

We already have the most advanced bomber ever created in our arsenal, the

B–2 Stealth bomber, and the Air Force will be acquiring new B–21 Stealth bombers. These bombers are capable of penetrating enemy airspace and dropping a nuclear bomb directly above a target, making nuclear-armed cruise missiles redundant.

If we decide we want to shoot nuclear missiles from thousands of miles away, we still have very expensive submarines and very expensive ICBMs capable of doing just that. Instead of investing more dollars into our outdated and oversized nuclear arsenal, we must make smart investments on other priorities that actually keep us safe, or on reducing our unsustainable debt and deficits. Yet, last year's budget doubled down and accelerated production of the missile by 2 years to 2025. The accelerated procurement schedule will cost taxpayers an additional $75.8 million more in 2017 than originally planned in the fiscal year 2015 acquisition schedule, but that makes little sense when there is so much uncertainty about whether this missile is affordable or even necessary.

That is why my amendment will put $75.8 million towards deficit reduction by placing funding for the long-range standoff weapon back on its 2015 acquisition schedule. There is no need to rush development when as little as 2 years ago the Air Force had requested a delay in procurement to pay for higher priorities before changing its mind a year later.

On top of that, the existing air-launched cruise missile and warhead isn't being phased out until the 2030s.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. HULTGREN). The gentleman from Alabama is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

As chairman of the Subcommittee on Strategic Forces, I am deeply familiar with our nuclear forces. I want to urge my colleagues to vote ''no'' on this amendment.

Two successive Secretaries of Defense have said that nuclear deterrence is the most important mission the Department has.

Secretary Hagel said: ''Our nuclear deterrent plays a critical role in assuring U.S. national security, and it is DOD's highest priority mission. No other capability we have is more important.''

Secretary Carter said: ''The nuclear mission is the bedrock of our security. It is what stands in the background and looms over every action this country takes on the world stage. It is the foundation for everything we do.''

The LRSO program is critical to the mission, and it must remain on schedule. The fleet of existing air-launched cruise missiles that the LRSO will replace is over 30 years old, and their reliability is rapidly declining. Projected improvements in adversary air defense will impact its effectiveness even more. Simply put, our nuclear deterrent will not be credible unless it is modernized. The funding this amendment seeks to eliminate is necessary to modernize and keep this aspect of our nuclear deterrent on schedule.

There is a clear military requirement for the LRSO, and it is a national security imperative. This requirement has been identified and documented by the military and the Obama administration.

We should not be supporting the unilateral nuclear disarmament, and we should not be supporting this amendment. I urge my colleagues to vote ''no.''

Mr. Chairman, I reserve the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, this amendment today is being offered by my colleague, Mr. QUIGLEY, along with Mr. BLUMENAUER, Mr. GARAMENDI, Ranking Member SMITH, and myself. It would take the first step toward rightsizing a project in the U.S. military.

The U.S. military is in the midst of a major modernization program to sustain the strategic nuclear triad. The program will generate a massive wave of spending requirements into the 2020s, but the Pentagon does not know how to pay for it. Well, look, we have at least a partial idea for how to pay for the security needs of our country.

The United States, in the next decade, will build a new ballistic missile submarine, a new strategic bomber, a replacement for the Minuteman III, and the cruise missile discussed today. Now, one might ask why a Stealth bomber needs a nuclear long-range standoff weapon, and that is exactly what many military experts are already asking.

Slowing the spending on the LRSO would slow spending on a redundant weapon, one that many military commanders agree is simply not needed. It would save $75 million and help start us on a road towards making smart decisions about our Nation's security, and save dollars down the road as well.

□ 1600

I am very pleased to be supporting this amendment. The Pentagon comptroller recently called the strategic force modernization ''the biggest acquisition problem that we don't know how to solve yet.'' The cruise missile alone is estimated to cost $20 billion to $30 billion over its life cycle.

Let's make some commonsense decisions to make our country economically stronger, economically more secure, as well as our military stronger.

Mr. ROGERS of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), chairman of the Defense Appropriations Subcommittee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Chair, it is a pleasure to stand with the chairman of the committee that has oversight of this important, critical program.

The bottom line is that this amendment would unilaterally disarm our country by undermining the development of this new cruise missile, which would, in turn, weaken the airborne leg of our nuclear triad, which we depend on for a deterrent. You can be darn sure that the Russians and Chinese are not sitting back.

For the record, our committee has taken fiscally prudent minor reductions in the Standoff Weapon program when justified. This cut, which is nearly 80 percent of the funds requested, would be crippling, which, of course, is the apparent intention of this amendment. We don't support that.

The Air Force remains on track to issue a request for a proposal to industry for the technology maturation and risk reduction phase of the program before the end of the fiscal year, with a contract award to be made in fiscal year 2017. This amendment, if adopted, would radically slash funding and bring this effort to a halt. Therefore, I join with the chairman in urging strong opposition to this amendment.

Mr. QUIGLEY. Mr. Chairman, might I inquire how much time I have left?

The Acting CHAIR. The gentleman from Illinois has 1½ minutes remaining. The gentleman from Alabama has 2 minutes remaining.

Mr. QUIGLEY. I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the gentleman's amendment.

The chairman mentioned that the reduction that is called for in this amendment would certainly impact the cruise missile program; however, I would point out that there is funding in the legislation, and we are developing a B–21, a new penetrating bomber. Also, moneys are being set aside by the United States Congress to extend the life of the B–61 nuclear weapon.

Congress will likely continue to provide robust funding for both of these very costly systems. I do not think we need a third redundancy, and we ought to pull back and support the gentleman's amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to close by saying that it is essential that we keep this modernization pace that we have got in place. Vote ''no'' on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chairman, in the brief time I have, this doesn't gut the program. It brings it back to its 2015 acquisition schedule.

Folks, we have to prioritize. We can't have three redundancies when we have cut homeland security money by 50 percent in the last 5 years. After Orlando, we should learn to reprioritize

what really keeps Americans safe. I encourage a ''yes'' vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. QUIGLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 114–623.

Mr. WITTMAN. Mr. Chairman, as the designee of the gentleman from Virginia (Mr. FORBES), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8055.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Mr. Chairman, I rise today in support of the amendment offered by Representative FORBES and myself that would strike section 8055, a provision that prohibits modifying the command and control relationships between U.S. Fleet Forces Command and the U.S. Pacific Fleet.

Importantly, this amendment directly aligns with guidance provided by the Chief of Naval Operations, Admiral John Richardson, in his ''A Design for Maintaining Maritime Superiority,'' released just 5 months ago. In that guidance, Admiral Richardson advocated for examining the organization of U.S. Fleet Forces Command, U.S. Pacific Fleet, and their subordinate commands, with the end goal of clearly defining operational and wartime demands and generating ready forces to meet these demands.

Further, this amendment would allow our Navy to conduct an internal review and amend its organization and direction as needed to create organizational effectiveness. The Navy has advocated for this opportunity, and granting their request would streamline processes and support the Navy's efforts to become a greater fighting force than ever before.

Finally, this amendment eliminates redundant expenditures on Naval organizational structure and provides opportunities to redirect funds toward bolstering fleet readiness.

This amendment is consistent with the FY 2017 NDAA that passed the House by a vote of 277–147. Specifically, section 910 of the House-passed FY 2017 NDAA reduces component commanders to the grade of lieutenant general or vice admiral. This amendment grants our Navy the latitude it needs to effectively organize its own commands in order to meet our Nation's maritime defense demands.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the world's largest fleet command, the United States Pacific Fleet, encompasses 100 million square miles, nearly half the Earth's surface. As our Nation conducts a rebalance in the Asia Pacific arena, it is critical that the Pacific Fleet preserve and increase its force structure, when necessary.

Under the current organization and command structure, the Fleet reports directly to the administrative offices of the Chief of Naval Operations and, operationally, to the U.S. Pacific Command.

It is my belief that the current command structure ensures more oversight and more accountability, particularly for budgeting and resources, which we as appropriators certainly appreciate. Changing this relationship, I believe, would make that oversight of this committee and the Congress more difficult, and, therefore, I am opposed to it. We have enough problems with oversight at the Department of Defense. We don't need to pile on.

Mr. Chairman, I reserve the balance of my time.

Mr. WITTMAN. Mr. Chairman, I would say to the gentleman that, when the Navy asks for the ability to reduce its organizational structure to make itself more efficient to do the things that it needs to do to indeed fulfill the role in the Asia Pacific, maybe we ought to do what the Navy asks for us to do.

I am certainly an advocate for streamlined organizational structure and not more organizational structure. I think that this actually gets at that. It allows the Navy to perform its mission there in the Asia Pacific, allows that realignment to happen, but allows it to do so in a modernized organizational structure that the CNO is asking for. To me, that just makes sense. That is why I am strongly in favor of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, it is my understanding that, because I am defending the position of the committee, I have the right to close.

The Acting CHAIR. The gentleman is correct.

Mr. VISCLOSKY. I reserve the balance of my time.

Mr. WITTMAN. Mr. Chairman, again, I would say that, based on the direction from the CNO and his directives of how the Navy is looking to reorganize itself to make sure that it has the ability to maintain maritime superiority—this came out just 5 months ago—to me, it makes perfect sense for us to be able to do that. It is to enable the Navy do the things that it needs to do.

We have a modern Navy that needs the flexibility to make sure that it brings all of its assets forward, especially in the Asia Pacific, with new challenges there for our surface fleets, for our submarines, and for our aircraft carrier strike groups there. This, to me, is a needed change to make sure that the Navy can become more efficient organizationally to be able to get the job done.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chair, let me say I support the gentleman's amendment. I think it makes good sense. I understand his rationale and strong feelings as to why it needs to take effect.

Mr. WITTMAN. Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I would again point out, as I did in my opening remarks, that the current organization and command structure of the U.S. Pacific Fleet works well. It provides us with the necessary ability to oversight.

Despite the gentleman's representations, and I would not suggest he is misrepresenting the facts, I am not aware that our committee was approached by the Chief of Naval Operations for a reorganization of the Pacific Fleet command structure. I am not suggesting they are the fount of all wisdom, but they have not brought that to this committee's attention. I would, therefore, respectfully oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

The Acting CHAIR. The Chair understands amendment No. 15 will not be offered.

AMENDMENT NO. 16 OFFERED BY MR. O'ROURKE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 114–623.

Mr. O'ROURKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 112, beginning line 23, strike section 8121.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Texas (Mr. O'ROURKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. O'ROURKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can think of no more important, awesome responsibility for us, as Representatives of our various districts across the country, than to ensure that the servicemembers whom we place in harm's way in over 140 countries around the world in the longest conflicts we have ever fought in Afghanistan, Iraq, Syria, and elsewhere are resourced, that they are trained, that they have everything that they need to complete the missions to which we have assigned them and to return home from the battlefield safely. And yet, despite authorizing a record amount this year in defense authorizations—over $600 billion—we have stretched our military thin.

We are approaching a crisis in readiness, and what that means is that we are approaching a point where we are going to send men and women into harm's way without the resources and training and support they need to ensure they come back safely. This is at a time, Mr. Chairman, when we learn that the Army has 33 percent over capacity in terms of resources that it has that it does not need to perform its functions. The Air Force is 32 percent over capacity, and the Department of Defense, as a whole, is 22 percent over capacity.

Just one example, in the Department of the Army, if we were to reduce that overcapacity and move those resources where they can be more effectively placed, we would save $500 million a year.

If we want to better serve our servicemembers, I ask my colleagues to join me in this amendment, which strikes language from the underlying bill that prohibits the Department of Defense from planning, proposing, or implementing a base realignment and closure round.

Now, to be clear, by striking that language, this would not authorize a BRAC. It would simply allow the Department of Defense to begin discussions around this, to begin planning it, and if it thinks it is the best way to serve our servicemembers and pursue our missions overseas, the Department of Defense could then propose a base realignment and closure round.

Mr. Chairman, I think this is the best way that we can serve both our servicemembers and the taxpayer and place resources where they can be most efficiently and effectively used.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chair, respectfully, again, while the administration has argued that additional base realignment and closure rounds may be necessary to reduce infrastructure costs and overall costs, the 2000 BRAC one-time implementation costs were billions more than were assumed by the BRAC Commission.

□ 1615

Let's be honest. Even today, many States and regions are suffering from the effects of the last BRAC. I have seen little evidence that it saved us money, and we have taken a close look at it.

Furthermore, the authorization bill which we passed several weeks ago rejects BRAC for fiscal year 2017, and our bill provides none of the requested funding for a BRAC analysis and planning. I think the majority in Congress have made their views clear, and I rise in opposition to the amendment and urge a ''no'' vote.

Mr. Chairman, I yield back the balance of my time.

Mr. O'ROURKE. Mr. Chair, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding.

I do rise in support of his amendment. The fact is, the Congress of the United States today excels at one thing. We excel better than anybody else at one thing: doing nothing. We do nothing better than anybody else. We should do something, and I do believe we ought to look ahead.

The Department is asking us to take a longer view, and let's take a look at this. The Department has indicated that they believe they have 22 percent excess capacity. Maybe they are wrong. Maybe it is much less than that. But I think we ought to have a serious examination of it and find moneys in a constrained environment for readiness, for training, for necessary procurement.

So I appreciate the gentleman offering his amendment, and I do support it.

Mr. O'ROURKE. Mr. Chairman, I thank the gentleman from Indiana for his comments, and I also thank the gentleman from New Jersey for his and for mentioning the cost of these BRAC rounds.

Yes, there is a significant, one-time cost, but if we look at the combined return that we see from all BRACs in all previous years, we realize $13.6 billion annually to the positive. Just from the 2005 BRAC alone, it is $3.8 billion that we can place in support of our servicemembers, in reducing waste, and ensuring that those precious tax dollars go to where they will be most effective.

Mr. Chairman, may I ask how much time I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. O'ROURKE. Mr. Chair, I yield 45 seconds to the gentleman from Florida (Mr. JOLLY).

Mr. JOLLY. Mr. Chairman, I thank my colleague from Texas, and I thank the chairman for a very good bill that I intend to support. This is a strong bill. The chairman has done great work.

But I do want to rise in support of the effort of my colleague from Texas. We do continue to hear about the excess capacity that each of the services have. And I ask the question: Should we really be paying for cement we don't need when we face end-strength needs, recapitalization needs, and other more important priorities than facilities?

This is a hard issue, and the answer doesn't lie simply in today's amendment. But I think we should continue the conversation. That is why I rise to support my colleague; I rise to support the bill and my chairman as well, and to thank the gentleman for offering the amendment.

Mr. O'ROURKE. Mr. Chairman, I thank the gentleman from Florida.

I will just ask my colleagues to support a commonsense, bipartisan amendment that moves beyond parochialism, that moves beyond partisanship, that ensures that we have fiscal responsibility and effective and efficient support of our servicemember and our warfighter.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. O'ROURKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. O'ROURKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. HUFFMAN

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 114–623.

Mr. HUFFMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8127.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. HUFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUFFMAN. Mr. Chairman, I stand, once again, today to offer an amendment with my fellow Californian, TOM MCCLINTOCK, and I have to say this is a deja vu moment. Just last year, Mr. MCCLINTOCK and I worked together, on a bipartisan basis, to finally strike a wasteful provision that was in the 2016 Defense Appropriations Act and had been in many previous Defense Appropriations Acts.

Our amendment, which passed overwhelmingly in this House, would save taxpayers millions of dollars by ending an outdated earmark mandating that the Defense Department ship coal from a certain part of Pennsylvania, 4,000 miles across the planet, to American bases in Germany.

Somehow, this zombie provision from the deepest days of the cold war and the golden era of congressional earmarks, when you could go into a bill

like this and arrange a sweetheart deal for a certain district and a certain coal company, somehow that provision was snuck back into this year's bill. It just won't die.

Now, for years, the Department of Defense and the President's annual budget has urged Congress to get rid of this provision, to allow the use of cheaper fuels to power its military bases in Germany. But because of certain special interests, the provision has persisted. It is a terrible deal for the American taxpayers, for the environment, but it has persisted.

Now that finally changed last year, and our amendment not only passed this House but it passed by a vote of 252–179. In this House, that is what we call a home run.

Like a bad sequel, this earmark is back once again, sneaking into the 2017 bill under a new name. Now don't let the new wording trick you. The practical implications and the intent are exactly the same as the old zombie earmark language.

Congress worked on a bipartisan basis last year to kill this bad idea, and it should do so again because the bottom line is that taxpayers should not be paying to ship coal, or any other energy source, 4,000 miles across the planet to a certain facility in Germany. We should give the Air Force the same flexibility to meet its energy needs that every other U.S. military installation around the world has.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I rise in opposition to the Huffman/McClintock amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, last year, the House voted to remove longstanding language from the fiscal year '16 Department of Defense Appropriations bill that sourced Pennsylvania Anthracite to a public utility in Germany, which provides energy and heat for our troops stationed in the Rhine area and, in particular, in Kaiserslautern.

While seemingly well-intentioned, my colleagues misrepresented the overall costs associated with this provision, and they painted this as the poster child for government waste.

Taking their concern into account, the Appropriations Committee drafted language for fiscal year 2017 that does not prescribe the energy type or where it is to be sourced from, with the exception that the energy be domestically produced here in the United States.

Mr. Chairman, nearly 56,000 American defense personnel and family members reside in the Kaiserslautern military community. There are more overseas U.S. defense installations and personnel in Germany than in any other nation. Their well-being is of the utmost importance.

Unfortunately, the amendment to strike section 8127 will place the energy needs of our military installations and, by the way, all the dependents, those family members, clearly in the hands of Russia.

And I am not the only one sounding this alarm. In February, Commander of the U.S. Forces in Europe, General Philip Breedlove, testified before the House Armed Services Committee that, and I quote: ''European continued dependence on Russian energy, specifically former Soviet and Eastern Bloc states, only serves to bolster Russia's ability to coerce those nations to achieve political gains.''

Former Supreme Allied Commander of NATO provided testimony before the Armed Services Committee that: ''Mr. Putin's strategy does not rely on military power alone. He seeks to maintain European dependence on Russian gas and continues to use that dependence as a weapon; he deftly applies a 'divide and conquer' strategy to undermine Europe's cohesion.''

Mr. Chairman, Former Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia, Dr. Evelyn Farkas testified that ''the Defense Department should no longer do any business with Russia.'' She concluded that ''we must work with Germany and other allies to meet Europe's natural gas demand in a way that gives them leverage against Moscow, not the other way around, and benefits U.S. companies and alternative suppliers.''

Those who have environmental concerns need to recognize that even Greenpeace evaluated the facilities at Kaiserslautern in 2013. They set a goal for the reduction of CO_2 emissions by 2020 greater than 40 percent, with a 35.4 percent reduction that was achieved by 2014.

Mr. Chairman, I do agree with my colleagues that we should do everything in our power to increase efficiency, but the cold reality is that if we do not domestically source energy for our troops, it is going to be left in the hands of Russia.

I encourage my colleagues to take into consideration what is at stake and reject the Huffman amendment. Failure to address these concerns could leave our servicemen and -women serving overseas in a new and very literal cold war.

Mr. Chairman, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, may I inquire as to the balance of my time?

The Acting CHAIR. The gentleman from California has 2½ minutes remaining.

Mr. HUFFMAN. Mr. Chairman, I yield 2 minutes to the other gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Chairman, I do not support the war on coal that is waged by this administration and my friends on the left, but I do support the war on waste, and I support this amendment based upon that fiscal imperative.

Now we are told our defense budget is so stretched that we now have to scavenge museums for aircraft parts. Yet there appears to be plenty of money to squander in a corrupt earmark that dates back to 1961.

As has been pointed out, that earmark requires that one American Air Force base in Kaiserslautern, Germany, has to purchase 9,000 tons of coal a year at a grossly inflated price, plus the cost of transporting this overpriced coal across the Atlantic Ocean and halfway across the European Continent.

The latest excuse we just heard is, well, otherwise we have to buy coal from Russia. Well, why in the world would we want to do that?

One company in Poland produces 48 million tons of coal from 23 mines. It produces more coal in an hour than this base uses in a year. And the objection seems particularly ludicrous, considering that the NDAA authorizes hundreds of millions of dollars for rocket engines purchased from Russia.

The Pentagon and successive Presidents have consistently protested this waste, but these protests have fallen on deaf ears in Congress, even while we are told that our defense spending has been cut to the bone.

If we don't change the spending trajectory of this government, the Congressional Budget Office warns that, in 6 years, interest on the national debt will exceed what we spent this year for our defense. That makes rooting out waste like this a national defense imperative.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. A vote for this amendment is a vote to force American servicemembers serving abroad to rely on Russia as their source of energy, energy they need for warmth and comfort.

The language that this amendment strikes simply requires our military base in Kaiserslautern, Germany, to use at least one American energy source for heat and power. If we remove this, our military base will have to turn to Russia for energy.

Now Vladimir Putin has used Russian energy as a weapon in international politics before. We should not give him that power over our military assets.

I urge my colleagues to reject this amendment and stand against Russian influence over the energy used by our military personnel.

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to another gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I want to concur with the comments of my colleagues Mr. THOMPSON and Mr. BARLETTA in opposition to this amendment. I work closely with our friends in Germany. I am chair of the Congressional Study Group on Germany. I also

have been very close and meet with many leaders from Kaiserslautern. They are very pleased with the arrangement that we have had with their community for a very long time. In fact, I met with their leaders, their municipal utility, and we have had these conversations.

But what they have said is true. We might as well call this the ''Buy Russian'' amendment. Buy from Russia because if you are going to replace anthracite from the United States, there is really only one place you are going to get that. It is in Russia or perhaps in maybe some Russian-dominated areas of Ukraine right now.

□ 1630

That is it. If this energy is not sourced in the U.S., it will be sourced in Russia. As has been stated, Russia uses energy as a weapon against the West, particularly against our European allies. Why we would be unwitting allies with Vladimir Putin on this little dustup on Kaiserslautern is beyond me.

For all these reasons, I say oppose this amendment, buy American-sourced energy, and reject this buy Russian amendment.

Mr. HUFFMAN. Mr. Chairman, the boogeyman of Russian coal and Vladimir Putin really do strain credulity. In addition to the option of buying coal in Germany itself, which would obviously be one way to do this, as my colleague, Mr. MCCLINTOCK, points out, there is abundant coal alternatives if they want to buy coal in Poland, our NATO ally, or in Ukraine, an ally that we would like to help in lots of ways as they strive for independence and economic development under the boot of Vladimir Putin's Russia.

The last thing that was raised, the fact that somehow the language in the base bill would not require coal from Pennsylvania, is also a red herring. The language in this bill that says domestically sourced energy is required and other provisions effectively mean that the status quo—the sweetheart arrangement with one specific coal company in Pennsylvania—would be the only way that the Air Force could comply with this requirement.

So let's reiterate our bipartisan opposition to this wasteful, zombie earmark. I ask for an ''aye'' vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HUFFMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HUFFMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 114–623.

Mr. PETERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8132.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Mr. Chairman, my amendment strikes language in the underlying bill that undermines and underfunds the Department of Defense's ability to develop and acquire alternative fuels that improve mission capabilities under section 526 of the Energy Independence and Security Act of 2007.

Section 526 established important baselines that guide private sector innovators in the development of alternative fuels for our military.

It is a low-cost, commonsense provision that helps the military fulfill its existing goals to diversify its fuel supply to reduce costs and save lives.

It does not, as some incorrectly claim, ban any fuels. It has not hindered the Department of Defense from purchasing the fuels that we need right now to counter the new and dynamic threats we face throughout the globe. It simply requires fuel producers seeking to do business with our military to meet certain requirements. We cannot expect to fight and to win the wars of tomorrow with only the fuels of yesterday.

A $1 increase in the price of a barrel of oil translates to approximately a $130 million increase in DOD expenditures over the course of a year. A blip in the world oil market forces the Department to redirect resources away from mission priorities—grounding planes and turning ships around.

Since September 11, 2001, more than 3,000 servicemembers have been killed or wounded in attacks on fuel convoys in Afghanistan. Delivering technologies to our troops that improve efficiency and cost certainty over traditional sources of fuel is both a lifesaving strategy and has tactical benefits on the battlefield.

Some of my colleagues on the other side of this issue will say that section 526 is putting President Obama's green climate initiative into national security policy, but that is not true. But this provision was signed into law 9 years ago by a Republican President, George Bush. It is still supported by our military leaders today, and Congress should support it.

My colleagues will say that they are simply broadening the market for alternative fuels for the military, but they are not. They are ripping the bottom out from under it.

By inserting an anti-environmental agenda into the process of funding our national defense, the funding prohibition cripples existing efforts at the DOD to purchase cost-competitive biofuels and abolishes any certainty in the commercial marketplace.

This would take us backwards at a time when we need a smart, forward-looking approach to increase fuel diversity, particularly in ways that improve efficiency, enhance our range and agility, and better prepare our forces for future security environments where logistics may be constrained.

Energy security is national security.

Mr. Chairman, I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, fuel for our troops' mobility and strike capability is one of our military's most critical resources. The provision it would strike ensures that our military has all the options it needs for fuel.

Mr. Chairman, I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. PETERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's yielding and I rise in support of his amendment.

As he has, I think, very ably mentioned, the Department of Defense is the largest purchaser on the planet of fuel. We do need to increase the menu of our energy sources. The Department has clearly stated that section 526 has not hindered it from purchasing the fuel it needs today worldwide to support military operations, but we ought to think about tomorrow's soldiers, sailors, airmen, and marines who will need a greater range of energy sources. We ought to keep those options open.

Mr. Chairman, I appreciate the gentleman's offering the amendment, and I do support it.

Mr. PETERS. Mr. Chairman, I would just say, again, the politics on this amendment is really on the other side. We have seen the military support this. This is an effort started by President George Bush to improve our security and cost containment.

Mr. Chairman, I urge my colleagues to support removing this restriction by voting for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. PETERS. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote.

The Acting CHAIR. Without objection, the request for a recorded vote is withdrawn. Accordingly, on the basis of the voice vote, the noes have it and the amendment is not adopted.

There was no objection.

AMENDMENT NO. 19 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 114–623.

Mr. POE of Texas. Mr. Chairman, I have an desk amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 126, line 13, after the dollar amount insert the following: ''(reduced by $200,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Mr. Chairman, I yield myself such time as I my consume.

Mr. Chairman, the underlying bill gives $900 million of American money to Pakistan. That is $200 million more than last year.

My amendment cuts the money given to Pakistan to the same amount as last year, $700 million. Of course, if I had my way, I would cut all the money to Pakistan.

Here is the reason, Mr. Chairman: the Pakistanis hid Osama bin Laden, and we had to go into Pakistan and take him out. They hid him, and the world knows about it. After they hid Osama bin Laden, amazingly, the CIA section chief in Pakistan is poisoned. He comes back to the United States. He believes, and the CIA believes, that it was the Pakistani ISI that poisoned him. I agree with them.

People say that we need to help Pakistan fight the war in Afghanistan, but Pakistan is on the wrong side of the war, Mr. Chairman.

In an editorial by The New York Times entitled ''Time to Put the Squeeze on Pakistan,'' the paper calls Pakistan a dangerous and duplicitous partner, and said that Pakistan was fueling the war in Afghanistan.

Now, I don't agree with The New York Times on a lot of things, but I agree here. We can't trust the Pakistanis, yet every year, we give them more money.

In February 2012, a NATO report confirmed that ISI was supporting the Taliban and other terrorist groups with resources, sanctuary, and training. On May 21 of this year, the United States killed the leader of the Taliban in a drone strike.

And guess where he was hiding out?

In Pakistan.

Once again, the Pakistanis cannot be trusted. We are supposed to be fighting the Taliban in Afghanistan. The military in Pakistan, in my opinion, is taking the money we give them and helping to support the Taliban in Afghanistan. They want to have it both ways. U.S. officials later revealed that the Taliban leader that we took out was plotting new attacks on American targets in Afghanistan.

We have given Pakistan $33 billion of aid since 9/11, and each year we say that Pakistan is at the crossroads and needs to decide whether it is going to fight terrorists or fight on our side. Let me tell you, we are being played by the Pakistanis. They are taking money from whomever they can get it. They support the Taliban, and they claim they support us.

Let's just make them get a little less money every year. Cut it down from $900 million—which is in this year's budget—to what it was last year, $700 million.

Mr. Chairman, we don't need to pay Pakistan to betray us. They are going to do it for free. That is what this amendment does. It cuts money, $200 million.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the gentleman's passion on the issue and his consistent passion.

For the record, Mr. Chairman, the Coalition Support Fund allows the Secretary of Defense, as was true of his predecessor, to reimburse any key cooperating nation for logistical and military support, including access, specialized training to personnel, procurement, and provision of supplies and equipment provided by that nation in connection with a United States military operation, and Pakistan is one of those.

Receipts for reimbursements are submitted by cooperating nations and are fully vetted by the Pentagon and follow strict—and I say strict—criteria to meet standards for reimbursement. It is all about reimbursement. All payments are made in arrears and following notification to Members of Congress on appropriate committees.

Regarding Pakistan, the Coalition Support Fund remains a critical tool to enable Pakistan to effectively deal with future challenges from the emerging U.S. drawdown—and we are drawing down.

It also remains a cost-effective tool for the U.S. to remain engaged in the region and with Pakistan. We shouldn't be abandoning Pakistan, because we might actually have something even worse than what the gentleman describes if we turn our back on Pakistan.

Mr. Chairman, I feel strongly this amendment ought to be opposed.

I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's yielding. I associate myself with his remarks and I am in opposition to the gentleman's amendment.

There is no question that the relationship with Pakistan has been very difficult, but we ought to also remember that not only are we talking about the issues of terrorism in this country, but that Pakistan is possessed of nuclear weapons and has capabilities.

The committee is not ignorant of these facts, and the fact is that under the chairman's leadership, we do have section 9017 that requires the Secretary of Defense, prior to obligating the funds, to certify certain actions. One of those is that Pakistan is cooperating on counterterrorist efforts. They are preventing the proliferation of nuclear-related materials and expertise, and they are not intervening extra judiciously in political or judicial processes.

No one is completely naive here in this Chamber, but it is important that we continue that relationship with great care and oversight.

And, again, I do join with the chairman in opposition to the amendment, and I appreciate the gentleman yielding.

□ 1645

Mr. FRELINGHUYSEN. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE), my good friend.

Ms. JACKSON LEE. Mr. Chairman, my good friend, Mr. POE, is a good friend and a great leader on these issues dealing with terrorism, but let me, sadly, join in opposition to this amendment.

Over the years, I have worked with a number of persons in the Pakistani Government. But, in particular, I want to emphasize that the Pakistan military, over a period of years, has fought against terrorism and suffered a great treasure in the loss of their soldiers. I believe it is important that we continue to collaborate and, as my two colleagues have said, that we work extensively with oversight.

We must be mindful that they do have nuclear capacity. I believe it is important that we are engaging and that we use these resources for them to maintain the security of these resources but, more importantly, to keep

a collaboration with, in particular, their military operations which, overall, have been helpful in the war on terror.

I oppose that reduction, and I thank the gentleman for offering his amendment.

Mr. Chair, I rise to speak in support of En Bloc Amendment No. 1 to H.R. 5293, the Defense Appropriations Act for Fiscal Year 2017.

Mr. Chair, I want to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for shepherding this legislation to the floor and for their devotion to the men and women of the Armed Forces who risk their lives to keep our nation safe.

Mr. Chair, I am pleased that the En Bloc Amendment includes two of my amendments that were made in order under the Rule.

The first Jackson Lee Amendment (No. 49) increases funding for the PTSD by $1,000,000.

These funds should be used toward outreach activities targeting hard to reach veterans, especially those who are homeless or reside in underserved urban and rural areas, who suffer from Post Traumatic Stress Disorder (PTSD).

Mr. Chair, along with traumatic brain injury, PTSD is the signature wound suffered by the brave men and women fighting in Afghanistan, Iraq, and far off lands to defend the values and freedom we hold dear.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis.

In an instant a suicide bomber, an IED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do, even though you may not even have reached your 20th birthday.

But there always comes a reckoning. And it usually comes after the stress and trauma of battle is over and you are alone with your thoughts and memories.

And the horror of those desperate and dangerous encounters with the enemy and your own mortality come flooding back.

PTSD was first brought to public attention in relation to war veterans, but it can result from a variety of traumatic incidents, such as torture, being kidnapped or held captive, bombings, or natural disasters such as floods or earthquakes.

People with PTSD may startle easily, become emotionally numb (especially in relation to people with whom they used to be close), lose interest in things they used to enjoy, have trouble feeling affectionate, be irritable, become more aggressive, or even become violent.

They avoid situations that remind them of the original incident, and anniversaries of the incident are often very difficult.

Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

Mr. Chair, the fact of the matter is that most veterans with PTSD also have other psychiatric disorders, which are a consequence of PTSD. These veterans have co-occurring disorders, which include depression, alcohol and/or drug abuse problems, panic, and/or other anxiety disorders.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them.

Ask a veteran of Vietnam, Iraq, or Afghanistan about the frequency of nightmares they experience, and one will realize that serving in the Armed Forces leaves a lasting impression, whether good or bad.

Jackson Lee Amendment No. 49 will help ensure that "no soldier is left behind" by addressing the urgent need for more outreach toward hard to reach veterans suffering from PTSD, especially those who are homeless or reside in underserved urban and rural areas of our country.

The second Jackson Lee Amendment No. 67 included in the En Bloc Amendment increases funding for the Defense Health Program's research and development by $10 million. These funds will address the question of breast cancer in the United States military.

The American Cancer Society calls several strains of breast cancer as a particularly aggressive subtype associated with lower survival rates; in this instance, it's a triple negative. But I raise an article that says: "Fighting a Different Battle; Breast Cancer and the Military."

We all know, by the way, that breast cancer can affect both men and women. The bad news is breast cancer has been just about as brutal on women in the military as combat.

Let me say that sentence again. Breast cancer has been just about as brutal on women in the military as combat. More than 800 women have been wounded in Iraq and Afghanistan, according to the Army Times; 874 military women were diagnosed with breast cancer just between 2000 and 2011. And according to that same study, more are suspected. It grows.

The good news is that we have been working on it, and I want to add my appreciation to the military.

Jackson Lee Amendment No. 67, however, will allow for the additional research.

That research is particularly needed since women are joining the Armed Services in increasing numbers and serving longer, ascending to leadership. Within increased age comes increased risk and incidence of breast cancer.

Not only is breast cancer striking relatively young military women at an alarming rate, but male service members, veterans and their dependents are at risk as well.

With a younger and generally healthier population, those in the military tend to have a lower risk for most cancers than civilians—including significantly lower colorectal, lung and cervical—but breast cancer is a different story.

Military people in general, and in some cases very specifically, are at a significantly greater risk for contracting breast cancer, according to Dr. Richard Clapp, a top cancer expert at Boston University who works at the Centers for Disease Control and Prevention on military breast cancer issues.

Dr. Clapp notes that life in the military can mean exposure to a witch's brew of risk factors directly linked to greater chances of getting breast cancer.

We are on the right track, we're on the right road.

I thank the Chair and Ranking Member for including the Jackson Lee Amendments Nos. 49 and 67 in the En Bloc Amendment and urge my colleagues to support the En Bloc Amendment.

Mr. FRELINGHUYSEN. Mr. Chair, I would like to point out that these reimbursements are made to maintain some 186,000 Pakistani forces along 1,600 miles of border between Afghanistan and Pakistan to deter border conflict, movement, counterterrorism-counterinsurgency operations.

The Pakistanis have paid quite a price in their military for deaths related to their work to protect Afghanistan, and, may I say, the bad guys have paid a price. Nearly 28,000 militants were killed, injured, and arrested due to these operations. It is better that the Pakistanis are doing it than the United States military.

I yield back the balance of my time.

Mr. POE of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. POE of Texas. Mr. Chairman, I thank the chairman for his comments.

Pakistan is playing everybody. They take our money, it goes through ISI, and it ends up in the hands of the Taliban and Afghanistan that is killing Americans.

And, yes, they file reimbursements about us giving them money. They file reimbursements about the money that is being used. They file it with the Pentagon, and the Pentagon says that 50 percent of the reimbursement requests that they make are fraudulent. They lie and they cheat to get that American money. So Pakistan is playing everybody.

Nuclear weapons? Yes, they have got them. Now we hear reports that they may be working with the North Koreans and supplying them nuclear capability. I don't know if that is true or not.

The Pakistanis cannot be trusted. They are getting money from whomever they can. They do what is in the best interests of the current government. The military may not even be working with the government. We don't need to pay them any more money. Give them the same amount that they got last year and save the American taxpayers $200 million.

Once again, we don't need to pay Pakistan to betray us, Mr. Chairman; they will do it for free.

And that is just the way it is.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. DUNCAN OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 114–623.

Mr. DUNCAN of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 132, line 24, after the dollar amount, insert ''(reduced by $448,715,000)''.

Page 170, line 7, after the dollar amount, insert ''(increased by $448,715,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. DUNCAN of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have tremendous respect for Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY. I know that they have had a very difficult job in trying to resolve all the competing interests in this bill. They are two of our finest Members.

My amendment is being offered primarily because of my very great concern for our astounding national debt, now over $19 trillion, and a debt that is going up much higher in the years ahead. Also, I just do not believe in forever, permanent wars, and we have now been involved militarily in Afghanistan for over 15 years, with no end in sight.

The words we see most often about the American public's view of the war in Afghanistan are ''war weary.'' The American people want us to stop spending so much money in Afghanistan and start making things more secure here at home.

Afghanistan is classified as one of the least developed countries in the world. With a population of 30 million, their GDP is approximately $20 billion in American dollars. Even with my amendment, which would be a 13 percent cut, we would still be spending $3 billion there in the next fiscal year. My amendment would save $448 million and place it in the deficit reduction account.

The OCO account has been referred to as a slush fund for the Defense Department and as a budgetary gimmick. Just yesterday on this floor, the ranking members of the full committee and the subcommittee both criticized this way of funding some of our overseas operations.

The NDAA bill funded the OCO only to the level of $35.7 billion instead of the $58.6 billion in this bill, and there has already been acknowledgement that there probably will be a supplemental appropriations bill to be passed before May 1.

Afghanistan was referred to by the disgraced General Petraeus, who is still respected by many, and many others as the ''graveyard of empires.'' It is ruled by tribes and village warlords, and the threats from radical Islamic terrorists to the U.S. are much greater for almost every other country, and even here at home.

The average income there is about $667 a year. With the $3.5 billion in this bill for Afghanistan, we could put almost every leader there on the U.S. payroll and give them big raises.

My amendment has been endorsed by the fiscally conservative Taxpayers for Common Sense.

I commend the subcommittee leadership for already having a small cut in this bill for Afghan funding from $3.65 billion to $3.45 billion. This seems to me to be at least a partial admission that most on the committee agree with me. I believe that they have not gone far enough. In fact, I would have liked to have gone much further with my amendment. I simply believe that we should stop throwing money down this very wasteful black hole and start putting our own people and our own country and our own needs first once again.

In recognition that the subcommittee is at least headed in the right direction with this small cut and in hopes that additional cuts could be made at conference, or at least in next year's bill, I appreciate being given the opportunity to at least express my very strongly held views on this situation in Afghanistan.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 21 OFFERED BY MR. SANFORD

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 114–623.

Mr. SANFORD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 10003. None of the funds made available by this Act may be used in contravention of section 418 of title 37, United States Code, as such section was in effect on June 9, 2016, with respect to athletic shoes.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, this amendment, in simplest form, would block section 808, the so-called New Balance provision, by defunding it.

I want to say before I get into the content, I want to compliment BRUCE POLIQUIN, BILL HUIZENGA, and MARTHA MCSALLY. We just had a fascinating conversation in the Cloakroom just a few moments ago. I think that, if their constituents and the American public at large could see the degree of thoughtfulness, their forthright approach, and the intellectual weight behind the things we just discussed in trying to find some kind of a solution here, they would be most impressed.

It is with reservation that I offer this amendment, based on respect for each one of them, but I do so based on some concerns that I have in looking at the base language's approach and what it would mean for the average recruit out there.

I offer this amendment based on, one, a concern for the troops. Right now, if you look at ballpark, the average new recruit, not all, but many of them have about 13 different choices in terms of shoe size. Fundamentally, this would bring it down to one, hopefully two, as Saucony came on line, and maybe two or three models of those different shoes in time, but it would begin to limit choices.

I think that, for the average recruit out there, when there are very, very few choices, there is a wisdom to having more choices based on the notion of one size never fitting all. There have been any number of different Army and other military studies that have shown a correlation between injury and fewer choices.

Secondly, I would say that this amendment is in the interest of the taxpayer. We now spend about $100 million a year in the recruit cycles on musculoskeletal injuries, 80 percent of which are tied to the lower extremities; disproportionately, those are tied to training injuries in, again, the new recruit cycle. Again, there is a degree of correlation between injury and fewer choices. I think that this amendment gets at that.

Finally, I think this is about process. The military has allowed cash allowances for some time because they have recognized, again, the need for personal choices and personal matters. For instance, for women's undergarments, people are allowed a personal choice in picking the woman undergarments that work for them.

Yet there is nothing more personal, at the end of the day, for a new recruit than their shoes. I think that, from a standpoint of process, preserving this notion of military cash allowances is important. I think it is for that reason that this amendment is supported by the Association of the United States Army, the White House, the DOD, a variety of different conservative groups, and more.

But before we get into that, so that we might have a little bit further debate on this issue, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. Mr. Chairman, this amendment would undermine a provision included in both the House- and Senate-passed NDAAs that is aimed at ensuring that the Department of Defense adheres to the law, a law that DOD indicated that it would follow once a 100 percent American-made shoe was available that met its cost and durability standards.

Well, today the domestic shoe industry has rebounded—employing thousands of workers throughout the country—and several versions of a completely American-made shoe are now available to the Defense Department, but they have yet to provide those shoes to new recruits.

After testing and approving two 100 percent American-made athletic shoes last year, Defense Department officials underscored their quality, writing that one of those shoes ''scored higher overall than any other neutral/cushioned running shoe we have tested thus far.''

This is quite an endorsement, since the Defense Department has been testing sneakers for more than 20 years. Even so, should recruits require something more specific, they can receive a waiver.

And Stars and Stripes reported last week that, when the Navy switched to Made in America shoes in 2004, ''stress fractures had been reduced by 69.7 percent.''

We should ensure that all recruits have the best quality shoes to choose from always—and the best is American made.

As for cost, industry has committed to providing new recruits with running shoes that cost $15 per pair less than the cash allowance currently provided to new recruits. And to be clear, any U.S. footwear manufacturer that makes 100 percent American-made shoes is eligible for this contract.

The provision in the House- and Senate-passed NDAA supports American workers, provides a better value for American taxpayers, and supports American servicemembers by supplying them with the highest quality athletic shoes available.

I strongly oppose this amendment.

I reserve the balance of my time.

Mr. SANFORD. Mr. Chairman, I continue to reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. POLIQUIN), with whom I have worked so closely.

□ 1700

Mr. POLIQUIN. Mr. Chair, the Berry amendment has been the law of the land in the United States for 75 years. Very simply, it requires the Pentagon to issue American-made gear and equipment to men and women in uniform for basic training. This is very important because it promotes good-paying, U.S. manufacturing jobs and national security by assuring an American supply chain for that equipment. Today, the Berry amendment supports 600,000 U.S. manufacturing jobs—from T-shirts to combat boots to parachutes.

I represent 900 of the most skilled, hardworking athletic shoemakers in the world. They are proud and they are honored to manufacture the highest quality athletic shoes for our troops.

Mr. Chair, a vote for the Sanford amendment is a vote for manufacturing jobs in Asia. I ask everyone to please vote ''no'' on the Sanford amendment. Vote ''no'' on the Sanford amendment in order to support U.S. manufacturing jobs, to save taxpayer dollars, and to reduce injuries by providing the highest quality, 100 percent American-made athletic shoes made for U.S. recruits.

Mr. SANFORD. Mr. Chair, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chair, I yield 1 minute to the distinguished gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Chair, I rise in strong opposition to the Sanford amendment.

This proposed amendment runs counter to a 2014 DOD policy change that allows our military recruits to have athletic shoes that are manufactured right here in the United States.

My friend from South Carolina is misguided in his understanding of this policy, I believe. There are multiple American companies that are competing to supply our men and women in uniform. As this Member has fought against earmarks, this is not an earmark. In fact, in Michigan, Bates currently produces Berry-compliant combat boots and dress shoes for our warfighters, and it is ready to do the same for military recruits with its all-American name Saucony athletic shoe right here. It wants to compete.

In reality, the Sanford amendment, ironically, works against our men and women in uniform to have access to the best equipment available. I urge my colleagues to oppose the Sanford amendment and to make sure that our recruits have the gear that they need and deserve, both with Saucony and New Balance, and the choices that those would offer.

Mr. SANFORD. Mr. Chair, I would just make two points in this conversation.

One, this debate before us is, really, about this notion of individual choice. I think that liberty is the hallmark of the American experiment, and I think, wherever possible, we need to preserve it. So this is not about taking away American jobs. It is about saying that I believe that American companies, based on the products that they produce, can compete on the world stage, and we don't need a mandate to ensure that they do. It is not about taking away New Balance as a choice. It is just saying: Can it be among a range of different competitive choices out there for the new recruit?

Secondly, I would make this point that, actually, if you look at the New Balance shoes, two of the three options were offered. Stability and cushioning, they approved, but the DOD has still not signed off on motion control. So, actually, only two of the three choices are available. I would add that.

Mr. Chair, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chair, I yield 1 minute to the distinguished gentlewoman from Arizona (Ms. MCSALLY).

Ms. MCSALLY. Mr. Chair, I rise in strong opposition to this amendment.

As a runner for 36 years and as someone who served in the military for 26 years in leading and in supervising recruits and individuals and in coaching a lot of people to run marathons and multiple running events, I know a lot about this issue. I couldn't agree with the gentleman from South Carolina more. They need to have choice in order to make sure that they are set up for success as the types of runners that they are.

Right now, our recruits are getting injured because they are handed cash, and they are told to go over to the BX and buy some shoes. Most of them have no idea: Am I a pronator? Am I a supinator? Do I have a high arch or a medium arch? Do I need a motion-control or a stability or a cushion shoe? They buy shoes based on price and put the rest in their pockets, or it is based on which ones they like, on which ones they think look good. Also, individuals at the BX are not trained to be able to put them in the right shoes to set them up for success. Right now, they are being injured; their dreams are being broken; and they are unable to contribute, due to shinsplints, stress fractures, and other things, because they are not set up for success.

If we comply with this amendment, which we vigorously discussed in HASC and passed unanimously by a voice vote, they would have the opportunity for the Pentagon to measure them, their gait, and then provide them with shoes that are appropriate for them. There are multiple choices in motion control, stability, or cushioning, whichever applies to them. This is about readiness and avoiding injury. We need our troops to start off on the right foot and with the right footwear.

I strongly oppose this amendment.

The Acting CHAIR. The time of the gentlewoman from Massachusetts has expired.

Mr. SANFORD. Mr. Chair, I would say a couple of different things.

One, if you look at section 418 within the NDAA, cash allowances are absolutely Berry-compliant. It is something that we have done for a long number of years. That notion of preserving a choice has been something that has been consistently offered through all armed services.

Two, people care about things that they can control, and I would argue that the average new recruit out there is going to be that much more vested in a decision that they have control over versus one that they don't.

Finally, I think there are whole hosts of people who care deeply about our

Armed Forces and our readiness—people like JOHN MCCAIN and JONI ERNST, who spent I think 20 or 30 years of her time in the military and who is now in the U.S. Senate—and who are against, again, this particular provision and who have been working on language over on the Senate side. I think it is why the White House opposes and the DOD opposes, and why a range of different conservative taxpayer groups opposes. It is not because they don't care about the DOD. It is because they believe, from the standpoint of the recruit and training, it is better for the recruit, and from the standpoint of taxpayer compliance and in watching out for the taxpayer, it is better.

Again, I have heard very loudly and clearly what my colleagues have said on this. I admire the way in which they have advocated, but I, respectfully, take a different viewpoint on this one.

Mr. Chair, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I yield to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. I thank the gentleman.

Mr. Chair, first of all, I would just like to set the record straight. Cash allowances are a circumvention of the Berry amendment. They are not Berry-compliant.

Then just to address a couple of the issues that have been raised, first of all, as we have heard, requiring the Defense Department to abide by the Berry amendment would not advantage only one company, and it would not limit the varieties of shoes that are offered to new recruits. As we have heard, multiple companies that employ thousands of Americans have expressed their interest in manufacturing athletic shoes and would provide new recruits with the highest quality of brands to choose from.

Beyond the fact that there are multiple companies, they also would provide multiple models, as we have heard—the stability, the cushioning, the motion control. All of these would have to pass rigorous testing. As we have heard, one of those shoes has already scored higher than any other shoe that has been tested over the course of 20 years. As Stars and Stripes reported again—just to reiterate from last year—when the Navy switched to Made in America shoes in 2004, stress fractures had been reduced by 69.7 percent.

I believe we should close this loophole to make sure that all recruits have the best quality shoes to choose from, and the best is American-made.

I urge my colleagues to oppose this amendment.

Mr. VISCLOSKY. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. BUCK

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 114–623.

Mr. BUCK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to implement Department of Defense Directive 4715.21 on Climate Change Adaptation and Resilience.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Colorado (Mr. BUCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chair, this amendment to the Department of Defense Appropriations Act prohibits funds from being used to implement the President's climate change agenda at the cost of our national defense.

Directive 4715.21 on Climate Change Adaptation and Resilience would force our military to incorporate climate change in everything they do—from combat operations to preparedness to training. Climate change would become one of our Nation's greatest enemies. When our Nation is under attack, generals in the war room and officers in the field need to be focused on winning the battle, not on limiting their carbon footprint.

Our national security has already been impacted by the thinking behind this directive. Former Acting Director of the CIA, Michael Morell, admitted recently that the U.S. declined attacking ISIS' oil wells in part for fear of the environmental impact, yet these oil wells provide funding for ISIS and allow the terrorist organization to recruit individuals in the United States for its evil mission.

With ISIS and its ideology attacking our homeland, now is the time to focus on our imminent defense requirements because climate change is not an enemy of the United States. ISIS, with its anti-American ideology, is our enemy. China and Russia are our enemies. North Korea and Iran are our enemies.

The lives of American citizens, the lives of our soldiers, and the lives of innocent people around the world depend on the strength and resolve of the U.S. military. When we distract our military with a climate change agenda, we detract from its ultimate purpose.

I urge my colleagues to support this commonsense amendment.

Mr. Chair, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I don't know how much more scientific evidence we are going to need before we understand the reality that there is a change in our climate and that we are going to have to accommodate that change. Today, I am not talking about coal or carbon. I am talking about accommodating the change that is taking place today on the planet Earth.

We have one individual who is running for President of the United States who claims that this is hogwash and let's bury our heads in the sand. Nevertheless, one of the properties he owns has asked for money to build barriers that are justified because of climate change.

In setting aside the raw politics of this position, I would also point out that we have had the Chief of the Pacific Command, Admiral Locklear, come in. I wouldn't suggest his being an ideologue in any way shape or form but someone who was charged with the command of the Pacific Fleet, which we had a conversation about earlier today, and greatly concerned about the adverse consequences these changes have on the United States Navy.

We have had a hearing with the Director of National Intelligence, who is charged with the supervision of the 17 intelligence agencies of the United States of America. He testified that extreme weather, climate change, and environmental degradation exacerbate and spark political instability and humanitarian crises.

It is imperative that we do not hamstring our military, which is defending our interests in a changing global environment, by adopting this gentleman's amendment. I strongly oppose it.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. BUCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. BUCK

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 114–623.

Mr. BUCK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to designate or expand a heritage asset under division A of subtitle III of title 54, United States Code (commonly referred to as the ''National Historic Preservation Act''), in any of Baca, Bent, Crowley, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo counties, Colorado.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Colorado (Mr. BUCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chair, this amendment to the Department of Defense Appropriations Act prohibits funds from being used to limit private property rights in southeast Colorado.

The Department of Defense can designate land, buildings, and archaeological sites as heritage assets to extend Federal control over private property, claiming that they need to protect areas of heritage in our country. But part of the heritage of the land in southeast Colorado is the farming and ranching that has gone on for generations.

□ 1715

The people who work on the land there take good care of it. They are true stewards who know that overuse and mistreatment will hurt next year's harvest or the next generation of livestock. After all, that land is their heritage.

These property owners now face an attempt by the Federal Government to impose a forced conservation agreement on their property without compensating them. This scheme is simply a backdoor method for the government to impose Federal control over private property.

Our democracy depends on private property rights because these rights are a key part of a free and prosperous society. We must protect the freedom, prosperity, and heritage of southeast Colorado from overreaching government.

I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I do appreciate the gentleman from Colorado's concern for his constituency and his State. We had a markup of another bill earlier today in the Appropriations Committee, and I was very vocal on behalf of the constituents I serve, so I certainly do appreciate that, but I respectfully oppose his amendment.

The previous amendment offered literally dealt with our entire globe. Now we have shrunk our concern to several counties in the State of Colorado. I appreciate—because his amendment is covered under the rules—his impulse to attach it to an appropriation bill, because, for better or for worse, the work product of this great committee is about the only one that is going to see the light of day between now and December.

Having said that, I do think it is premature. It is a matter of authorization and does not belong in the bill. And, therefore, I am opposed to it.

I reserve the balance of my time.

Mr. BUCK. Mr. Chair, I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. BUCK).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. BYRNE

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 114–623.

Mr. BYRNE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to modify a military installation in the United States, including construction or modification of a facility on a military installation, to provide temporary housing for unaccompanied alien children.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Alabama (Mr. BYRNE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, I want to start by thanking both the chairman of the subcommittee and the ranking member for the fine work they have done in this underlying bill. I have been with them on a couple of occasions, and we owe them a great debt of gratitude. The bipartisanship showed in this is a great reflection on our institution.

I regret that I have to offer this amendment, but something has come up since the committee had its meeting that I could not foresee.

My amendment will address a serious issue relating to unaccompanied alien children being housed at the Department of Defense facilities across the United States.

The Department of Health and Human Services has recently made agreements with various defense facilities across the U.S. about housing unaccompanied minors who are caught crossing the southern border. The large number of migrants from Central and South America crossing our southern border is a serious humanitarian crisis, and I understand the need to responsibly handle this situation with compassion.

That said, it simply makes no sense for these individuals to be held at military installations. These facilities often pose serious safety issues for children. Some of the children could be placed near live artillery ranges around active military airfields.

I represent a district in coastal Alabama, and my office recently learned that the Department of Health and Human Services was evaluating housing illegal immigrants at Navy outlying airfields right near the Gulf of Mexico. Mr. Chairman, these are airfields where they do touch-and-goes, where you have pilots that are being trained trying to learn how to do it right. Last time I checked, we try to keep children away from airfields, not put them close to them.

Even worse, these facilities lack basic infrastructure needs. There is no sewage, and as far as I know, there is no potable water. And there are no shelters there or buildings that could be turned into shelters. This means temporary housing would be set up at a Navy airfield on the Gulf Coast in the middle of hurricane season in a low-lying wet area that is prone to many mosquitos in a place we know is a major threat for Zika. The idea just defies logic.

There are other horror stories of housing these migrants and how it has impacted our military. For example, at Fort Hood in Texas, units have been unable to train on ranges. This has a direct and negative impact on military readiness. At a time when we face so many challenges around the globe, it just makes no sense to alter the intended use of our military facilities to serve a completely different purpose.

My amendment would simply prohibit the Department of Defense from using any funds to alter existing facilities or construct new ones for the purpose of providing temporary housing for unaccompanied alien children. There are other nondefense facilities near the border that are available. They do not have to use military facilities.

I ask my colleagues to support my amendment as we work to ensure that defense funds are not spent on issues outside the mission of the Department of Defense.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, there is no question, I think, from anyone in this Chamber that the Members of the United States military and the Department of Defense are the finest human beings on planet Earth. Their primary charge is to keep our country safe and secure.

But I also think that we take great pride when they go above and beyond

that particular charge that we have given them under the Constitution. And when there is a disaster in the country of Haiti, who do people call on for help but members of the Department of Defense and the United States military.

When there is flooding in Bangladesh, who is called upon? Members of the United States Armed Forces to help in a humanitarian crisis. When you have problems and earthquakes in Japan, who do they reach out to? Members of the United States military for humanitarian assistance. We have concerns in Pakistan and tragedies; who reaches out to members in the Armed Forces of the United States for humanitarian assistance but the Government of Pakistan. You have a typhoon in the Philippines, and who is called into action, not militarily, but from a humanitarian and relief standpoint? Members of the United States military repeatedly because we are a humane Nation.

What we are talking about with this gentleman's amendment that I strongly oppose is temporarily housing unaccompanied minor children who find themselves in a tragic circumstance in the United States of America. The Department of Health and Human Services Office of Refugee Resettlement is required by law to provide shelter, care, and placement. Because the number of unaccompanied children has spiked in recent years, it is difficult for HHS to find temporary housing for all of them.

As long as there is no impact on DOD military activities, the Department should be allowed to identify facilities in the United States to provide the same type of humanitarian assistance to minor children that we do in the Philippines, Pakistan, Japan, Bangladesh, and Haiti.

I live in a humane country that reaches out to help people who can't help themselves, and I think we should allow the United States military to do that in the United States of America when it does not impact their military operations.

I reserve the balance of my time.

Mr. BYRNE. Mr. Chairman, I completely agree with the ranking member that we take great pride in opportunities for our military around the world to do things of a humanitarian nature. That is one of the hallmarks of the United States.

I am thinking more in this circumstance, however, about the needs of these children. I would not put my children out where they are talking about putting these children in my district. I daresay none of us would want our children to be in these places. It is simply not safe for them. With this Zika threat that is out there, we can't say that they are not going to be exposed to mosquitos that we know are vectors for this disease.

Unfortunately, where I live, this time of year, we have tropical storms, and we have hurricanes. Those children can't stay there in temporary housing. This is simply not the right place to put them.

There are other facilities that the Federal Government owns that are military facilities that are appropriate, that are closer to the border. And HHS is simply refusing to do its job by putting them in those places and burdening the Department of Defense facilities by putting them in those places, and they are not the right places for these children.

I understand the gentleman's remarks. I agree with virtually everything that he said, but I think, in this particular circumstance, this amendment is in order.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I reiterate my opposition to the gentleman's amendment.

I yield back the balance of my time.

Mr. BYRNE. Mr. Chair, I thank the gentleman, and I thank the House for listening to me. I ask for a positive vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BYRNE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 114–623.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out or in response to the memorandum of the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities titled ''Memorandum for Secretaries of the Military Departments Director, Joint Staff'' and dated November 25, 2015.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment is a bit different than the gentleman from Alabama's previous amendment in that I drafted this amendment to block the use of any funds within this appropriations bill from being used by our military to house illegal aliens or unaccompanied alien children.

So my amendment is a bit more specific, and I think it is on target in that it says that:

''None of the funds made available by this Act may be used to carry out or in response to the memorandum of the Deputy Assistant Secretary of Defense. . . . titled 'Memorandum for Secretaries of the Military Departments Director, Joint Staff' and dated November 25, 2015.''

The summary of that is that this memorandum, which I have in my hand, dated November 25, is from the Department of Homeland Security to the military that says identify the inventory that you could allow to be used to house unaccompanied alien children, and then they want to enter into private agreements for each facility.

So this amendment that I have, as drafted, really says this: No military bases or buildings will be used to house the unaccompanied alien children, period. So that covers, I think, the topic that is in Mr. BYRNE's amendment, and it covers the broader topic, which is our military should not be used to inappropriately house and be part of the welcome party that the President has set up that is encouraging people to come into the United States illegally.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the gentleman indicated that his amendment differs from the previous one just offered and debated. I would suggest it is a difference without a distinction.

I would suggest that the solution to the concern that the gentleman has is, if we did not starve and cut and slash and pillage and burn the budget of Health and Human Services every year, maybe they would have the financial resources to house these minor children. We are in a position where the bill that is being debated on the floor has about one-half of all discretionary domestic spending in this country. Obviously, that is where the gentleman has gone.

But the fact is if he, in fact, believes that it is Health and Human Services that ought to be addressing a greater amount of the shelter needs, if they had the adequate resources, perhaps they could reach out and do it.

In the meantime, again, I continue to live in a humane nation that provides humanitarian relief worldwide. I think we can do the same in the United States for minor unaccompanied children.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I would point out the distinction that the ranking member defines as without a difference, without a distinction.

There is a difference, and the distinction is that the previous amendment said no new construction and no renovation on existing bases. My amendment says no funds can be used to even negotiate any provisions nor do new

construction or renovation. None of the resources can be used.

□ 1730

Mine actually blocks the President's policy as opposed to catching up on the other end of it. But the important point of it is this. We have a President, an administrative policy that has defied the rule of law. He has even refused to enforce the laws that he has signed, and then put the welcome mat down in, especially, Central America.

We have reports of planes lifting off from places like Guatemala City flying unaccompanied alien children into the United States, and then they claim the Department of Homeland Security has a legal obligation to care for them and house them—well, not for everybody on the planet that the President has sympathy for, Mr. Chairman.

So what we are trying to bring forth here is a greater respect for the rule of law—the President, I believe, has gone outside the law with this memorandum—a greater respect for the rule of law and moving towards a fiscal responsibility that may require a sense of austerity. We don't have either one with this administration.

This amendment does also preserve the Article I authority of the United States Congress, which has been eroded significantly over the last 7½ years.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. I would simply reiterate my opposition to the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I would say again, addressing you, and with the attention of the body, that this is one of the pieces that the President has used to go outside the bounds of his authority and inside the bounds of our constitutional authority.

I have made it a point to come to this floor time after time and protect our Article I authority that is vested in us and to be able to make sure that we keep all of this in front of us. The House has never failed to send a message to the President of the United States that we will defend our constitutional authority, at least with regard to immigration. This amendment does that. I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 114–623.

Mr. GOSAR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to extend the expiration date of, or to reissue with a new date of expiration, the memorandum titled ''Military Accessions Vital to the National Interest Program Changes'' and dated September 25, 2014.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, in September of 2014, on the same day Attorney General Eric Holder resigned, the Obama administration took executive action and issued a memo that allowed DACA aliens to begin enlisting in the military. Specifically, President Obama's administration unilaterally expanded eligibility in the Military Accessions Vital to the National Interest, or MAVNI, program to include DACA aliens through a September 25, 2014 memo. Prior to this memo, the executive branch never attempted to enlist DACA aliens through MAVNI.

Further, military enlistment rules explicitly prohibit illegal aliens from enlisting in the Armed Forces. MAVNI is a military program intended for lawful immigrants and lawful nonimmigrants. The Department of Homeland Security's Web site states that DACA aliens lack lawful status and are subject to all legal restrictions and prohibitions on individuals in unlawful status.

The Gosar amendment would not end the MAVNI program, as open border advocates have falsely claimed. I support the intent of MAVNI. As NumbersUSA accurately states, the Gosar amendment would return the MAVNI program to its original intent by defunding any extension of the memorandum responsible for expanding MAVNI to include DACA beneficiaries.

When I offered a similar amendment less than a month ago, DOD reported that only five DACA aliens had enlisted in the Armed Forces. Yesterday, DOD confirmed to my office that 141 total DACA aliens had enlisted in the military through April 30, 2016, as a result of Obama's backdoor amnesty program.

As noted by the nonpartisan Congressional Research Service, CRS, the MAVNI program allows citizenship to be granted to any enlistee who serves at least 1 day of wartime service. MAVNI was never intended to be utilized for the benefit of illegal aliens. Testimony from DOD states that MAVNI was created to recruit legal noncitizens with critical foreign language and cultural skills.

Retired Lieutenant Colonel Margaret Stock, who created and implemented the MAVNI program, previously stated, as quoted in a Politico story: ''It's a major bureaucratic screw-up by the Obama administration . . . The MAVNI program is not designed for DACA at all . . . It was rather alarming to see DACAs being put into MAVNI. Someone didn't know what they were doing.''

An Army Times story also quoted Stock as stating: ''It was set up for people who are legally in the country, and had been legal their whole history . . . They have to go back and redo all the security screenings, train recruiters all over again . . . it's one of these things where people want magic to happen, and bureaucracy doesn't work that way.''

These comments are even more noteworthy, as Stock is a huge amnesty supporter and testified in support of provisions in an earlier version of the DREAM Act.

Article 1, section 8 of the Constitution gives Congress clear jurisdiction on immigration matters. Congress has consistently rejected and failed to act on policies that aim to allow illegal aliens to serve in the military. In fact, the House has rejected DACA three times. Furthermore, MAVNI, a pilot program, created by executive order, has never been authorized by Congress.

The amendment is supported by Americans for Limited Government; Eagle Forum; the Federation for American Immigration Reform, FAIR; Heritage Action; and NumbersUSA. In fact, it is being key scored by NumbersUSA and Heritage Action.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS), the chairman of the Committee on Rules.

Mr. SESSIONS. Mr. Chairman, I thank Mr. GOSAR not only for his work, but also for working with the Committee on Rules diligently to have this made in order.

I am very supportive of this amendment to ensure the administration cannot implement what I consider to be an unconstitutional memo expanding the Military Accessions Vital to the National Interest program, I think in clear violation of congressional intent—as a matter of fact, working around Congress.

We must ensure that congressional intent is always protected and executed in accordance with the will of the people and rule of law. The purpose of this program is too important to be exploited for those who I believe have used it for a political agenda. Immigration policy must and should be debated in the Halls of Congress, not written in an agency behind closed doors.

I am very pleased with the gentleman from Arizona, and I thank him for his amendment and for working with the Committee on Rules to have this made in order today.

Mr. GOSAR. Mr. Chairman, I reserve the balance of my time.

Mr. GALLEGO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Arizona (Mr. GALLEGO) is recognized for 5 minutes.

Mr. GALLEGO. Mr. Chairman, I also strongly oppose the amendment offered by my friend, Mr. GOSAR. Mr. GOSAR is an outstanding Member of this body and a great advocate for the great State of Arizona, but unfortunately we don't see eye to eye on this amendment.

Mr. Chairman, immigrant service in uniform shouldn't be a controversial issue. The Secretary of Defense has the statutory authority to allow any immigrant to enlist if it is in our national interest, including DACA recipients who want to fight for our country.

Simply put, we shouldn't let political posturing stand in the way of our military's recruitment goals. Our Armed Forces need the best and the brightest soldiers, marines, and airmen they can get. Countless DREAMers and other immigrants want nothing more than to serve the country they love and call home. I fought in Iraq, and I know that on the battlefield what matters is your character and your commitment, not your immigration status.

Mr. Chairman, when we vote on this amendment later this evening, I hope we all consider the long sweep of history and not just the anti-immigrant politics of this present time. Immigrants, including those who came here without the right papers, have served with distinction in both world wars. Our military was made stronger in the 1940s because these men were allowed to enlist, and our military will be made stronger in 2016 if we vote to give another generation of immigrants the chance to serve.

Mr. Chairman, the willingness to fight and die in uniform is the purest expression of our love for our country. Let's oppose this amendment and give immigrants who love America the opportunity to try to enlist in America's Armed Forces.

Mr. Chairman, I yield back the balance of my time.

Mr. GOSAR. Mr. Chairman, I didn't serve in the military, but I understand my constitutional obligation, Article I, section 8 power as well as the application of the rule of law. That is exactly what made America great was equal application of the law.

If you don't like the law, don't go around it and bypass it with an executive order. Understand that the full jurisdiction of this House is to uphold Article I, section 8 powers. We never gave jurisdiction to this, and it shouldn't go forward. I ask all of those voting on behalf of this amendment to go forward, as well as the King amendment as well.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GALLEGO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 114–623.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to extend the expiration date of the memorandum titled ''Military Accessions Vital to the National Interest Program Changes'' and dated September 25, 2014.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment is very similar to Mr. GOSAR's. I think it is important that we continue the debate on this particular issue.

What it says is that none of the funds made available by this act may be used to extend the expiration date of the memorandum titled Military Accessions Vital to the National Interest program changes. Again, it is the President reaching outside the bounds of the law. It is the President deciding he is a legislator instead of the executor. His job is to take care that the laws be faithfully executed, not make them up and go around the United States Congress.

I think there is something missing from this debate. It is an assumption that if we have someone in the military and they happen to be covered under DACA, that somehow they are legal. The President can't legalize people that are unlawfully present in America by law. He just asserts that executively, and we have to go to court then to reverse it and get the courts to change that. But the President has relentlessly amended immigration law by executive fiat and executive edict, and this is another time.

Under my amendment, he has the authority to put specialized people in place in the military if they have a special skill set. Now, one of those skill sets is not being an interpreter from English into Spanish. We have plenty of people who can do that. But it is for perhaps interpreters who speak Arabic; it is people who have special skills. It is not for the President to use this as a blanket amnesty.

By the way, people who come into this country under DACA have violated the law. Now, whether they were old enough to be aware or not, it is a matter of law. It doesn't matter to the law. They wave their DACA card at me and say, ''I am now here legally.'' They are not here legally. They just presume they are because we haven't been able to yet block the President on this issue; but we have litigated it, and I have been one who helped initiate the lawsuits to do that.

Now, when someone gets into the military who is Deferred Action for Childhood Arrivals, chances are they were in the military before they ended up with that card. But if they did, if they came into the country illegally and the President said, ''I am not going to enforce the law against them until such time as DACA expires,'' and then he would like to extend it, they broke the law to come into America, then they lied to get into the military, and then they took an oath to support and defend the Constitution of the United States. So I would say which of those three times were they really honorable, the last time or one or two of the first two times? That is really what is at stake here, Mr. Chairman. We can't be allowing the President to go outside the law.

I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GALLEGO. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GALLEGO. Mr. Chairman, immigrants have been fighting in America's Armed Forces since the founding of the Republic. Many of them did not come here legally, but in countless cases we still allow them to enlist because, for most of our history, your patriotism was more important than your papers.

The amendment offered by Congressman KING is inconsistent with this rich tradition of immigrant service.

DOD is currently allowing a small number of immigrants who possess critical foreign language and technical skills to join the military through a program called Military Accessions Vital to the National Interest. The amendment before us would end this important program, preventing immigrants from serving in uniform who have medical expertise, linguistic skills, and cultural knowledge that could make a difference in the battlefields of Iraq and Afghanistan. It is important to note that the MAVNI program is fully consistent with current law.

As the chairman of the House Committee on Armed Services, Congressman THORNBERRY, stated in a recent debate on this issue:

The Secretary has the authority to fill critical needs, whatever they may be, with individuals, however they may have gotten here.

It is also worth noting that, though the MAVNI program allows certain DREAMers to serve, it also makes eligible 22 other categories of immigrants, including a variety of visa holders who entered the country legally.

Finally, this amendment is contrary to our national security interests. As a proud veteran of the Iraq war, I know that the strength of our military is defined not just by the potency of our weapons, but the quality of our people. Our Armed Forces need the best soldiers, sailors, marines, and airmen they can get.

□ 1745

Mr. Chairman, we should leave the doors of our military open to our young immigrants who love America and are willing to lay down their lives for our country.

Please join me in voting ''no'' on this misguided, mean-spirited amendment.

I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I would point out that I disagree with the gentleman from Arizona. There is a provision that allows the MAVNI program to be used by the Secretary of Defense, and it has notwithstanding language:

> Notwithstanding paragraph, the Secretary concerned may authorize the enlistment of a person if that Secretary determines that such enlistment is vital to the national interest.

That has long been used in the MAVNI program. It has just never been used under another President to circumvent our immigration laws and fast track people not just into the military, but into citizenship.

If a DACA person is able to get into the military under this MAVNI program or any other program, they don't have to go the green card route with a lawful permanent residence card. They can go directly on a fast track to citizenship. It is a way of circumventing our immigration laws. The President has been using it. And this amendment would block at least that provision of it, so I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GALLEGO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 28 OFFERED BY MR. HUDSON

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 114–623.

Mr. HUDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

> At the end of the bill (before the short title) insert the following:
>
> SEC. ____. None of the funds made available in this Act may be used to transfer any individual detained at United States Naval Station, Guantanamo Bay, Cuba, to any other location.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from North Carolina (Mr. HUDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HUDSON. Mr. Chairman, I rise to urge my colleagues to support my amendment that prohibits funds from this appropriations bill from being used to transfer prisoners from Guantanamo Bay.

Over the weekend, we were tragically reminded of the very real threat of radical Islam when 49 Americans were murdered in the worst terrorist attack on our soil since 9/11. As we continue to mourn and pray for the victims and their families, we must recommit our efforts to defeat those who want to harm us.

We are at war with the radical Islamic extremists, yet our Commander in Chief is so focused on closing Guantanamo Bay that he ignores the danger posed by the terrorists detained there. The American people are counting on us to protect them.

This is a prison that houses some of the world's most dangerous war criminals and hardened terrorists, including some responsible for 9/11.

How can this administration guarantee that these prisoners won't return to the battlefield?

The fact is they can't. In a gut-wrenching admission, a senior Pentagon official told the House Foreign Affairs Committee that former Guantanamo inmates are responsible for the deaths of our fellow Americans overseas. According to The Washington Post, the Obama administration admitted at least 12 detainees released from the prison have launched attacks, killing about a half dozen Americans. This confirms, Mr. Chairman, our worst fears.

The American people get it, and are strongly opposed to closing Guantanamo. Our constituents continue to agree these prisoners do not belong in our backyards and shouldn't be transferred to other countries where there is a great risk they will be released and returned to the battlefield.

In the last several months alone, our world has been rocked by terrorist attacks from San Bernardino to Paris, and, most recently, in Orlando. Many of our biggest national security threats no longer come from traditional nations but from determined groups of extremists like these very detainees, whose sole desire is to kill Americans. The war on terror is an ongoing battle against evil, and we must remain vigilant.

We must take every action necessary to block the President's plan to close Guantanamo Bay. My amendment is another hurdle that will make sure it never happens. I urge my colleagues to put the safety and security of the American people first, and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I regret that a bill and other relevant appropriations acts continue to see attempts to close Guantanamo by prohibiting viable alternatives.

We are debating an appropriations bill, and the committee and this Congress has to pay for things. I think maybe the appropriate discussion ought to be: Who is going to pay for this?

It is estimated that we are spending $5 million annually per inmate or 60 times the cost per inmate in a supermaximum Federal prison in the United States of America. But in the end, having talked about cost, this is not a cost issue. This is one question of law.

We are a Nation of laws and our military protects this country so that we can continue to be governed by those laws. I, for one, happen to think that the indefinite detention of a human being—any human being—without a trial, in some instances, after more than 10 years, is violative of those laws and our constitutional standards. It is a fundamental principle of this Nation, and we ought to conduct ourselves accordingly.

It is also interesting, from my perspective, that there have been a total of over 780 detainees at Guantanamo. The previous administration released more than 500, as far as transfers. We are all tied up in knots because the current administration has, over a period of 7½ years, transferred 157. Certainly, I also suggest there is a double standard.

Having said that, Mr. Chairman, I am in opposition to the gentleman's amendment.

I reserve the balance of my time.

Mr. HUDSON. Mr. Chairman, I don't have any further speakers, and I am prepared to close.

How much time is remaining?

The Acting CHAIR. The gentleman from North Carolina has 2½ minutes remaining.

Mr. HUDSON. Mr. Chairman, I would just, again, urge my colleagues to support this amendment. I understand the point raised by my colleague, and I think there are some valid points that ought to be discussed; but I think the bottom line here is the folks who are left at Guantanamo are the worst of the worst. These are some of the most violent, dangerous criminals in the world, and this President has shown that he is willing to transfer them to other places where the risk of them escaping back to the battlefield is very

high. So I believe we can't risk that. I think the American people are counting on us to put their interests first.

So I will close by urging my colleagues to please support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I have spoken on this floor many, many times against amendments—so far, futilely—against amendments to bar the transfer of prisoners from Guantanamo or to prohibit the expenditure of funds to move them here or anywhere else.

This amendment is particularly pernicious. It says you may not spend any funds to move anyone from Guantanamo, period. That has to be unconstitutional, because what it says is, even if you find that an individual is innocent, even if you factually find out he is guilty of no terrorism, he didn't fight against us, he is not a prisoner of war, he is guilty of nothing, he must stay in jail forever.

How can an American legislative body pass a provision that says we will hold someone in jail forever, not only without trial, but even if we know he is innocent of everything?

I will make no further argument—I only have 1 minute—but the fact of the matter is it is clearly unconstitutional, clearly immoral, and against everything we should stand for. No one should vote for this amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. HUDSON).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. LAMBORN

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 114–623.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Defense to survey, assess, or review potential locations in the United States to detain any individual detained at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Congress has consistently made it very clear that it is against the law for the terrorists held at Guantanamo to be brought to the United States. Though this debate is often partisan, this commonsense policy has often had bipartisan support. In fact, Democrats were actually the first to include restrictions in the Defense Appropriations bill in 2009 when they controlled both Chambers of Congress. Since then, a bipartisan majority has renewed these restrictions every year.

My amendment is simple and logical and is slightly different than the current law that we do have on the books and the language that is in the NDAA right now. This amendment prohibits the use of any funds to study or prepare U.S. detention facilities to house these terrorists.

If it is against the law to bring dangerous terrorists to the United States, why would we allow the Obama administration to study, using taxpayer dollars, how it would try to do this? Why would we want any administration to study how it can break the law?

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN), my friend and colleague.

Mr. DUNCAN of South Carolina. Mr. Chairman, I rise today in support of my colleague, Mr. LAMBORN's amendment.

I am strongly opposed to the President using funds to survey potential sites within the United States at which to hold terrorists that are currently held at Guantanamo Bay.

Congress has passed numerous times, and the President has signed into law, legislation which explicitly prohibits the President from using taxpayer funds to bring terrorists to our soil and close the detention facility. Despite the law, the President has made his intent clear to close Guantanamo Bay and bring these terrorists to our States and local communities.

In the face of opposition from the American people and Congress and State Governors, the President continues to move forward with bringing these terrorists to our soil.

Last month, Governor Haley from my State of South Carolina testified before the Homeland Security Committee. She sent a letter to President Obama opposing terrorists coming to South Carolina, and never got a response from the administration and was never included in the initial talks. The President refuses to work with State Governors and with this Congress.

Mr. Chairman, no State should be a terrorist dumping ground. No State, whether South Carolina, Colorado, or any other, should be a terrorist dumping ground. Doing so would only make our communities the most high-profile terrorist targets in the world.

As Members of Congress, we must use every tool at our disposal to prevent the President from disregarding the law and the will of the people, including our power of the purse, by not allowing taxpayer dollars going towards bringing terrorists into this country.

I fully support this, and I urge my colleagues to support it as well.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment would prohibit the Department of Defense from even reviewing locations in the U.S. to hold Guantanamo detainees. It would obviously make it much more difficult to close the prison, which is obviously its purpose, which experts agree that it is the prison that harms U.S. national security.

Major General Michael Lehnert, the first commander charged with constructing and operating the Guantanamo detention facility after 9/11, recently submitted a statement for the record to the House Subcommittee on Homeland Security, calling Guantanamo ''inconsistent with our values as Americans,'' and recommending the prison be closed.

As General Lehnert stated: ''Guantanamo's continued existence hurts us in our prosecution of the fight against terrorists. It feeds into the narrative that the United States is not a Nation of laws nor one that respect human rights.''

Former Secretary of State Colin Powell recently said that closing Guantanamo is in the United States ''best interest.'' Powell also stressed the effectiveness of U.S. Federal courts to prosecute terrorism offenses, which have convicted over 67 individuals of such charges since 9/11, including Osama bin Laden's son-in-law, Sulaiman Abu Ghaith.

Federal courts have been vastly more successful than the Guantanamo military commissions, where four of the eight detainees convicted have had their convictions completely overturned.

Prohibiting the Department of Defense from assessing U.S. locations to hold Guantanamo detainees is fiscally irresponsible. It costs us $34,000 a year to hold a detainee in a Federal supermax prison. It costs us $5 million a year to hold a detainee in Guantanamo. That is $5 million versus $34,000.

Even if it costs money to build a new supermax—although, I don't know why we would need a new supermax. There is plenty of room in our supermax prisons for the maximum number, which is 91 people now in Guantanamo, even assuming none of them were released.

□ 1800

Ninety-one times $5 million, minus 91 times $34,000 is a gross waste of money. Even if you had to spend money to build a new supermax prison, you are still saving a lot of money in the long run.

The last thing I want to say is, why would we subject our States as dumping grounds for terrorists?

Well, we have 67 terrorists convicted since 9/11 in American prisons and supermaxes in the United States. No one has ever escaped from a supermax prison. It is pure fear-mongering to say that a State or any place in the United States would be endangered by having a terrorist or anyone else in a supermax prison.

If the terrorist from Orlando had not been shot dead, he would presumably be either sentenced to death or sentenced to life in prison. He would be in a prison in the United States, and no one would say that is unsafe. No one would say: You have got to export him from the country. That is just pure, aberrant nonsense.

So we ought to shut the prison because it is fiscally sound. It would remove a terrorist propaganda point from al Qaeda and ISIS and everybody else. And not all those 91—some of them may be the worst of the worst. Some of them may not be. Some of them we know were simply handed over to bounty hunters because some other tribe in Afghanistan thought this is a good way—the Americans are handing out $5,000, $10,000—this is a good way to get rid of our rivals.

They ought to be tried. If guilty, they ought to be kept in prison for life, perhaps, depending on what they are guilty of. But if innocent, they ought to be released. And to say they ought to stay in Guantanamo without trial—and we know the military tribunals don't work; they haven't managed to convict anybody and make it stick—forever is un-American.

Mr. LAMBORN. Mr. Chairman, President Obama's policy of releasing people willy-nilly from Guantanamo is a bad policy. The risk is real. In recent months, the administration has finally admitted that there have been Americans who have died because of Guantanamo detainees who have been released. The Director of National Intelligence has said one of every three released detainees has rejoined the fight.

Even if detainees are brought to the U.S. and never escape, to address what my colleague from New York said, there is a very real danger of proselytization within the prison system, radicalizing the inmate population, and allowing terrorists to have increased legal rights, the risk of contraband, and access to communications. If there ever were a trial on U.S. soil, they would have the right to access methods and sources used by our intelligence agencies, and those would be given away to the bad guys. The people of Colorado and other States certainly don't feel safe having these terrorists in their backyards for those reasons.

Transferring Guantanamo prisoners to American soil is illegal, period. We need to do everything we can to ensure the President doesn't break the law or overturn the will of the American people and increase the risk to the American people, all because of a foolish and misguided campaign promise.

I would like to inform the President that 9/11 happened way before there ever was a Guantanamo prison. That is not why the Islamic radicals attacked us. They oppose our very way of life. They oppose us for who we are, not for what we do.

Let's keep GTMO open.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, following up on part of the discussion, we have had 443 people convicted of terrorist-related charges held in U.S. prisons, and as has already been indicated, they are very secure because no one has escaped.

I don't think it is necessarily wrong, even if a person is evil, that they have some modicum of legal rights under the United States of America. And you have 63 people being held in Guantanamo today for over 10 years with no trial. I just don't think that is according to the constitutional principles of this country.

But what I find upsetting is the prohibition on surveys, assessment, and reviews, the search for knowledge. There may be no better way to deal with the detention issue than keeping Guantanamo open. I would acknowledge that to the gentleman. There may not be a better way.

But if we don't search for knowledge and information and the truth, we will never know. What is the harm in asking?

I am opposed to the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

Mr. CRENSHAW, from the Committee on Appropriations, submitted a privileged report (Rept. No. 114–624) on the bill (H.R. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5293.

Will the gentleman from Georgia (Mr. CARTER) kindly take the chair.

□ 1807

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, with Mr. CARTER of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 29, printed in House Report 114–623, offered by the gentleman from Colorado (Mr. LAMBORN), had been postponed.

AMENDMENT NO. 30 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 114–623.

Mr. MASSIE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used for drug interdiction or counter-drug activities in Afghanistan.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chair, today my friend, Congressman JONES, and I are offering an amendment to end the DOD's involvement in and funding of the futile war on drugs in Afghanistan.

In his most recent quarterly report from April 2016, the Special Inspector General for Afghanistan, Mr. John Sopko, said that the United States has provided a total of $8.5 billion in funding for counternarcotics efforts in Afghanistan since 2002. But these efforts have failed. They have been a colossal failure.

Afghanistan remains the world's leading opium supplier. It provides over 90 percent of the world's opium today, and since our efforts in Afghanistan to counter poppy production and opium production, would you believe that their production has doubled?

That is right. We have spent over $8 billion in counternarcotics efforts in Afghanistan, and they have doubled their production in that period of time. If this isn't a measure of failure, I don't know what it is.

Congress annually appropriates counternarcotics funds through the DOD drug interdiction and counterdrug accounts. It also appropriates drug interdiction funds via the State Department's International Narcotics Control and Law Enforcement account and through the Drug Enforcement Administration.

My amendment would specifically end DOD funding for the Afghanistan drug war, which would substantially cut the United States overall spending on antidrug efforts there. Since 2002, Congress has appropriated a total of $3 billion, that is billion with a B, for the DOD drug interdiction and counterdrug activities fund.

That is $3 billion that could have been spent here at our border on border control efforts or on antidrug efforts or counternarcotics efforts here in the United States.

Mr. Chair, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, for years, the production and trafficking of heroin in Afghanistan has provided an important source of revenue to the Taliban and other antigovernment forces in the region. It is estimated the Taliban receives between $70 million and $100 million per year from the illicit drug trade.

Regional heroin trafficking is also fueling corruption and impeding legitimate economic activity critical for Afghans' continued development and stability.

$140.8 million was requested to provide direct counternarcotic support for Afghanistan. It is badly needed. These activities directly support the activities of the Department of Defense Operation Freedom's Sentinel by building their capacity and neighboring countries' capacities, their counternarcotics force, to disrupt illicit trafficking and deny proceeds from being used to fund terrorists' insurgent activities.

Funds support the training and equipping of special Afghan units, including their counternarcotics police as well as their national interdiction unit. It is important.

Allowing more illicit narcotics cultivation and trade to continue, without any methods or action to counter or interdict it, would be a total disaster, a total mistake.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for any comments he may wish to make.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the time and join with the chairman in opposition to the gentleman's amendment.

I would agree with the gentleman from Kentucky that it is hard at times to measure progress in Afghanistan. However, with the continued presence of 10,000 troops, with the sacrifice, both in terms of life and our treasury, that have been expended over the last decade and a half, I do not believe that it is now time to completely desist, particularly, as the chairman rightfully points out, that this is a profit center for one of our enemies. So I would ask my colleagues to oppose the gentleman's amendment.

Mr. MASSIE. Mr. Chair, you know, in Congress, we often make the mistake of confusing activity with progress. And no doubt there has been a lot of activity—and the goals are noble—to cut off the funding for the Taliban. This is a source of income, opium production. And the activity has been there. We have spent $8 billion.

The problem is they have doubled their production. Ironically, we have helped them with irrigation and better roads, their infrastructure. Something we are doing over there isn't working, unless our goal is to increase their profits, because they have tripled the acreage that they are growing of poppy fields over there.

So we need to do something differently. What we are doing is not working. And throwing money at the problem will not solve it.

What I am proposing today is to stop the war on drugs there. It has been ineffective.

I would also remind folks—I probably don't need to remind any of my colleagues, there is a heroin epidemic here in the United States, and it is terrible in my district. My constituents are asking me, why are we throwing the money away in Afghanistan when we have the problems here? In Afghanistan, when we see no positive results—we see negative results—why don't we, instead, use that money to secure our border and prevent the influx of opium and heroin? Why don't we first focus our efforts on cleaning up our own streets, keeping our young people away from deadly drugs, versus throwing billions of dollars more away in Afghanistan on a program that has proven, by any objective measure, to be ineffective?

We had a hearing on this in the Oversight and Government Reform Committee, and there was no evidence there that any of these efforts have curtailed the opium production in Afghanistan. That is why I am offering this amendment today with Congressman JONES. I encourage my colleagues to support me in this.

□ 1815

Stop throwing money away. Stop wasting it in foreign countries. Bring that money back home and spend it here domestically instead for our constituents.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, in closing, there has been progress in Afghanistan. As long as we have nearly 10,000 troops over there, this is one of the things we need to focus on because it has a lot to do with protecting those that are there fighting on our behalf doing the work of freedom.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MASSIE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 114–623.

Mr. MASSIE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. (a) Except as provided in subsection (b), none of the funds made available by this Act may be used by an officer or employee of the United States to query a collection of foreign intelligence information acquired under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) using a United States person identifier.

(b) Subsection (a) shall not apply to queries for foreign intelligence information authorized under section 105, 304, 703, 704, or 705 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805; 1842; 1881b; 1881c; 1881d), or title 18, United States Code, regardless of under what Foreign Intelligence Surveillance Act authority it was collected.

(c) Except as provided for in subsection (d), none of the funds made available by this Act may be used by the National Security Agency or the Central Intelligence Agency to mandate or request that a person (as defined in section 101(m) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(m))) alter its product or service to permit the electronic surveillance (as defined in section 101(f) of such Act (50 U.S.C. 1801(f))) of any user of such product or service for such agencies.

(d) Subsection (c) shall not apply with respect to mandates or requests authorized under the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chairman, our Founding Fathers included the Fourth Amendment in our Constitution for a reason: to require probable cause and a warrant before the government and government agents can spy on any of its citizens. Our Founding Fathers were fed up, and, frankly, I think our citizens are fed up with being spied on by the government.

I am here to offer an amendment today that would prevent warrantless surveillance of Americans. I am offering it with many of my colleagues. I want to mention that this amendment has passed this House, this body, twice previously: once by 293–123, and another time by 255–174. It enjoys broad bipartisan support.

My cosponsors are Mr. JORDAN, Mr. O'ROURKE, Mr. AMASH, Representative POCAN, Representatives NADLER, GABBARD, FARENTHOLD, TED LIEU of California, ISSA, BUTTERFIELD, LABRADOR, GOSAR, DELBENE, POE of Texas, CONYERS, SENSENBRENNER, and Ms. ZOE LOFGREN from California.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, warrantless bulk collection of U.S. person communications and information was not ended with the USA FREEDOM Act. Twice in the last 2 years the House voted overwhelmingly to close two loopholes, but House leadership blocked us. The first back door will be shut by prohibiting search of government databases for information pertaining to U.S. citizens without a warrant. You can get the information, but you have to get a warrant.

In October of 2011, in a declassified FISA court decision, we learned that tens of thousands of wholly domestic communications—which are not even allowed to be collected under 702—have been collected. We need to make sure that, when you look for an American in that database, you get a warrant as the Fourth Amendment requires.

The second door to be shut prohibits the government from coercing companies into weakening security protections by creating back doors in products to make surveillance easier.

What is encryption? It is sophisticated computer code that is the most powerful tool we have for preventing outsiders from gaining entry into digital systems. Encryption protects the power grid, the air traffic control system, and your smartphone. Even if a weakness in encryption is promoted and created with good intentions, it is only a matter of time until a hacker finds and exploits it.

Such flaws put data security of every person and business—and really, the security of the United States—at risk. Our government should strengthen the technology that protects our privacy, our businesses, and our country—not take advantage of it.

The Massie-Lofgren amendment will make America safer, and it will defend the Fourth Amendment.

Mr. Chairman, I urge its adoption.

Mr. MASSIE. Mr. Chairman, I thank the gentlewoman from California.

May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 2 minutes remaining.

Mr. MASSIE. Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, this amendment would impose greater restrictions on the intelligence community's ability to protect our national security and create an impediment to the government's ability to locate threat information already in its possession. Such an impediment, therefore, would put a lot more American lives at risk both at home and abroad.

Colleagues, as recent events have tragically reminded us, this issue is critical to our national security. Lawful queries can enable analysts to identify potential terror plots, to identify foreign nations trying to hack into our networks, to locate foreign intelligence officers spying within our borders, and, yes, to locate hostage victims.

These authorities were fully considered, as they should be, and we will hear in a moment from Chairman GOODLATTE during the development and the consideration of the USA FREEDOM Act.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), my ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the time and simply associate myself with the chairman's remarks. I am opposed to the amendment. I do appreciate the seriousness of people's opinion on both sides of this issue.

I am an appropriator. I don't have a complete allergic reaction to authorizing in an appropriation bill, but given the seriousness of this issue and the complexity of it, I don't think this is the right venue to make that decision. It should be done in the authorizing process.

I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I would just like to reiterate that all this amendment basically does is reassert the Fourth Amendment to the Constitution. All of the tools currently available to our intelligence agencies and those that keep us safe in the United States would still be available.

The only thing that changes after this amendment passes is that the warrant is required to search for information on Americans. It has been this way constitutionally since the beginning of our country. We are just trying to reassert that. Let them have all the tools they have today; just require a warrant if you want to search for information on Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah (Mr. STEWART), a member of the Intelligence Committee.

Mr. STEWART. Mr. Chair, I rise today to oppose the Massie amendment and the inaccurate accusations that underlie it. Let me restate that. The supposition of this amendment is based off a fundamental misunderstanding of intelligence operations.

Contrary to rumor, it is illegal to use 702 surveillance authorities to spy on Americans. It is subject to multiple layers of oversight, and section 702 is an extremely powerful tool that has proven effective in disrupting terror plots, including, for one example, the 2009 plot to bomb the New York City subway. If this amendment were in effect today, the intelligence community would be unable to query the 702 database for the names of the Orlando nightclub attacker, for his wife, or even the nightclub itself.

We should be focusing on thwarting terror attacks, not on thwarting the ability of intelligence professionals to investigate and to stop them.

Mr. Chairman, I urge Members to prioritize the safety of U.S. citizens and to reject false allegations. Let me say that one more time: false and irresponsible allegations of government spying on Americans. We can scarcely afford to hamstring our intelligence community as it investigates these horrific shootings and tries to prevent similar plots from reaching fruition.

All of us want to protect our privacy and our constitutional rights. I want to protect our privacy and our constitutional rights. But objections to intelligence operations must be based on facts and not rumors or misunderstandings. Limiting access to critical law enforcement tools to stop these plots would directly put Americans in danger.

Mr. MASSIE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 1¼ minutes remaining.

Mr. MASSIE. Mr. Chairman, I include in the RECORD a letter from the Director of National Intelligence that shows that Americans are being spied on without a warrant using the 702 program.

DIRECTOR OF NATIONAL INTELLIGENCE,
Washington, DC, March 28, 2014.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: During the January 29, 2014, Worldwide Threat hearing, you cited declassified court documents from 2011 indicating that NSA sought and obtained the authority to query information collected under Section 702 of the Foreign Intelligence and Surveillance Act (FISA), using U.S. person

identifiers, and asked whether any such queries had been conducted for the communications of specific Americans.

As reflected in the August 2013 Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702, which we declassified and released on August 21, 2013, there have been queries, using U.S. person identifiers, of communications lawfully acquired to obtain foreign intelligence by targeting non U.S. persons reasonably believed to be located outside the U.S. pursuant to Section 702 of FISA. These queries were performed pursuant to minimization procedures approved by the FISA Court as consistent with the statute and the Fourth Amendment. As you know, when Congress reauthorized Section 702, the proposal to restrict such queries was specifically raised and ultimately not adopted.

For further assistance, please do not hesitate to contact Deirdre M. Walsh in the Office of Legislative Affairs.

Sincerely,

JAMES R. CLAPPER.

Mr. MASSIE. Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, who has the right the close?

The Acting CHAIR. The gentleman from New Jersey has the right to close.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Chairman, our government spies on Americans. Section 702 was designed to go after the bad guys overseas, but it is being used to collect communications of Americans in America without a search warrant under the Fourth Amendment.

The amendment that the gentleman from Kentucky has introduced does something very basic. It says the Fourth Amendment will apply to a 702(a). If you have got a search warrant, go see a judge like I used to be; and if you have probable cause, then let a judge sign it. If you don't have probable cause, then you don't get a warrant. That is all it does.

It says the Constitution must apply to Americans, and fear tactics—I am sorry—on the other side don't change the facts. Get a warrant if you have probable cause. That is all the gentleman from Kentucky's amendment does.

Mr. MASSIE. To the judge's point, I would say that this doesn't take any tools away from those who want to investigate what happened in Orlando, none whatsoever. That is a mischaracterization, a complete mischaracterization of this amendment. You obviously can get a warrant on the perpetrator of this crime. So it would be wrong to characterize it in the way it is being characterized. It is unfortunate that my colleagues would take advantage of that situation to try and motivate people to vote ''no'' against this amendment.

Mr. Chairman, I urge my colleagues to vote ''yes'' on this amendment. It doesn't take away any of the tools. Read the amendment; you will find out. Just get the warrant; do the search.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield my time, how much time remains on my side?

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield the remainder of my time to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the House Judiciary Committee.

Mr. GOODLATTE. Mr. Chairman, I thank the chairman of the subcommittee.

Mr. Chairman, the tragic mass shooting in Florida Sunday morning is but the latest in a string of terror attacks here in America. Sadly, these plots have not been carried out by foreign terrorists but by Americans against Americans, on American soil.

We are all searching for the same answer: What motivated Omar Mateen to kill?

Investigators are still combing through evidence to determine whether Mateen was in contact with known or suspected terrorists. This amendment prohibits the government from searching data already in its possession, collected lawfully under section 702 of FISA, to determine whether Omar Mateen was in contact with foreign terrorists overseas.

Despite the characterization by proponents of the amendment that a search could occur if the government has obtained a FISA or criminal probable cause-based order, the exception does not, in fact, authorize such a query. Section 702 and the other provisions of the FISA Amendments Act are not set to expire until December 31 of next year.

The House Judiciary Committee shares the concerns of all here that we protect all Americans' rights under the Fourth Amendment of the United States Constitution. The committee has engaged and will continue to be engaged in robust oversight of the programs operated under the act.

A floor amendment to a spending bill debated for 10 minutes is not the appropriate venue for Congress to alter our intelligence gathering capabilities. This complicated issue must be closely examined and appropriately vetted by the committees of jurisdiction.

Sunday's deadly attack proves once again that the terror threat has not dissipated. The FBI has roughly 1,000 active ISIS probes in the United States, and these are probes into those we know about. Now is not the time to block the use of a critical investigative tool.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MASSIE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

□ 1830

AMENDMENT NO. 32 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 114–623.

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to carry out any of the following:

(1) Section 2, 3, 4, 5, 6(b)(iii), or 6(c) of Executive Order 13653 (78 Fed. Reg. 66817).

(2) Section 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, or 15(b) of Executive Order 13693 (80 Fed. Reg. 15869).

(3) Paragraph (4), (9), (10), or (12) of subsection (c) or subsection (e) of section 2911 of title 10, United States Code.

(4) Section 400AA or 400FF of the Energy Policy and Conservation Act (42 U.S.C. 6374, 6374e).

(5) Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(6) Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852).

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. MCCLINTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCLINTOCK. Mr. Chairman, this amendment forbids scarce defense dollars from being spent to fund two executive orders and several other provisions of law that require the military to squander billions of dollars on so-called green energy.

The House adopted this amendment by voice vote last year and the year before, and I hope it will do so again.

We have been told this year that the defense budget is so tight that the Air Force has to scavenge museums for spare aircraft parts. Yet, it seems we have plenty of defense money to indulge the green energy mandates that are imposed upon our Armed Forces.

The GAO reports that these mandates have cost the Navy as much as $150 per gallon for jet fuel. In 2012, the Navy was forced to purchase 450,000 gallons of biofuel for its so-called green fleet at the cost of $26.60 per gallon when conventional petroleum costs just $2.50 per gallon.

These mandates forced the Air Force to pay $59 per gallon for 11,000 gallons of biofuel in 2012—10 times more than regular jet fuel cost. And it is not just biofuels.

Two years ago, the Pentagon was required to purchase over 1,000 Chevy Volts at a subsidized price of $40,000

each. As Senator Coburn's office pointed out, each one of these $40,000 Chevy Volts represents the choice not to provide an entire infantry platoon with all new rifles, or 50,000 rounds of ammunition that cannot be used for realistic training.

These green energy mandates have required the Army and Navy to install solar arrays in various facilities. At Naval Station Norfolk, the Navy spent $21 million to install a 10-acre solar array, which will supply a grand total of 2 percent of the base's electricity. According to the Inspector General's Office, this project will save enough money to pay for itself in only 447 years. Too bad solar panels only last 25 years.

We don't know how much all of these mandates waste because, as the GAO reports, ''There is currently no comprehensive inventory of which Federal agencies are implementing renewable energy related initiatives and the types of initiatives they are implementing.'' But outside estimates are as much as $10 billion for the Department of Defense last year, a figure that continues to grow.

We are told this program is necessary to maintain flexibility. Well, shouldn't flexibility free us to get cheaper and more plentiful fuels rather than more expensive and more exotic ones?

We are told the military should do its part for the environment, as if it is possible to fight an environmentally sensitive war.

I feel the real reason for this wasteful spending is part of an ideological agenda imposed on our military that will pointlessly consume billions of defense dollars, namely, to keep money flowing to politically well-connected green energy companies that can't get anybody else to buy their products.

As long as this product continues to consume our defense dollars, we cannot say that we are stretching our defense budget to the utmost.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would point out to my House colleagues that the gentleman's amendment is very extensive and, for all practical purposes, will prohibit the Department of Defense in pursuing green energy initiatives. We have had previous debates today about the issue of climate change and the defense issues it presents to our Nation.

The gentleman says no funds shall be used for a wide range of initiatives. It would prohibit sections 2, 3, 4, 5, 6(b)(iii), or 6(c) of an executive order; sections 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, or 15(b) of an executive order; paragraphs (4), (9), (10), or (12) of subsection (c) or subsection (e) of section 2911 of title 10, United States Code; section 400AA or 400FF of the Energy Policy and Conservation Act; section 303 of the Energy Policy Act of 1992; and section 203 of the Energy Policy Act of 2005 under the last administration.

As I mentioned earlier in my remarks, sometimes we are very good at doing nothing. This would essentially block the Department of Defense from buying recycled paper.

The gentleman talked about solar arrays. Maybe if we continued to develop solar power and made them available to help in the field for tents, for example, we wouldn't have so many casualties in fuel convoys.

And we do have, unfortunately, a Metro stop at the Pentagon. This would block considering sites for pedestrian-friendly or public transportation access. So I assume we should essentially close the Metro stop at the Pentagon.

I think that this amendment is wrongheaded, unwarranted, and I am opposed to it.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I thank the gentleman for pointing out just how much we are wasting in this program. If the Metro stop at the Pentagon cost us $10 billion a year, maybe we should close it; but that is not the point of this bill.

We have to ask ourselves how serious we are about meeting the defense needs of our Nation. We have been constantly warned how poorly funded our military is. The program this amendment would end is an estimated $10 billion of sheer waste, grossly inflated energy costs that come directly out of our military preparedness—$10 billion. Divide that by the number of families in America, and it comes to about $80 per family. It makes a mockery of claims that we have cut the military to the bone and puts the lie to any claim that we are serious about meeting our basic defense needs without bankrupting our country.

I would remind the House of Admiral Mullen's chilling warning that in his professional military judgment, our greatest national security threat is the national debt, because before we can provide for the common defense, we have to be able to pay for it, and waste like this robs us of our ability to defend our Nation and the Treasury upon which our defense depends.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, in his closing remarks, the gentleman suggested that if the Metro stop at the Pentagon costs $10 billion, perhaps we should close it. It doesn't. It doesn't cost $10 billion, and it doesn't cost that money to the Department of Defense.

We can debate and we can disagree on facts. We should not use exaggeration during debate in the House.

I am adamantly opposed to the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 33 OFFERED BY MR. MULVANEY

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 114–623.

Mr. MULVANEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by title IX may be used in contravention of section 101(a)(13) of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. Mr. Chairman, I am here, once again, to talk about the overseas contingency operations budget. My opinion of it by now should be no secret to anybody. I don't like it very much. There are other folks who agree with me. Unfortunately, not enough. But I will continue to come here and try to draw attention to what I believe to be a tremendous waste of taxpayer dollars.

There are folks, by the way, who agree with me. I don't often come to this microphone and cite JOHN MCCAIN as somebody who agrees with me on something, but he has described it as a gimmick and thinks that we can do better. The CBO described it as a method of spending with ''relatively little backup.'' Other folks in this Chamber from both parties have described as a slush fund. I happen to agree with all of those statements.

In the past, I have come here, Mr. Chairman, to try and simply get rid of the OCO budget because of the weaknesses that I think it contains. We are not doing that today. We have tried something different. We have tried to drill down a little bit and be a little bit more detailed in how we address the OCO budget by simply trying to define what it means to be OCO. We call it the war budget, but we don't really know what it means.

We tried today to figure out a way to define what it means. Lo and behold, we found out that in law, it is already defined. If you turn to title 10, section 101 of the U.S. Code, the definition of the Armed Forces section of the U.S. Code, General Military Law, Organization and General Military Powers, Chapter 1—Definitions, lo and behold, in section 13, the term ''contingency

operation'' is defined. It reads as follows:

''The term 'contingency operation' means a military operation that:

''(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

''(B) results in the call or order to, or retention on, active duty of members of the uniformed services . . . or any other provision of law during a war or during a national emergency declared by the President or Congress.''

Contingency operations are defined in law, and have been for quite some time. Mr. Chairman, we have been ignoring that.

My amendment is very simple. It puts a stop to that. My amendment simply says that none of the funds available under title IX of this bill should be used in contravention of section 101(a)(13) title 10 of the United States Code. That is it. That is all it does. It simply says, in layman's terms, the overseas contingency operations will be used for contingency operations. To change the words a little bit to the stuff that ordinary people can understand, what the amendment does is make sure that the war budget is used for warfighters in the war effort and is no longer used as a slush fund to hide government spending from the taxpayers.

I urge my colleagues, even those who have opposed my efforts before, to completely discontinue the OCO budget, to bring some modicum of discipline to spending the war budget, making sure that it is spent on what the law provides, and not used on things that we have no idea where the money is being spent, which is so often the case.

I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the opportunity to talk about the important investments our bill makes in our military, investments that the President's request simply did not make.

As I outlined in general debate, this bill shifts roughly $16 billion from the President's request for the overseas contingency account, which we call in our bill also the war on terror account, for their operations into critical investments in our personnel training and equipment by providing a bridge fund for our overseas operations through the end of April of next year.

Need I remind my colleagues that we currently have the lowest manning level in the Army since before World War II. At this time when North Korea, Iran, Russia are threatening international stability, ISIS isn't drawing back, and other groups are actually on the attack across the Middle East in northern Africa.

This legislation also boosts the Army and Marine Corps end strength to begin rebuilding our forces eroded in strength and morale by years of underinvestment. We also have the smallest Navy since before World War I—World War I. Let me assure my colleagues that Russia and China aren't slowing down their shipbuilding, and neither is Iran doing the same in terms of their Navy.

The readiness level for all of our services are alarmingly low, seriously risking our ability to defend American interests when called to do so. This is simply an unacceptable risk. It is the highest priority of all of us, and has been, on our committee, which is entirely bipartisan, to ensure that we have a strong national defense.

□ 1845

We have corrected deficiencies to the best of our ability. With what the President has provided us, we have provided oversight and have promoted accountability. These dollars are well spent. I strongly oppose the gentleman's amendment.

Mr. Chair, I yield such time as he may consume to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the gentleman.

Mr. Chair, I rise in opposition to the amendment. I say that with very strong respect for the gentleman who offered it. I think his heart is in the right place. He wants to see that we spend in a very disciplined manner. Yet, in the way that the amendment is currently crafted, we are going to see a significant downsize to our readiness.

As the chairman mentioned, we are on a path to having the smallest military since 1939. We just have a point of disagreement with the administration about that. We are trying to stop, roughly, 70,000 troops from getting pink slips between now and 2018, and we are doing that in a manner that ensures they have the kit—all the modernization, the operations, and maintenance—that goes with it.

I would suggest to the gentleman, if he withdrew his amendment and if he worked with us, that on my committee—the Armed Services Committee and the Appropriations Committee—there is a sentiment to begin to move and get it back. In fact, we even use language that it is designated for base requirements. To the gentleman's point, I would agree, but I would also say that, in the way the amendment is currently crafted, we will end up with the smallest military since 1939, and in this world, as described by the chairman, we cannot afford to do that.

I have one last thing, Mr. Chair. This whole House is united in its support for veterans. Veterans have had to continually go overseas and come back at a rapid pace because of its being a small force, so one way of looking after our servicemen and -women and our veterans is to make sure that we have the right-sized force. That is why we must reject this amendment.

Mr. FRELINGHUYSEN. I reserve the balance of my time.

Mr. MULVANEY. Mr. Chair, again, with all due respect to my friend, the gentleman from New York, to suggest that if my amendment passes, that somehow readiness will go down admits that we are spending money in violation of the law. Contingency operations are not meant for readiness. That is what the base military budget is for. We should be doing that anyway. I share in the concern of my colleagues on both sides of the aisle about the size of the military and our readiness, but that is not war. Readiness to go to war is not war. This is not supposed to be a replacement for the base budget. This should be, as my colleague from New York correctly pointed out, part of the war on terror. The OCO budget should be used to fight ISIS overseas, and it should be used to fight in Iraq and to fight in Syria. It should not be used for items that are not contingency operations.

I go back to the example of the MILCON-VA bill that we had here a couple of weeks ago. We had no direction as to where money was being spent. I had a subcommittee chairman get up and say, ''Well, it is going to be a health facility in Djibouti.'' Nothing in law says that—nothing. The only thing we passed out of this House was X number of dollars to be spent overseas before 2022. That is it. You could sit here and say, ''Well, this money is for the troops, or this money is for a base.'' No, it is not. This money is for whatever we decide we want to spend it on, and that is not right.

The OCO budget came into existence for a good reason. We were caught in 2011 without the ability to fund a war on terror, and we started spending money off budget to solve that problem. It is no longer an emergency. We should be having this money for readiness in the base budget. We should pass this amendment so that the OCO budget returns to what it is meant to be.

Mr. Chair, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I yield to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chair, I rise to tell the gentleman from South Carolina that, in my opening remarks, I said, as I have said in previous years, we should eliminate the reliance on OCO funding, in the first instance, and shift activities to the base budget. I also said in my opening remarks that I am concerned that other committees have placed our subcommittee in a very difficult position by authorizing this particular transfer, while not violative of the caps, in violation, from my perspective, of the budget agreement we made last year when we were to have certainty for 2 years in a row.

I would point out that the one fallacy I see with the gentleman's amendment is that, under that agreement that, I believe, gave us 2 years of predictability, there was an internal agreement that you could have that transfer of $5 billion of OCO to base, and because I was upset that that continuity of certainty was broken, I would have to oppose the gentleman's amendment, but he is on the right track.

Mr. FRELINGHUYSEN. Mr. Chair, I strongly oppose the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MULVANEY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT NO. 34 OFFERED BY MR. DESANTIS

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in House Report 114–623.

Mr. DESANTIS. Mr. Chair, as the designee of the gentleman from Kansas (Mr. POMPEO), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to pay for any salaries or expenses of the office or position of the Special Envoy for Guantanamo Detention Closure or the Principal Director, Detainee Policy.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Florida (Mr. DESANTIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DESANTIS. Mr. Chair, as we have seen with stark clarity recently, Islamic jihadists are on the march, not only abroad but here at home. I think, once we have individuals in our custody who we know are committed to this destructive ideology and to waging war against the United States—like we have almost 80 of them in Guantanamo Bay now—they should remain in custody. We don't want to get into a situation in which we are transferring these detainees unwittingly simply because we are on an ideological mission to close Guantanamo Bay, and this facility is a key part of our strategy in fighting the war on terror.

The Obama administration recently admitted that they were not seeking to use an executive order in order to close Gitmo's detention facility, and that is a welcome admission, because that was something that had been reported was being considered behind the scenes.

Recent news reports, perhaps, shed light on why this is a nonstarter. Recent news reports have shown that at least 12 released Guantanamo detainees have attacked U.S. personnel or allied forces in Afghanistan, and they are responsible for killing at least six Americans. These are terrorists we had in our custody who were then released and who went out to kill a half dozen Americans, according to U.S. officials. This is totally unacceptable.

This amendment, which I am cosponsoring with Congressman POMPEO, would ban funding to two DOD offices whose purposes are, simply, to close the detention facility at Guantanamo Bay.

The facts and the reality show that their mission is unwise and unneeded. My amendment would prohibit funds for salaries or expenses for the Office of the Special Envoy for Guantanamo Detention Closure and the Principal Director of the Office of Detainee Policy. The sole mission of the Principal Director of the Office of Detainee Policy is to end detainee operations at Guantanamo Bay. That means either transferring people to the United States or overseas, where we know many of them go back to the jihad once they are released. President Obama also established the Office of the Special Envoy for Guantanamo Detention Closure, which has the same objective.

This amendment will eliminate unnecessary bureaucracy and will help keep Americans safe. As President Obama himself begins to give up on his misguided campaign to close Gitmo, Americans, especially the people whom I represent, can rest assured that none of these terrorists will be brought to their States or, hopefully, will be transferred to countries that are not going to keep tabs on them.

It is time we end the funding for these two offices and get back to protecting Americans and holding those hardened terrorists in a secured facility we already have that is located off our shores.

I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chair, this amendment is another amendment in a series we have seen today to prevent any movement toward closing the Guantanamo Bay facility, obviously, and it would prevent the expenditure for any officials who are trying to do that. A number of myths have been propounded as to why we should do this.

One, we cannot bring terrorists to the United States. First of all, not everybody in Guantanamo is a terrorist. Some are. Some are not. There should be trials. There should be some form of due process. It is un-American to hold people there for life. Apparently, the people who are in favor of these amendments—this one included—want everyone in Guantanamo to be held forever because you can't spend any money to release them. You can't spend any money to close the prison. You can't spend any money to put them in a facility in the United States. You can't spend any money to do anything except to hold them in jail in Guantanamo forever and for $5 million a piece per year.

Several reasons have been introduced for doing this.

One, if they are brought to the United States and to a supermax prison, that is dangerous. No, it is not. No one has ever escaped from a supermax prison, and the executive director, Jim Gondles, of the American Correctional Association recently submitted a statement for the record to a House Homeland Security subcommittee stating that U.S. corrections systems, both military and civilian, already hold extremely dangerous people, including terrorists, and have done so for years. No matter how dangerous the detainees are, U.S. correctional systems professionals, military and civilian, have the ability, training, and capacity to take them on.

Second, we are told that there is a risk if these people are released—and some of them should be because they are not guilty—that, at some point, they could return to terrorism, assuming they are all terrorists. The fact of the matter is the recidivism rate—now it is true—under the Bush administration was 20.9 percent. Twenty-one percent of the detainees who were released under the Bush administration have returned to some sort of combat or insurgent activity. They didn't do a great job in screening under the Bush administration. Under the Obama administration—in other words, for the last 7½ years—the figure is not 21 percent; it is a little under 5 percent, 4.9 percent. The White House recently confirmed that no detainees who have been released in this administration—that is to say in the last 8 years—have been responsible for the death of any American. Let's get rid of that bogus point.

It has also been misstated on this floor tonight that we don't want to bring Guantanamo prisoners to a supermax facility in the United States: A, because it is dangerous, which is nonsense; B, because they can radicalize other prisoners, which they can be kept apart from; and, C, because they would have more constitutional rights in the United States than in Guantanamo. The Supreme Court has ruled that prisoners at Guantanamo have exactly the same constitutional rights as prisoners who are held in the United States—no more, no less. The attempts to give them fewer constitutional rights are why every single conviction in the military tribunal in Guantanamo has been overturned on appeal so far.

They should be brought to the United States or released, depending on the

case. They should be tried in a Federal court and put in a supermax prison forever if they are guilty, and if they are not guilty, they ought to be released. That is the American tradition. That is our way of life. It is what we are fighting to defend, at least presumably.

I reserve the balance of my time.

Mr. DESANTIS. Mr. Chair, the fact of the matter is, if you inject them into American prisons with the idea that you are going to be able to 100 percent segregate them and that they are not going to be able to radicalize any other inmates, why would you even want to run that risk?

In terms of bringing them to trial, the problem is that these guys were not captured under civilian law. They were captured under the law of war. If you are expecting our troops to amass legal cases against people they are capturing in war zones, that is going to put more of our troops' lives at risk. If you are in a hot fire zone but if you need to get evidence to make sure that that could withstand a court of law, they should be held under the law of war, not under civilian laws under which Americans would be.

I am sorry. I don't care if Bush released a detainee—or Obama. It is not about partisan games for me. If detainees are released in Afghanistan and they kill Americans, that is a bad thing, and I don't want to repeat that. The people who are there right now are some of the most radical detainees. These are people who have been reviewed for years, and no one would have ever thought that they should have been released. So why on Earth would you want to run the risk of putting more of these guys out into circulation given that we know Americans have already been killed?

I reserve the balance of my time.

□ 1900

Mr. NADLER. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from New York has 1¼ minutes remaining.

Mr. NADLER. Mr. Chair, I yield myself such time as I may consume.

Number one, they can be segregated in Federal prisons in the United States, and maybe they should be. Number two, some of them are indeed great terrorists and some aren't. Number three, they may have been captured in war zones, but they weren't in uniform, which means some of them may not have been combatants. That is what has to be determined. If they were combatants, they can be held under the law of war; but if they weren't combatants and they haven't committed any crimes, they should be released.

There has to be some due process. We can't hold people in prison forever with no trial, no due process because we think maybe—and remember, some of these people were. We offered bounties to tribes in Afghanistan. And like the Hatfields and the McCoys, the Hatfields turned in the McCoys, and we don't really know that all the McCoys were guilty of anything or engaged in combat.

Before we can hold them under the laws of war, we ought to at least have some sort of review to find that out. It is not true that all of them are the most dangerous. Some are; some are not. We owe it to our own traditions to figure out the difference.

Not to mention the fact that, to hold them in the United States, it costs $34,000 a year, and to hold them in Guantanamo costs $5 million a year, each. Who is the fiscally responsible party today?

I yield back the balance of my time.

Mr. DESANTIS. Mr. Chair, like a lot of these numbers, I mean, they get around-the-clock medical care and halal meals. I would be fine with curtailing that. If we could have paid that money to save those American troops, I would pay it every day, every single day.

I am a little confused by this argument that we would actually reward people who were picked up in combat zones when they are not wearing uniforms. That is essentially rewarding these terrorists who are not wearing insignia and they are not following the laws of war. So to then give them a civilian trial where someone actually followed the laws of war, they would simply end up being held under Geneva III. To me, that totally skews the incentive.

I think it is a good amendment, and I urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DESANTIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. NADLER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 35 OFFERED BY MR. REICHERT

The Acting CHAIR. It is now in order to consider amendment No. 35 printed in House Report 114–623.

Mr. REICHERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out Executive Order 13688 entitled ''Federal Support for Local Law Enforcement Equipment Acquisition''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, tragically, as we saw in San Bernardino and most recently in Orlando, we are living in a time with increasing threats in our local communities. This leaves our law enforcement officers and first responders with the responsibility of fighting from the front lines against the war on terror.

Not only is more being asked of our first responders, but as local budgets get cut, they are asked to undertake these tasks with fewer and fewer resources. This is why the Defense Logistics Agency transfer of excess military equipment to civilian law enforcement agencies, otherwise known as the 1033 Program, has been critical for first responders throughout the country and a necessity to keep our cities and neighborhoods safe.

The name 1033, by the way, comes from a section of the 1997 National Defense Authorization Act that made that program permanent. However, the law enforcement officers who might be listening to this presentation tonight know that 1033 in the 10 code means ''officer needs help.'' As a former law enforcement officer for 33 years, I have had many occasions to use a 1033 call for officer needs help.

Mr. Chairman, we are in, today, a world where our first responders are saying: 1033, we need help; we need support; we need you to stand by us and support us, provide us with the tools that we need to protect this country.

This is a cost-neutral program that allows civilian law enforcement offices to acquire military equipment, giving them the tools to respond to the new and dangerous threats that America faces.

For example, during the tragic San Bernardino terrorist attack in December 2015, the local police used an armored vehicle acquired through the 1033 Program for officers to take cover in while the attackers were shooting hundreds of rounds at them. They were then able to move the vehicle, to maneuver and eventually take down the attackers.

Firefighters have also used the 1033 Program. In fact, in my own district, the Kittitas County Search and Rescue team has acquired a light military tactical vehicle that can access the mountain terrain in my district where wildfires constantly affect remote households. The Kittitas Valley Fire and Rescue agency spent $65,000 for a $250,000 machine that will be used to save lives in our community.

The President's Executive Order 13688 prohibits our law enforcement officers from acquiring some of the equipment needed to carry out their critical missions of protecting our communities.

Mr. Chairman, I have already said I served in law enforcement for 33 years. I know, from my own experience and from speaking with members of the law enforcement community, that by not fully equipping our first responders, we expose the American people to dangers that they don't need to be exposed to, and we can't be there to help them.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. REICHERT. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chair, law enforcement in my community, New Jersey sheriffs and police chiefs, are grateful for appropriate Defense Department equipment that allows them to do their jobs. It is all about, certainly, protecting the public, public safety, and allowing our law enforcement people to do their job on behalf of the people.

I am proud to support the gentleman's amendment.

Mr. REICHERT. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR (Mr. NEWHOUSE). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I don't think any of us are in disagreement in the Chamber that anything we can do, particularly as far as excess military equipment to help local law enforcement, is the right thing to do.

Relatively recently, in my congressional district, we were successful in helping the community of Munster, Indiana, secure a wheeled armored tactical vehicle for the very purpose that the gentleman recognized: to help people safely egress a very dangerous situation or to ingress one.

I do think, however, we need to make a distinction as to some of the types of help to be transferred to local communities. I don't think we can object—and the President's executive order allows it to take place—that those wheeled armored tactical vehicles continue to be transferred, or that, with justification, specialized firearms and ammunition be transferred to local authorities, or that explosives and pyrotechnics can be transferred under the executive order to local communities, or that riot equipment can be transferred to local communities under the executive order. There is broad discretion here.

What can't be transferred under the executive order are tanks. What can't be transferred are grenade launchers. What can't be transferred are bayonets.

So I do think there has to be some limit, and I am opposed to the gentleman's amendment. I think it was drafted overly broad.

I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, well, with respect to the gentleman's comments, I think it is important for us to remember that this equipment is required to be demilitarized. You can't acquire this equipment and have it still maintain a military component. You can't mount machine guns on top of the armored vehicles.

I don't know of any police chief or sheriff in the country who has asked for grenade launchers or rocket launchers or explosives, Mr. Chairman. These are reasonable requests. And there is a process in place, a very restrictive process that has been in place prior to the President's executive order.

The problem is that the President's executive order has created so much restriction now that it has essentially prevented law enforcement agencies and fire departments and rescue agencies across the country from acquiring the needed equipment that they so need to protect our communities.

Mr. Chairman, I think this is a commonsense amendment, again, that really spells out the need for law enforcement to have this equipment. It has been used properly in the past. I myself have used this equipment as the sheriff in King County and as a SWAT team commander.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I suggest to my colleague we should be discerning and to recognize, again, under the executive order, that things like specialized firearms and ammunition, riot equipment, explosives, and pyrotechnics still can be transferred.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in House Report 114–623.

Mr. ROHRABACHER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to provide assistance to Pakistan.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I thank the ranking member and the chairman for all of the hard work they are putting into this very important piece of legislation. It is part of the job that we must do in Congress.

My amendment prohibits funds in the bill from being used to provide assistance to Pakistan. Since 9/11, we have given Pakistan well over $30 billion, the majority of which goes to military and security services of Pakistan. And Pakistan has used those services to murder and oppress their people, people like the heroic Baloch people or the Sindhis, who are struggling for freedom under Pakistani oppression.

It is a grotesque charade for us to suggest that our aid is buying Pakistani cooperation in the war on radical Islamic terrorism or in anything else. The Pakistani Government is neither our friend nor shares a common interest with our country. They are hardcore, two-faced enemies of our country.

If you don't believe that, then take a close look at what has happened to Dr. Afridi, a Pakistani medical doctor who helped pinpoint the location of Osama bin Laden and continues to languish in a Pakistani prison. This is because Dr. Afridi helped us bring to justice Osama bin Laden for the slaughter of 3,000 Americans on 9/11.

Last year, I came here to speak on this same issue, and this has been something we have been calling on. If the Pakistanis wanted to show a sign of good faith that they really were our friends, they would have released Dr. Afridi a long time ago.

While Dr. Afridi continues to remain in prison, we continue to provide weapons and cash to his tormenters. Arresting him and now keeping him in prison is a slap in the face to Americans and an insult to the families of those who died on 9/11.

Given the miserable human rights track record of the Pakistani Government—as well as the ongoing struggle of the people of Pakistan, who are seeking their own self-determination and freedom, such as the Baloch and Sindhi minorities—this is morally wrong for us to continue to give weapons and assistance to this dictatorial and corrupt government.

□ 1915

Unless my amendment passes, our aid will continue to strengthen and bolster a government that has committed crimes against their own people, and we will be then basically giving money to a government that not only represses its own people but, through its support of terrorism and terrorist organizations, threatens the people of the United States as well as those peoples elsewhere.

I would ask my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. First of all, I would like to recognize the gentleman's passion and perseverance on this issue. I do want to pay tribute to the gentleman's perseverance and strong feelings. We engage in the elevator since we share the same third floor. I just want to recognize his passion about this issue.

Let me say, whatever the failings of Pakistan, they have been one of our allies for over 30 or 40 years, and the Coalition Support Fund does remain a critical tool to enable Pakistan to effectively deal with present and future challenges that are coming, quite honestly, as a result of our drawdown. It is a more cost-effective tool than putting more of our troops on the ground.

I respect the gentleman's passion, but I strongly oppose his amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 1¾ minutes remaining.

Mr. ROHRABACHER. Let me just note I respect the chairman's leadership and the hard work he is putting in on this as well as the ranking member. This is a needed piece of legislation, and I respect that. Our primary job is to watch out for the security of our country, and this bill is supposed to address that. That is one reason why I have decided that unless the Pakistanis prove to us that I am wrong by simply releasing Dr. Afridi, basically they are insulting us, they are insulting the victims and the families of 9/11, and the fact is they can't even do this.

If they can't even do this, how do we expect them not to be supporting terrorism behind the scenes, which many of us believe the Pakistanis are guilty of? I suggest that what more can they do—who will trust us around the world if we let our friends like Dr. Afridi linger and let them sit there in a dungeon? Here is the man who helped us get Osama bin Laden, and the Pakistanis won't even let him out of jail. He is an American hero, for God's sake. What more can they do to us before we cut them off from all the billions of dollars of aid we have given them? I ask my colleagues to join me in supporting this resolution, this moral resolution.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield to Ranking Member VISCLOSKY, let me say that Dr. Afridi needs to be freed. We certainly want to go on public record that Pakistan needs to free this man who did remarkable things. He needs to be recognized for his courage. He needs to get out of prison or jail, wherever he is. I think all Members of Congress feel very strongly that he needs to be released.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I would associate myself with the chairman's remarks at this point in time. I do appreciate the gentleman's passion, his search for justice in this world, but I also do believe that the amendment is overly broad. The chairman of the committee certainly recognizes the difficulties we face in Pakistan. Hence, the inclusion of section 9017, which prohibits funds being spent unless there are certain certifications made. For that reason, I would be opposed and join with my chairman against the amendment. I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 37 OFFERED BY MR. WALBERG

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 114–623.

Mr. WALBERG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available in this Act may be used to enforce, implement, or carry out the second proviso in the paragraph designated ''Afghanistan Security Forces Fund'' in Public Law 114–113.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I thank the chairman of the committee and the ranking member for the work that has been done, and I look forward to supporting this important appropriations, but I rise to offer a bipartisan amendment with the gentleman from Tennessee (Mr. COHEN), the gentleman from North Carolina (Mr. JONES), the gentleman from Rhode Island (Mr. CICILLINE), the gentleman from Kentucky (Mr. MASSIE), the gentleman from Vermont (Mr. WELCH), the gentleman from Virginia (Mr. RIGELL), and the gentleman from Minnesota (Mr. NOLAN) that works to ensure the appropriate use of American taxpayer dollars in Afghanistan.

This amendment is in keeping with the clear position of the House, as we have voted several times in bipartisan fashion, to limit funds for the Afghanistan Infrastructure Fund, a program which has been poorly run and is lacking in oversight. Last year, the House passed my bipartisan amendment that would have prevented the Department of Defense from redirecting $50 million in funds from the Afghanistan Security Forces Fund to the Afghanistan Infrastructure Fund. Unfortunately, the fiscal year 2016 omnibus did not retain the House language and provided DOD the authority to obligate funds for the Afghanistan Infrastructure Fund through the end of fiscal year 2017.

My current amendment would turn off this authority. Mr. Chairman, we have spent billions of dollars toward rebuilding the infrastructure of Afghanistan. In fact, Congress has provided $1.3 billion to the Afghanistan Infrastructure Fund since it was created in 2011. However, funds have been slow to be spent, and as of March 31, 2016, $488 million of these infrastructure funds have yet to be expended.

SIGAR has already expressed reservations about the Afghans' ability to even operate and maintain these projects upon completion. So, Mr. Chairman, I ask with almost 50 percent of funds remaining to be expended, why take away from other programs and give to this one?

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Let me thank the gentleman for his amendment and his thoughtfulness and his concerns, which we share about a lot of projects we have invested in in Afghanistan.

I understand the gentleman's intentions are well placed. There were a few projects that were initiated, and the Afghanistan Infrastructure Fund ran into hurdles, as construction projects do, and are yet to be completed. The construction hurdles are by and large complete. The Kandahar bridging solution—this is the plan to provide electrical power to Kandahar—should be completed soon. This was a top counterinsurgency priority.

Initiated in fiscal year 2011, the Afghanistan Infrastructure Fund funded infrastructure projects in Afghanistan to lock in security gains and maintain stability by providing basic essential infrastructure to the people of Afghanistan. Our appropriations act enacted last year was not to extend funding or add any new projects but merely to have the authority to respond to out-of-scope adjustments on existing projects so they can be completed and functional for the Afghan people.

We, of course, realize we have infrastructure needs here at home in the United States, but what message does it send to the Afghan people, yet to the world, that we would leave nine major power-generation projects unfinished, including the Kajaki Dam? Six of these projects are estimated to be completed by the end of the year, with only three completions remaining.

May I say the committee opposes the amendment. They like to see these projects through so we can give the Afghani people a fighting chance. I am opposed to the amendment.

I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman. I do appreciate the sentiments of the gentleman who offered the amendment. As I said earlier in our debate this evening, it is very hard at times to measure progress in Afghanistan, but I would agree with the chairman that after the sacrifice that has been expended—we are towards the end—we ought to give them a chance to stand on their own and join with the chair in opposition to the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. WALBERG. Mr. Chairman, I appreciate the chairman and ranking member's concerns, but 50 percent of the funds still remain to be used. They are there for that purpose. I think that is sufficient. Last year, 233 of us voted in favor of this amendment in a bipartisan fashion. I think that directs also the will of the House.

I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), my good friend and colleague.

Mr. CICILLINE. Mr. Chairman, I thank the gentleman for yielding. I rise in strong support of this amendment offered by the gentleman from Michigan.

We have enormous infrastructure needs here in our own country. And, in fact, the Federal Highway Administration estimates that we have $106 billion of work to be done to our Nation's deteriorating bridges. As a country, it is absolutely critical that we make investments in repairing our own Nation's infrastructure.

Instead, we continue to invest taxpayer money in the Afghanistan Infrastructure Fund. To make matters worse, the Afghanistan Infrastructure Fund is notorious for inefficiencies and shortfalls. Several government watchdog groups have said that projects under this account have lagged significantly behind schedule, have lacked proper oversight, and have been poorly administered. There has been documented serious waste and fraud in this program.

When this program was established in 2011, it was intended to identify a handful of infrastructure projects that were shovel-ready and able to be completed by the middle of 2013. According to the Special Inspector General for Afghanistan Reconstruction, projects funded under this account have been consistently over budget and behind schedule.

Since 2003, the taxpayers of the United States have spent $1.3 billion rebuilding Afghanistan. As of April of this year, the Department of Defense has yet to disburse nearly $500 million for this program. With so much funding still waiting to be spent, why should we, in fact, provide additional funds for this program in light of that?

It is time that we put the needs of our own roads and bridges first. This amendment would prohibit funds from being reprogrammed for this very troubled program. I urge my colleagues to support this so that we can really refocus our attention on rebuilding our own country and put an end to this wasteful, inefficient program that has been fraught with fraud and waste.

I thank my colleague for allowing me to cosponsor the amendment. I strongly urge my colleagues to support the amendment.

Mr. WALBERG. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Michigan has 15 seconds remaining.

Mr. WALBERG. Mr. Chairman, in closing, I ask my colleagues to support this. I appreciate the sentiment and the concern of the ranking member and the chairman of the committee, but this is an issue that has weighed concerns for too long. It is time to give the infrastructure improvements our direction. Afghanis understand that, I believe. SIGAR has proved the concerns, so I ask for support of my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

It is the understanding of the Chair that amendment No. 38 will not be offered.

□ 1930

AMENDMENT NO. 39 OFFERED BY MR. CARTWRIGHT

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 114–623.

Mr. CARTWRIGHT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated by this Act may be used to plan for, begin, continue, complete, process, or approve a public-private competition under the Office of Management and Budget Circular A-76.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. CARTWRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CARTWRIGHT. Mr. Chairman, with my compliments to the chairman of the subcommittee, the gentleman from New Jersey, as well as the ranking member, the gentleman from Indiana, I rise today to offer a bipartisan amendment which would prohibit the Department of Defense from conducting new A–76 studies, a process that both the GAO and the inspector general of the Department of Defense concluded could not demonstrate any savings to the taxpayer, and which has been subject to a congressional moratorium since the year 2010.

Specifically, the A–76 process uses faulty methodology, not updated since 2003, to determine whether Federal civilian jobs should be outsourced. The DOD inspector general's report noted that this A–76 process fails to keep track of costs and savings.

A–76, Mr. Chairman, is unmoored from fact, incorporating an arbitrary 12 percent overhead factor cost for Federal employees as opposed to contractors. The inspector general concluded that ''multimillion-dollar decisions are based, in part, on a factor not supported by data . . . Unless DOD develops a supportable rate or an alternative method to calculate a fair and reasonable rate, the results of future competitions will be questionable . . .''

Making decisions based on such a faulty process is an irresponsible use of taxpayer dollars.

Maintaining the moratorium on the A–76 process is particularly important to the bipartisan House Military Depot, Arsenal, Ammunition Plant, and Industrial Facilities Caucus. While statutory law currently shields the core work of depots from the A–76 process, this process could still subject a depot's non-core work to its flawed assumptions.

Absent the protections of my amendment, significant depot workload, as well as arsenals, ammunition plants, and the rest of the organic industrial base operations, will be open to these flawed A–76 studies and eventual outsourcing.

This risks disruption, putting at risk the critical skills needed to support our warfighters, and interrupting workflow just when our military is in great flux. This kind of disruption could lead to significant delays in providing weapons and equipment to our warfighters, reducing readiness and weakening our organic industrial base, as well as reducing jobs in our local communities.

This body, this House, owes a duty to our warfighters and the taxpayers. Allowing A–76 studies to move forward would be a breach of both.

I urge my colleagues to vote ''yes'' on this amendment to maintain the moratorium on A–76 studies, shielding our military readiness from a process in desperate need of drastic revision.

I thank Representative DON BEYER, as well as Representatives WALTER JONES and ROB BISHOP across the aisle, for their support on this important amendment.

Additionally, I would like to thank the American Federation of Government Employees for their support as well, especially the hardworking men and women at Tobyhanna Army Depot in my own district.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman offering his amendment. I believe it is a very good one, and I rise in support of it.

Mr. CARTWRIGHT. Mr. Chairman, I urge my colleagues to vote ''yes'' on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BEYER. Mr. Chair, I rise today in support of the Rep. CARTWRIGHT's Amendment to H.R. 5293, the Department of Defense Appropriations Act, 2017, of which I am a proud cosponsor.

Rep. CARTWRIGHT's amendment would keep in place a moratorium on the use of the Office of Management and Budget's Circular A–76 privatization studies at the Department of Defense. These studies use a faulty methodology to determine whether or not to outsource federal civilian jobs.

It is wrong to jeopardize their livelihood in the name of privatization, especially when the tools to justify it are so faulty and biased against our federal workforce. Multiple reports, including by the Government Accountability Office and the Department of Defense Inspector General, criticized the A–76 process for failing to properly track costs and savings.

A–76 studies improperly alienate our hard working civilian employees critical to the military. These personnel provide depot maintenance and equipment recapitalization, logistics capabilities, engineering expertise necessary for modernization, warfighter training, base support and facilities sustainment, medical care and treatment, and family care programs that are critical to our Soldiers, Sailors, Airmen, Marines and their families.

We cannot afford to leave such costly decisions up to faulty data. A–76 studies cost the Department of Defense money, at the expense of military readiness, troop safety, and our federal civilian workforce. We should not lift this moratorium.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CARTWRIGHT).

The amendment was agreed to.

AMENDMENT NO. 40 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in House Report 114–623.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available by this Act may be used to transfer or authorize the transfer of any cluster munitions to Saudi Arabia.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I urge the support of every Member in this body for this amendment to block the transfer of American-made cluster bombs to Saudi Arabia.

This amendment is endorsed by the United States Conference of Catholic Bishops, as well as Human Rights Watch, Amnesty International, and a number of other organizations.

American-manufactured cluster bombs are currently being used by the Saudi-led coalition that is bombing Yemen. That campaign has caused the deaths of over 900 children, 3,000 civilians, and has forced 2.8 million people from their homes.

In violation of American law, the Saudis have used cluster bombs in civilian areas, endangering innocent civilians and threatening agriculture and other industries in Yemen.

Since the United States is supplying cluster bombs to the Saudis, and is a member of the coalition led by the Saudis, the United States could be held responsible for careless Saudi actions in this widely criticized bombing campaign.

The Obama administration recently took unilateral action to stop the sale of some cluster bombs to the Saudis. This amendment would put that prohibition into law, and make it more transparent and accountable.

I urge my colleagues to pass this reasonable amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The Department of Defense strongly opposes this amendment. They advise us that it would stigmatize cluster munitions, which are legitimate weapons with clear military utility, and are effective weapons, providing distinct advantages against a range of targets, and can result in less collateral damage than unitary weapons.

The United States should be encouraging other states, such as the Kingdom of Saudi Arabia, to upgrade their cluster munitions stockpiles rather than making it more difficult for new sales and transfers.

Advancements in Sensor Fuzed technology have enabled newer types of cluster munitions to select and engage individual targets, which are not possible with older types of cluster munitions. These advancements in precisions dramatically reduce the likelihood of unintended harm to civilians and civilian infrastructure from the use of cluster munitions.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of this amendment.

We have all seen the horrific reports coming from human rights groups on the ground in Yemen, where American-made cluster bombs are being used by Saudi Arabia against innocent bystanders—all under the guise of attacking Houthi rebels.

Earlier this year, the Saudi-led coalition dropped cluster bombs in Yemen's capital of Sana'a, specifically targeting known civilian neighborhoods. One of the buildings hit was the Al Noor Center for Care and Rehabilitation for the Blind, which also has a school for blind children. The destruction of the school and the injuries sustained by the children was unbearably gruesome.

This deliberate and reckless use of cluster munitions by Saudi Arabia highlights their complete disregard for the welfare of innocent people.

These actions are unacceptable. There is something fundamentally wrong with preaching human and civil rights here at home while we export death abroad. We cannot ignore our duty to protect basic human rights and values here and around the world. Unfortunately, as long as we sell cluster munitions to Saudi Arabia, these outrageous violations will continue to occur.

I ask my colleagues to support this amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the gentleman's amendment.

While I applaud the administration for their recent suspension of sales of these weapons to Saudi Arabia, as of May 23, the gentleman's amendment would add certainty to the administration's position. I do support him in his effort, and I appreciate him offering the amendment.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to oppose the amendment.

Relating to the newer munitions that I talked about a few minutes ago, with improved performance, Human Rights Watch stated that, in perhaps the greatest technological advance, Sensor Fuzed weapon munitions, known as Air Force tank busters, are capable of independently sensing and attacking specific targets, like armored vehicles.

Without the Saudi order—this is a lot of what this is focusing on—this U.S. production line will close in 2017, significantly impacting the industrial base and prevent future U.S. procurement. For the record, over 85 suppliers in 30 States will be shuttered.

If the administration holds up or Congress blocks the sale, Saudi Arabia will likely purchase legacy cluster munitions from Russia, China and others, which, when used, will leave significant hazardous, unexploded munitions on the battlefield, further endangering civilians, as opposed to improve manufactured munitions.

Therefore, for these and other reasons, I strongly reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Michigan will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARTER of Texas) having assumed the chair, Mr. NEWHOUSE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

□ 1945

HELPING FAMILIES IN MENTAL HEALTH CRISIS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, earlier today, I noted with particular joy that the House Energy and Commerce Committee moved through, by unanimous vote and complete bipartisanship, the Helping Families in Mental Health Crisis Act, H.R. 2426.

Without question, it is one of the most important pieces of legislation to address the serious mental illness crisis that has plagued our Nation since de-institutionialization turned millions of seriously ill citizens out on our streets, assuming they could function in the community in the second half of the 20th century. That proved not to be possible for millions of our fellow citizens.

Lacking effective treatment, many froze to death in back alleys, sat in their own excrement on the sidewalks of our cities, sought refuge under bridges and in doorways and street grates, became victims of abuse, and, too often, disappeared into the vapors of life, propelled by the force of their own unquiet minds.

Let me thank profusely and recognize Congressman TIM MURPHY of Pennsylvania, a psychologist who relied on his three decades of experience, and Congresswoman EDDIE BERNICE JOHNSON of Texas, a psychiatric nurse with two decades of experience in practice, for their visionary and unrelenting efforts to move the plight of the mentally ill into the main arena of this Congress.

I urge the Speaker to swiftly allocate time for its advancement to the House floor for a vote. Let us do something in our time and generation worthy of being remembered. This bill is it.

HOUR OF MEETING ON TOMORROW

Mr. MCCLINTOCK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. NEWHOUSE). Is there objection to the request of the gentleman from California?

There was no objection.

THE GROWING THREAT OUR NATION FACES FROM ISLAMIC TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. MCCLINTOCK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCLINTOCK. Mr. Speaker, the terrorist attack on Orlando should bring into sharp focus the growing threat that our Nation faces from Islamic terrorism, and that begins with realizing that although Islam is a religion, it is often accompanied by a poisonous political ideology that is antithetical to everything that our country stands for. That ideology now poses a direct threat to the liberty and safety of our people, and we have every right to defend ourselves against it.

We knew for years that the terrorist's father was broadcasting pro-Taliban and anti-American rhetoric aimed principally at a large and growing Afghan Islamic population within the United States.

We knew that the terrorist, himself, had traveled repeatedly to Saudi Arabia under mysterious circumstances, associated with known terrorists and Islamic radicals in the United States, and expressed the most virulent anti-American views. And we took no action because there are far more instances of such threats than we can begin to assess or address.

This administration has drastically increased the admission of refugees from regions where overwhelming majorities believe in imposing sharia law. Those who are fleeing sharia law and Islamist political ideology should be welcome in this country at assimilable levels; but those who are coming here to impose it are a direct threat to our Constitution, and they have no business being admitted to our shores. Yet this administration makes no distinction between the two.

Indeed, earlier this year, when Governor Rick Scott of Florida, acting on behalf of law enforcement, requested information on the Islamic immigrants being inserted into his State, he was refused that vital public safety information.

While seeking to rapidly increase the number of Islamists being admitted to this country, this administration has failed not only to enforce our immigration laws, but it has actively undermined those laws. As a result of these deliberate government policies, we are enduring Islamist attacks within our borders that will continue to increase in both frequency and severity.

There is no blinking at the fact that these policies have encouraged a large and growing fifth column that is violently hostile to our country, and it has become deeply embedded within our communities. San Bernardino and Orlando were just the first bloody foretaste of what is to come until and unless these policies are stopped and reversed.

Last year, the House passed the SAFE Act. That is an acronym for Safety Against Foreign Enemies. It was the first tentative step toward properly screening refugees from hotbeds of Islamic extremism. It merely required affirmative verification of a refugee's lack of hostile intent if they were coming from Islamist strongholds in Iraq and Syria. 135 Democrats in this House opposed the SAFE Act, and Senate Democrats killed it in January at the behest of their President.

The very same politicians who will not allow us even to confirm the intent of Islamists entering America are at the same time using the Orlando atrocity as an excuse to disarm loyal and law-abiding Americans. Within minutes of the attack, the left began to use this terrorist atrocity to justify more restrictions on the rights of Americans to defend themselves. They would have us believe that terrorists who are bent on destroying our country by violently killing Americans will somehow make one exception to their contempt for our Nation by meticulously obeying our gun control laws.

The leftists tell us to leave it to the police. Really? In Orlando, it took 3 hours for police to secure the scene and confront the attacker, while hostages were being shot and the wounded were left to bleed to death—3 hours. In San Bernardino, the terrorists had already fled before police even arrived at the scene.

The first line of defense against an armed terrorist is an armed American; yet the Democrats seek to make it harder for Americans to arm themselves, while increasing the threat posed by mass immigration from those countries where Islamist ideology is rampant.

Is it possible that they don't understand that there is an international arms market and that terrorists can get their hands on any kinds of weapons they want as effortlessly as teenagers can buy pot?

While the Orlando terrorist got his guns legally, he could just as easily have gotten them illegally. But that is not the case of law-abiding American citizens. Law-abiding citizens obey our laws; terrorists do not.

The left's vision for our country is one in which Americans cannot shoot back and must helplessly wait to be rescued while they are being terrorized by Islamic extremists who should never have been in this country in the first place. And that is going to continue in this country until it wakes up to the danger that it faces and takes decisive action at the ballot box.

That is ultimately the choice before us: we can either suffer increasingly violent attacks on increasingly defenseless Americans, or we can choose to finally take seriously the nature of

the enemy we face and finally demand leaders who will secure our borders, empower Americans to defend themselves, and act forthrightly to defend our country.

Mr. Speaker, I yield back the balance of my time.

WORDS FROM A SEXUAL ASSAULT SURVIVOR TO HER ATTACKER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentlewoman from California (Ms. SPEIER) is recognized for 60 minutes as the designee of the minority leader.

Ms. SPEIER. Mr. Speaker, we are doing something tonight that has never been done before on the House floor. We will read the entire gut-wrenching statement of the sexual assault survivor who was attacked on the Stanford campus last year.

The sexual predator received a paltry sentence of 6 months in county jail, of which he will serve only 3 for committing a violent crime. We are not moved by the felon's excuse of alcohol. We are not moved by the judge, who said a longer sentence would have a ''severe impact'' on the offender. We are not moved by the felon's father, who said that his son should not serve jail time for ''20 minutes of action.''

Emily Doe is a survivor in every sense of the word, and her words deserve to be amplified.

Mr. Speaker, I ask unanimous consent that we read the statement in its entirety without yielding, by name, to each Member, to preserve the continuity of the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SPEIER. ''Your Honor, if it is all right, for the majority of this statement I would like to address the defendant directly.

''You don't know me, but you've been inside me, and that's why we're here today.

''On January 17th, 2015, it was a quiet Saturday night at home. My dad made some dinner and I sat at the table with my younger sister who was visiting for the weekend. I was working full time and it was approaching my bed time. I planned to stay at home by myself, watch some TV and read, while she went to a party with her friends.''

Ms. CLARK of Massachusetts. ''Then, I decided it was my only night with her, I had nothing better to do, so why not, there's a dumb party ten minutes from my house, I would go, dance like a fool, and embarrass my younger sister. On the way there, I joked that undergrad guys would have braces. My sister teased me for wearing a beige cardigan to a frat party like a librarian. I called myself 'big mama', because I knew I'd be the oldest one there. I made silly faces, let my guard down, and drank liquor too fast not factoring in that my tolerance had significantly lowered since college.

''The next thing I remember I was in a gurney in a hallway. I had dried blood and bandages on the backs of my hands and elbow. I thought maybe I had fallen and was in an admin office on campus. I was very calm and wondering where my sister was. A deputy explained I had been assaulted. I still remained calm, assured he was speaking to the wrong person. I knew no one at this party. When I was finally allowed to use the restroom, I pulled down the hospital pants they had given me, went to pull down my underwear, and felt nothing.

''I still remember the feeling of my hands touching my skin and grabbing nothing. I looked down and there was nothing. The thin piece of fabric, the only thing between my vagina and anything else, was missing and everything inside me was silenced. I still don't have words for that feeling. In order to keep breathing, I thought maybe the policeman used scissors to cut them off for evidence.

''Then I felt the pine needles scratching the back of my neck and started pulling them out my hair. I thought maybe, the pine needles had fallen from a tree onto my head. My brain was talking my gut into not collapsing. Because my gut was saying, help me, help me.

''I shuffled from room to room with a blanket wrapped around me, pine needles trailing behind me, I left a little pile in every room I sat in. I was asked to sign papers that said 'Rape Victim' and I thought something has really happened. My clothes were confiscated and I stood naked while the nurses held a ruler to various abrasions on my body and photographed them. The three of us worked to comb the pine needles out of my hair, six hands to fill one paper bag. To calm me down, they said it's just the flora and fauna, flora and fauna. I had multiple swabs inserted into my vagina and anus, needles for shots, pills, had a Nikon pointed right into my spread legs. I had long, pointed beaks inside me and had my vagina smeared with cold, blue paint to check for abrasions.''

Mr. CICILLINE. ''After a few hours of this, they let me shower. I stood there examining my body beneath the steam of water and decided, I don't want my body anymore. I was terrified of it, I didn't know what had been in it, if it had been contaminated, who had touched it. I wanted to talk off my body like a jacket and leave it at the hospital with everything else.

''On that morning, all that I was told was that I had been found behind a dumpster, potentially penetrated by a stranger, and that I should get retested for HIV because results don't always show up immediately. But for now, I should go home and get back to my normal life.

''Imagine stepping back into the world with only that information. They gave me huge hugs and I walked out of the hospital into the parking lot wearing the new sweatshirt and sweatpants they provided me, as they had only allowed me to keep my necklace and shoes.''

□ 2000

''My sister picked me up, face wet from tears and contorted in anguish. Instinctively and immediately, I wanted to take away her pain. I smiled at her, I told her to look at me, I'm right here, I'm okay, everything's okay. I'm right here.

''My hair is washed and clean, they gave me the strangest shampoo, calm down, and look at me. Look at these funny new sweatpants and sweatshirt, I look like a P.E. teacher, let's go home, let's eat something. She did not know that beneath my sweatsuit, I had scratches and bandages on my skin, my vagina was sore and had become a strange, dark color from all the prodding, my underwear was missing, and I felt too empty to continue to speak. That I was also afraid, that I was also devastated. That day we drove home and for hours in silence my younger sister held me.

''My boyfriend did not know what happened, but called that day and said, 'I was really worried about you last night, you scared me, did you make it home okay?' I was horrified. That is when I learned I had called him that night in my blackout, left an incomprehensible voicemail, that we had also spoken on the phone, but I was slurring so heavily he was scared for me, that he repeatedly told me to go find [my sister]. Again, he asked me, 'What happened last night? Did you make it home okay?' I said yes, and hung up to cry.''

Ms. TSONGAS. ''I was not ready to tell my boyfriend or parents that actually, I may have been raped behind a dumpster, but I don't know by who or when or how. If I told them, I would see the fear on their faces, and mine would multiply by tenfold, so instead I pretended the whole thing wasn't real.

''I tried to push it out of my mind, but it was so heavy I didn't talk, I didn't eat, I didn't sleep, I didn't interact with anyone. After work, I would drive to a secluded place to scream.

''I didn't talk, I didn't eat, I didn't sleep, I didn't interact with anyone, and I became isolated from the ones I loved most. For over a week after the incident, I didn't get any calls or updates about that night or what happened to me. The only symbol that proved that it hadn't just been a bad dream, was the sweatshirt from the hospital in my drawer.

''One day, I was at work, scrolling through news on my phone, and came across an article. In it, I read and learned for the first time about how I was found unconscious, with my hair disheveled, long necklace wrapped around my neck, bra pulled out of my dress, dress pulled off over my shoulders and pulled up above my waist, that I was butt naked all the way down to my boots, legs spread apart, and had been penetrated by a foreign object by someone I did not recognize.

''This was how I learned what happened to me, sitting at my desk reading the news at work. I learned what happened to me the same time everyone else in the world learned what happened to me. That's when the pine needles in my hair made sense, they didn't fall from a tree. He had taken off my underwear, his fingers had been inside of me. I don't even know this person. I still don't know this person. When I read about me like this, I said, this can't be me, this can't be me. I could not digest or accept any of this information.''

Ms. MAXINE WATERS of California. ''I could not imagine my family having to read about this online. I kept reading. In the next paragraph, I read something that I will never forgive; I read that according to him, I liked it. I liked it. Again, I do not have words for these feelings.

''It's like if you were to read an article where a car was hit, and found dented, in a ditch. But maybe the car enjoyed being hit. Maybe the other car didn't mean to hit it, just bump it up a little bit. Cars get in accidents all the time, people aren't always paying attention, can we really say who's at fault.

''And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault, the article listed his swimming times. She was found breathing, unresponsive with her underwear six inches away from her bare stomach curled in fetal position. By the way, he's really good at swimming. Throw in my mile time if that's what we're doing. I'm good at cooking, put that in there, I think the end is where you list your extracurriculars to cancel out all the sickening things that've happened.

''The night the news came out I sat my parents down and told them that I had been assaulted, to not look at the news because it's upsetting, just know that I'm okay, I'm right here, and I'm okay. But halfway through telling them, my mom had to hold me because I could no longer stand up.

''The night after it happened, he said he didn't know my name, said he wouldn't be able to identify my face in a lineup, didn't mention any dialogue between us, no words, only dancing and kissing.

''Dancing is a cute term; was it snapping fingers and twirling dancing, or just bodies grinding up against each other in a crowded room? I wonder if kissing was just faces sloppily pressed up against each other? When the detective asked if he had planned on taking me back to his dorm, he said no. When the detective asked how we ended up behind the dumpster, he said he didn't know. He admitted to kissing other girls at that party, one of whom was my own sister who pushed him away. He admitted to wanting to hook up with someone. I was the wounded antelope of the herd, completely alone and vulnerable, physically unable to fend for myself, and he chose me.''

Mrs. WATSON COLEMAN. ''Sometimes I think, if I hadn't gone, then this never would have happened. But then I realized, it would have happened, just to somebody else. You were about the enter four years of access to drunk girls and parties, and if this is the foot you started off on, then it is right you did not continue. The night after it happened, he said he thought I liked it because I rubbed his back. A back rub. Never mentioned me voicing consent, never mentioned us even speaking, a back rub. One more time, in public news, I learned that my ass and vagina were completely exposed outside, my breasts had been groped, fingers had been jabbed inside me along with pine needles and debris, my bare skin and head had been rubbing against the ground behind a dumpster, while an erect freshman was humping my half naked, unconscious body. But I don't remember, so how do I prove I didn't like it.

''I thought there's no way this is going to trial; there were witnesses, there was dirt in my body, he ran but he was caught. He's going to settle, formally apologize, and we will both move on. Instead, I was told he hired a powerful attorney, expert witnesses, private investigators who were going to try and find details about my personal life to use against me, find loopholes in my story to invalidate me and my sister, in order to show that this sexual assault was in fact a misunderstanding. That he was going to go to any length to convince the world he had simply been confused.

''I was not only told that I was assaulted, I was told that because I couldn't remember, I technically could not prove it was unwanted. And that distorted me, damaged me, almost broke me. It is the saddest type of confusion to be told I was assaulted and nearly raped, blatantly out in the open, but we don't know if it counts as assault yet. I had to fight for an entire year to make it clear that there was something wrong with this situation.

''When I was told to be prepared in case we didn't win, I said, I can't prepare for that.''

Ms. JUDY CHU of California. ''He was guilty the minute I woke up. No one can talk me out of the hurt he caused me. Worst of all, I was warned, because he now knows you don't remember, he is going to get to write the script. He can say whatever he wants and no one can contest it. I had no power, I had no voice, I was defenseless. My memory loss would be used against me. My testimony was weak, was incomplete, and I was made to believe that perhaps, I am not enough to win this. His attorney constantly reminded the jury, the only one we can believe is Brock, because she doesn't remember. That helplessness was traumatizing.

''Instead of taking time to heal, I was taking time to recall the night in excruciating detail, in order to prepare for the attorney's questions that would be invasive, aggressive, and designed to steer me off course, to contradict myself, my sister, phrased in ways to manipulate my answers. Instead of his attorney saying, Did you notice any abrasions? He said, You didn't notice any abrasions, right? This was a game of strategy, as if I could be tricked out of my own worth.

''The sexual assault had been so clear, but instead, here I was at the trial, answering questions like:

''How old are you? How much do you weigh? What did you eat that day? Well what did you have for dinner? Who made dinner? Did you drink with dinner? No, not even water? When did you drink? How much did you drink? What container did you drink out of? Who gave you the drink? How much do you usually drink? Who dropped you off at this party? At what time? But where exactly? What were you wearing? Why were you going to this party?

''What'd you do when you got there? Are you sure you did that? But what time did you do that? What does this text mean? Who were you texting? When did you urinate? Where did you urinate? With whom did you urinate outside? Was your phone on silent when your sister called? Do you remember silencing it? Really? Because on page 53 I'd like to point out that you said it was set to ring. Did you drink in college? You said you were a party animal? How many times did you black out? Did you party at frats?''

Ms. ESHOO. ''Are you serious with your boyfriend? Are you sexually active with him? When did you start dating? Would you ever cheat? Do you have a history of cheating? What do you mean when you said you wanted to reward him? Do you remember what time you woke up? Were you wearing your cardigan? What color was your cardigan? Do you remember any more from that night? No? Okay, well, we'll let Brock fill it in.

''I was pummeled with narrow, pointed questions that dissected my personal life, love life, past life, family life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name. After a physical assault, I was assaulted with questions designed to attack me, to say see, her facts don't line up, she's out of her mind, she's practically an alcoholic, she probably wanted to hook up, he's like an athlete right, they were both drunk, whatever, the hospital stuff she remembers is after the fact, why take it into account, Brock has a lot at stake so he's having a really hard time right now. And then it came time for him to testify and I learned what it meant to be revictimized.

''I want to remind you, the night after it happened he said he never planned to take me back to his dorm. He said he didn't know why we were behind a dumpster. He got up to leave because he wasn't feeling well when he was suddenly chased and attacked.

Then he learned I could not remember. So one year later, as predicted, a new dialogue emerged. Brock had a strange new story, almost sounded like a poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling onto the ground, and most importantly in this new story, there was suddenly consent. One year after the incident, he remembered, oh yeah, by the way she actually said yes, to everything, so.

''He said he had asked if I wanted to dance. Apparently I said yes. He'd asked if I wanted to go to his dorm, I said yes. Then he asked if he could finger me and I said yes. Most guys don't ask, can I finger you? Usually there's a natural progression of things, unfolding consensually, not a Q and A. But apparently I granted full permission. He's in the clear. Even in his story, I only said a total of three words, yes yes yes, before he had me half naked on the ground.''

□ 2015

Mr. TAKANO. ''Future reference, if you are confused about whether a girl can consent, see if she can speak an entire sentence. You couldn't even do that. Just one coherent string of words. Where was the confusion? This is common sense, human decency.

''According to him, the only reason we were on the ground was because I fell down. Note; if a girl falls down help her get back up. If she is too drunk to even walk and falls down, do not mount her, hump her, take off her underwear, and insert your hand inside her vagina. If a girl falls down help her up. If she is wearing a cardigan over her dress don't take it off so that you can touch her breasts. Maybe she is cold, maybe that's why she wore the cardigan.

''Next in the story, two Swedes on bicycles approached you and you ran. When they tackled you why didn't you say, 'Stop! Everything's okay, go ask her, she's right over there, she'll tell you.' I mean you had just asked for my consent, right? I was awake, right? When the policeman arrived and interviewed the evil Swede who tackled you, he was crying so hard he couldn't speak because of what he'd seen.

''Your attorney has repeatedly pointed out, well we don't know exactly when she became unconscious. And you're right, maybe I was still fluttering my eyes and wasn't completely limp yet. That was never the point. I was too drunk to speak English, too drunk to consent way before I was on the ground. I should never have been touched in the first place. Brock stated, 'At no time did I see that she was not responding. If at any time I thought she was not responding, I would have stopped immediately.'

''Here's the thing; if your plan was to stop only when I became unresponsive, then you still do not understand. You didn't even stop when I was unconscious anyway! Someone else stopped you. Two guys on bikes noticed I wasn't moving in the dark and had to tackle you. How did you not notice while on top of me?

''You said, you would have stopped and gotten help. You say that, but I want you to explain how you would've helped me, step by step, walk me through this. I want to know, if those evil Swedes had not found me, how the night would have played out.''

Mrs. DINGELL. ''I am asking you; Would you have pulled my underwear back on over my boots? Untangled the necklace wrapped around my neck? Closed my legs, covered me? Pick the pine needles from my hair? Asked if the abrasions on my neck and bottom hurt? Would you then go find a friend and say, Will you help me get her somewhere warm and soft? I don't sleep when I think about the way it could have gone if the two guys had never come. What would have happened to me? That's what you'll never have a good answer for, that's what you can't explain even after a year.

''On top of all this, he claimed that I orgasmed after 1 minute of digital penetration. The nurse said there had been abrasions, lacerations, and dirt in my genitalia. Was that before or after I came? To sit under oath and inform all of us, that yes I wanted it, yes I permitted it, and that you are the true victim attacked by Swedes for reasons unknown to you is appalling, is demented, is selfish, is damaging. It is enough to be suffering. It is another thing to have someone ruthlessly working to diminish the gravity of validity of this suffering.

''My family had to see pictures of my head strapped to a gurney full of pine needles, of my body in the dirt with my eyes closed, hair messed up, limbs bent, and dress hiked up. And even after that, my family had to listen to your attorney say the pictures were after the fact, we can dismiss them. To say, yes her nurse confirmed there was redness and abrasions inside her, significant trauma to her genitalia, but that's what happens when you finger someone, and he's already admitted to that.

''To listen to your attorney attempt to paint a picture of me, the face of girls gone wild, as if somehow that would make it so that I had this coming for me. To listen to him say I sounded drunk on the phone because I'm silly and that's my goofy way of speaking. To point out that in the voicemail, I said I would reward my boyfriend and we all know what I was thinking. I assure you my rewards program is nontransferable, especially to any nameless man that approaches me.''

Ms. KAPTUR. ''He has done irreversible damage to me and my family during the trial and we have sat silently, listening to him shape the evening. But in the end, his unsupported statements and his attorney's twisted logic fooled no one. The truth won, the truth spoke for itself.

''You are guilty. Twelve jurors convicted you guilty of three felony counts beyond a reasonable doubt, that's twelve votes per count, thirty-six yeses confirming guilt, that's one hundred percent, unanimous guilt. And I thought finally it is over, finally he will own up to what he did, truly apologize, we will both move on and get better. Then I read your statement.

''If you are hoping that one of my organs will implode from anger and I will die, I'm almost there. You are very close. This is not a story of another drunk college hook-up with poor decision making. Assault is not an accident. Somehow, you still don't get it. Somehow, you still sound confused. I will now read portions of the defendant's statement and respond to them.

''You said, Being drunk I just couldn't make the best decisions and neither could she.

''Alcohol is not an excuse. Is it a factor? Yes. But alcohol was not the one who stripped me, fingered me, had my head dragging against the ground, with me almost fully naked. Having too much to drink was an amateur mistake that I admit to, but it is not criminal. Everyone in this room has had a night where they have regretted drinking too much, or knows someone close to them who has had a night where they regretted drinking too much. Regretting drinking is not the same as regretting sexual assault. We were both drunk. The difference is I did not take off your pants and underwear, touch you inappropriately, and run away. That's the difference.

''You said, If I wanted to get to know her, I should have asked for her number, rather than asking her to go back to my room.

''I'm not mad because you didn't ask for my number. Even if you did know me, I would not want to be in this situation. My own boyfriend knows me, but if he asked to finger me behind a dumpster, I would slap him. No girl wants to be in this situation. Nobody. I don't care if you know their phone number or not. You said, I stupidly thought it was okay for me to do what everyone around me was doing, which was drinking. I was wrong.''

Ms. GABBARD. ''Again, you were not wrong for drinking. Everyone around you was not sexually assaulting me. You were wrong for doing what nobody else was doing, which was pushing your erect dick in your pants against my naked, defenseless body concealed in a dark area, where partygoers could no longer see or protect me, and my own sister could not find me. Sipping fireball is not your crime. Peeling off and discarding my underwear like a candy wrapper to insert your finger into my body, is where you went wrong. Why am I still explaining this.

''You said, During the trial I didn't want to victimize her at all. That was just my attorney and his way of approaching the case.

''Your attorney is not your scapegoat, he represents you. Did your attorney say some incredulously infuriating, degrading things? Absolutely. He

said you had an erection, because it was cold.

''You said, you are in the process of establishing a program for high school and college students in which you speak about your experience to 'speak out against the college campus drinking culture and the sexual promiscuity that goes along with that.'

''Campus drinking culture. That's what we're speaking out against? You think that's what I've spent the past year fighting for? Not awareness about campus sexual assault, or rape, or learning to recognize consent. Campus drinking culture. Down with Jack Daniels. Down with Skyy Vodka. If you want to talk to people about drinking go to an AA meeting. You realize, having a drinking problem is different than drinking and then forcefully trying to have sex with someone? Show men how to respect women, not how to drink less.

''Drinking culture and the sexual promiscuity that goes along with that. Goes along with that, like a side effect, like fries on the side of your order. Where does promiscuity even come into play? I don't see headlines that read, Brock Turner, Guilty of drinking too much and the sexual promiscuity that goes along with that. Campus Sexual Assault. There's your first powerpoint slide. Rest assured, if you fail to fix the topic of your talk, I will follow you to every school you go to and give a follow up presentation.''

Mr. POE of Texas. ''Lastly you said, I want to show people that one night of drinking can ruin a life. A life, one life, yours, you forgot about mine. Let me rephrase for you, I want to show people that one night of drinking can ruin two lives. You and me. You are the cause, I am the effect. You have dragged me through this hell with you, dipped me back into that night again and again. You knocked down both our towers, I collapsed at the same time you did. If you think I was spared, came out unscathed, that today I ride off into sunset, while you suffer the greatest blow, you are mistaken.

''My independence, natural joy, gentleness, and steady lifestyle I had been enjoying became distorted beyond recognition. I became closed off, angry, self deprecating, tired, irritable, empty. The isolation at times was unbearable. You cannot give me back the life I had before that night either. While you worry about your shattered reputation, I refrigerated spoons every night so when I woke up, and my eyes were puffy from crying, I would hold the spoons to my eyes to lessen the swelling so that I could see. I showed up an hour late to work every morning, excused myself to cry in the stairwells, I can tell you all the best places in that building to cry where no one can hear you.

''The pain became so bad that I had to explain the private details to my boss to let her know why I was leaving. I needed time because continuing day to day was not possible. I used my savings to go as far away as I could possibly be. I did not return to work full time as I knew I'd have to take weeks off in the future for the hearing and trial, that were constantly being rescheduled. My life was put on hold for over a year, my structure had collapsed.

''I can't sleep alone at night without having a light on, like a five year old, because I have nightmares of being touched where I cannot wake up, I did this thing where I waited until the sun came up and I felt safe enough to go to sleep. For three months, I went to bed at six o'clock in the morning.

''Nobody wins. We all have been devastated, we all have been trying to find some meaning in all of this suffering. Your damage was concrete; stripped of titles, degrees, enrollment. My damage was internal, unseen, I carry it with me. You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until today.''

□ 2030

''See one thing we have in common is that we were both unable to get up in the morning. I am no stranger to suffering. You made me a victim. In newspapers my name was 'unconscious, intoxicated woman', ten syllables and, nothing more than that.

''For a while, I believed that that was all I was. I had to force myself to relearn my real name, my identity. To relearn that this is not all that I am. That I am not just a drunk victim at a frat party found behind a dumpster, while you are the All-American swimmer at a top university, innocent until proven guilty, with so much at stake. I am a human being who has been irreversibly hurt, my life was put on hold for over a year, waiting to figure out if I was worth something . . . I used to pride myself on my independence, now I am afraid to go on walks in the evening, to attend social events with drinking among friends where I should be comfortable being. I have become a little barnacle always needing to be at someone's side, to have my boyfriend standing next to me, sleeping beside me, protecting me. It is embarrassing how feeble I feel, how timidly I move through life, always guarded, ready to defend myself, ready to be angry.

''You have no idea how hard I have worked to rebuild parts of me that are still weak. It took me eight months to even talk about what happened. I could no longer connect with friends, with everyone around me. I would scream at my boyfriend, my own family whenever they brought this up. You never let me forget what happened to me.''

Mr. SWALWELL of California. ''At the end of the hearing, the trial, I was too tired to speak. I would leave drained, silent. I would go home turn off my phone and for days I would not speak. You bought me a ticket to a planet where I lived by myself. Every time a new article came out, I lived with the paranoia that my entire hometown would find out and know me as the girl who got assaulted. I didn't want anyone's pity and am still learning to accept victim as part of my identity. You made my own hometown an uncomfortable place to be.

''You cannot give me back my sleepless nights. The way I have broken down sobbing uncontrollably if I'm watching a movie and a woman is harmed, to say it lightly, this experience has expanded my empathy for other victims. I have lost weight from stress, when people would comment I told them I've been running a lot lately. There are times I did not want to be touched. I have to relearn that I am not fragile, I am capable, I am wholesome, not just livid and weak.

''When I see my younger sister hurting, when she is unable to keep up in school, when she is deprived of joy, when she is not sleeping, when she is crying so hard on the phone she is barely breathing, telling me over and over again she is sorry for leaving me alone that night, sorry sorry sorry, when she feels more guilt than you, then I do not forgive you. That night I had called her to try and find her, but you found me first. Your attorney's closing statement began, '[Her sister] said she was fine and who knows her better than her sister.' You tried to use my own sister against me? Your points of attack were so weak, so low, it was almost embarrassing. You do not touch her.

''You should have never done this to me. Secondly, you should have never made me fight so long to tell you, you should have never done this to me. But here we are. The damage is done, no one can undo it. And now we both have a choice. We can let this destroy us, I can remain angry and hurt and you can be in denial, or we can face it head on, I accept the pain, you accept the punishment, and we move on.

''Your life is not over, you have decades of years ahead to rewrite your story. The world is huge, it is so much bigger than Palo Alto and Stanford, and you will make a space for yourself in it where you can be useful and happy. But right now, you do not get to shrug your shoulders and be confused anymore. You do not get to pretend that there were no red flags. You have been convicted of violating me, intentionally, forcibly, sexually, with malicious intent, and all you can admit to is consuming alcohol. Do not talk about the sad way your life was upturned because alcohol made you do bad things. Figure out how to take responsibility for your own conduct.''

Ms. LORETTA SANCHEZ of California. ''Now to address the sentencing. When I read the probation officer's report, I was in disbelief, consumed by anger which eventually quieted down to profound sadness. My statements have been slimmed down to distortion and taken out of context. I fought hard during this trial and will not have the outcome minimized by a probation officer who attempted to evaluate my current state and my wishes in a fifteen

minute conversation, the majority of which was spent answering questions I had about the legal system. The context is also important. Brock had yet to issue a statement, and I had not read his remarks.

''My life has been on hold for over a year, a year of anger, anguish and uncertainty, until a jury of my peers rendered a judgment that validated the injustices I had endured. Had Brock admitted guilt and remorse and offered to settle early on, I would have considered a lighter sentence, respecting his honesty, grateful to be able to move our lives forward. Instead he took the risk of going to trial, added insult to injury and forced me to relive the hurt as details about my personal life and sexual assault were brutally dissected before the public. He pushed me and my family through a year of inexplicable, unnecessary suffering, and should face the consequences of challenging his crime, of putting my pain into question, and of making us wait so long for justice.''

Mrs. DAVIS of California. ''I told the probation officer I do not want Brock to rot away in prison. I did not say he does not deserve to be behind bars. The probation officer's recommendation of a year or less in county jail is a soft time-out, a mockery of the seriousness of his assaults, an insult to me and all women. It gives the message that a stranger can be inside you without proper consent and he will receive less than what has been defined as the minimum sentence. Probation should be denied. I also told the probation officer that what I truly wanted was for Brock to get it, to understand and admit to his wrongdoing.

''Unfortunately, after reading the defendant's report, I am severely disappointed and feel that he has failed to exhibit sincere remorse or responsibility for his conduct. I fully respected his right to a trial, but even after twelve jurors unanimously convicted him guilty of three felonies, all he has admitted to doing is ingesting alcohol. Someone who cannot take full accountability for his actions does not deserve a mitigating sentence. It is deeply offensive that he would try and dilute rape with a suggestion of 'promiscuity'. By definition rape is not the absence of promiscuity, rape is the absence of consent, and it perturbs me deeply that he can't even see that distinction.''

Mr. GOSAR. ''The probation officer factored in that the defendant is youthful and has no prior convictions. In my opinion, he is old enough to know what he did was wrong. When you are eighteen in this country you can go to war. When you are nineteen, you are old enough to pay the consequences for attempting to rape someone. He is young, but he is old enough to know better.

''As this is a first offense I can see where leniency would beckon. On the other hand, as a society, we cannot forgive everyone's first sexual assault or digital rape. It doesn't make sense. The seriousness of rape has to be communicated clearly, we should not create a culture that suggests we learn that rape is wrong through trial and error.

''The consequences of sexual assault needs to be severe enough that people feel enough fear to exercise good judgment even if they are drunk, severe enough to be preventative. The probation officer weighed the fact that he has surrendered a hard earned swimming scholarship. How fast Brock swims does not lessen the severity of what happened to me, and should not lessen the severity of his punishment. If a first time offender from an underprivileged background was accused of three felonies and displayed no accountability for his actions other than drinking, what would his sentence be? The fact that Brock was an athlete at a private university should not be seen as an entitlement to leniency, but as an opportunity to send a message that sexual assault is against the law regardless of social class.''

Ms. KUSTER. ''The Probation Officer has stated that this case, when compared to other crimes of similar nature, may be considered less serious due to the defendant's level of intoxication. It felt serious. That's all I'm going to say.

''What has he done to demonstrate that he deserves a break? He has only apologized for drinking and has yet to define what he did to me as sexual assault, he has revictimized me continually, relentlessly. He has been found guilty of three serious felonies and it is time for him to accept the consequences of his actions. He will not be quietly excused.

''He is a lifetime sex registrant. That doesn't expire. Just like what he did to me doesn't expire, doesn't just go away after a set number of years. It stays with me, it's part of my identity, it has forever changed the way I carry myself, the way I live the rest of my life.

''To conclude, I want to say thank you. To everyone from the intern who made me oatmeal when I woke up at the hospital that morning, to the deputy who waited beside me, to the nurses who calmed me, to the detective who listened to me and never judged me, to my advocates who stood unwaveringly beside me, to my therapist who taught me to find courage in vulnerability, to my boss for being kind and understanding, to my incredible parents who teach me how to turn pain into strength, to my grandma who snuck chocolate into the courtroom throughout this to give to me, my friends who remind me how to be happy, to my boyfriend who is patient and loving, to my unconquerable sister who is the other half of my heart, to Alaleh, my idol, who fought tirelessly and never doubted me.''

Mr. GOHMERT. ''Thank you to everyone involved in the trial for their time and attention. Thank you to girls across the nation that wrote cards to my DA to give to me, so many strangers who cared for me.

''Most importantly, thank you to the two men who saved me, who I have yet to meet. I sleep with two bicycles that I drew taped above my bed to remind myself there are heroes in this story. That we are looking out for one another. To have known all of these people, to have felt their protection and love, is something I will never forget.''

□ 2045

Mr. SPEIER. ''And finally, to girls everywhere, I am with you. On nights when you feel alone, I am with you. When people doubt you or dismiss you, I am with you. I fought everyday for you. So never stop fighting, I believe you. As the author Anne Lamott once wrote, ''Lighthouses don't go running all over an island looking for boats to save; they just stand there shining.'' Although I can't save every boat, I hope that by speaking today, you absorbed a small amount of light, a small knowing that you can't be silenced, a small satisfaction that justice was served, a small assurance that we are getting somewhere, and a big, big knowing that you are important, unquestionably, you are untouchable, you are beautiful, you are to be valued, respected, undeniably, every minute of every day, you are powerful and nobody can take that away from you. To girls everywhere, I am with you. Thank you.''

Mr. Speaker, I yield back the balance of my time.

VICTIM STATEMENT

The SPEAKER pro tempore (Mr. PALMER). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I want to first thank my friend. I am very grateful to my friend from California, Congresswoman SPEIER, for having the idea and doing this. Powerful. As a former judge who heard cases like this, it is a powerful reminder of the evil or, as the poet said, the inhumanity of man to man. It is such an outrage.

This was a special evening to bring attention to a grave injustice, so I am very grateful that Congresswoman SPEIER did what she did.

It also brings to mind the fact that there is grave injustice. Nobody should get 6 months in prison for what was done in that case. In Texas, the minimum would be 5 years. I saw Judge POE, a former district judge, also reading part of the statement of the victim in the case. And I just cannot imagine Judge POE or myself giving a sentence anywhere close to 5 years. We would have been heading for the top, if not the top. It is just so outrageous.

In considering an appropriate sentence, a judge—we were taught and the rule was—considered punishment just for what was done. You considered deterrence to the individual who committed the act. You considered general deterrence to the public at large and

the message that would be sent with the sentence that was assessed. And you considered the protection of the general public.

The sentence in this case was just outrageous beyond measure. It is no deterrence to the defendant, criminal actor. It is no general deterrence to the public at large. Somebody thinks they could get away with what he did and get the kind of light sentence he did; it is no deterrence at all.

It certainly didn't protect the public. If he had done 30, 40 years in prison, the public would have been protected all that time. It certainly wasn't much punishment for punishment's sake.

ORLANDO SHOOTING

Mr. GOHMERT. Mr. Speaker, I want to turn now to the issue of the Orlando shooting. There is an article from The Daily Caller from June 12, ''Did FBI Training Material Purge Cause Agency to Drop the Ball on Orlando Shooter?'' I would submit that it absolutely did.

The FBI agents who questioned or investigated this matter I do not believe are at fault for shortcomings. I don't see them. Because I know, Michele Bachmann knows, LYNN WESTMORELAND knows, as we went over and were going through material that the FBI had classified—I thought it was ridiculous; the public should know—the documents about radical Islam that have been purged from the FBI training. Some were ridiculous, cartoon, this or that. But they classified them so that none of us could tell you, Mr. Speaker, or anyone publicly how ridiculous some of the purging was.

According to this administration and Homeland Security, the Council on American-Islamic Relations, CAIR, is an honorable organization. So are they all—all—honorable organizations? The Islamic Society of North America, all organizations that were named as coconspirators in the Holy Land Foundation trial: there were coconspirators named, and the judge found plenty of evidence to keep the named coconspirators in the pleading, though some of them tried to have them removed. But they say they are offended.

They convince people in this administration that somehow the fact that nothing emboldens ISIS more than seeing a weak America and a weak American response is made to be somehow false, though it is absolutely the truth.

Somehow, with the help of some of the media, some in this administration have been able to convince a lot of people that somehow, if you describe radical Islamist terrorists as what they are, you somehow are the reason that there is terrorism. They forget so quickly.

Bill Clinton as President of the United States did more to try to help Muslims around the world, Eastern Europe than most any President. What happened? They tried to bring down the World Trade Center in 1993 on his watch. Not only that, it turns out that the whole time President Clinton was sacrificing American life and limb and treasure to protect Muslims, they were plotting to try again to bring down the World Trade Center.

No, Mr. Speaker, calling radical Islam is not what evokes terrorism. There are a number of factors, but weakness is definitely one of them. And this is a paraphrase, but Ronald Reagan pointed out that, in his lifetime, there was no war that was begun because the country was too strong. That prevents wars. It doesn't cause them. It doesn't cause terrorist attacks.

I go again and again back to the comment from the African gentleman. My wife and I were visiting the Mercy Ship there and the good they were doing treating the thousands and thousands there in West Africa who didn't have proper medical care. This wonderful charitable institution was doing great things. We were there for a week, washed dishes, assisted any way I could in surgery, anything I could do.

But it was the Africans, at the end of the week, who wanted to meet with me and told me: Look, we were so excited when you elected your first Black President, but we have seen, since he has been President, you have gotten weaker and weaker in America. And when America gets weak, we suffer.

Basically, we know where we are going when we die, but our only chance of having peace in this life is if America is strong. And this country has been weakened.

As Muslims leaders have asked in the Middle East, North Africa, Asia: How do you not understand the Muslim Brotherhood has been at war with you since 1979? We don't understand. You placate, you help the Muslim Brotherhood, and you turn on your Muslim friends. We don't understand it. All around the world, they don't understand it.

Iran is an enemy of the United States. They continue to say that. They continue to say that they lied and they would never submit to the terms that this administration said they agreed to. And it is one more thing that makes the radical Islamists or Islamists who are thinking about radicalizing, it helps them realize America is weak and they are stupid and they need to be wiped off the map.

So what does this administration do? Well, Mr. Speaker, I have spoken from the floor here about a fellow Texan, Mr. Elibiary, who was a featured speaker at the 20th Century Man of Peace, the Ayatollah Khomeini, big closed-door event. He was a featured speaker to honor the Ayatollah Khomeini. When the convictions came through for supporting terrorism in the largest, most important terrorist case in America, he took up for the defendants. He said they were wrongly treated.

We know that Osama bin Laden said that the writings of the Muslim brother Qutb—Q-U-T-B is how it is spelled—that Qutb, especially his booklet, ''Milestone,'' helped radicalize him.

Mr. Elibiary was online encouraging people to read ''Milestone,'' that it was a great thing to read, that it was very helpful. And Osama bin Laden said it sure helped radicalize him.

With all the warning signs, Janet Napolitano didn't care. She wanted to show the Muslim world that she was so above the fray and above these silly mortals, what fools these mortals be, that she was above all of that, that she could bring someone who named his foundation the same name as the political party of the Muslim Brotherhood in Egypt. And he never would disclose—as far as I have seen, he still has not disclosed—where he got all the money for what he did.

And yet she made him part of the Countering Violent Extremism advisory committee and then promoted him to the Homeland Security Advisory Council and gave him a classification so he could get online and review classified information.

And Janet Napolitano, as Secretary of Homeland Security, testified falsely before our committee, first, that she didn't know anything about what I was talking about, him downloading documents and trying to offer them to news media, specific national news media, to publish. Thankfully, they turned it down.

□ 2100

She said she didn't know anything about it, yet the night before, her chief told the director of the Department of Public Safety in Texas—because he called me right after the call—I just got a call from Napolitano. He says he has just finished fully briefing Secretary Napolitano on what Elibiary did on his own laptop at his home downloading this information.

She said the next day: I have no idea, basically, what you are talking about.

The next time, I told her: You said you would investigate.

She said: We investigated. There was nothing to it.

None of that was true. When documents were sought to show what was done in the investigation, it turns out there was no investigation. She was testifying falsely about that as well.

So what are radical Islamists supposed to take from all this?

You have an administration that is protecting them. When you review documents that have been cleaned out, taken, purged out of the training material for the FBI, for the State Department, for the Defense Department, for the CIA, for our intelligence, Department of Defense, it is no wonder FBI agents cannot discern that Tsarnaev had been radicalized even though Russia told us twice. And still this administration, they had so miseducated and undereducated our agents, they didn't know what to ask.

How do you establish that somebody had been radicalized?

My dear friend, Philip Haney, one of the original members of Homeland Security, it probably was a record the

number of people that he put together the information to show their terrorist ties. He got a commendation for it. But when he started showing there were ties that people with this administration were having with known terrorists, they deleted thousands of pages of entries of what he had done. When he filed an IG report, they came after him. They impaneled a grand jury to try to destroy him, and he was so squeaky clean. Even though it put his wife in the hospital, nearly killed her, this patriot who has given his life and the opportunity to make millions of dollars with the kind of brilliant mind he has gave it all for his country.

And what did this administration do in return?

This award-winning, wonderful patriot was harassed and investigated, had rumors spread so that they could make sure that the other agents within Homeland Security knew that you don't want to say anything about people with terrorist ties because this will happen to you next.

You know, he has been run through the wringer with a grand jury, and now we are going to take away his gun, his weapon in front of others—terrible humiliation—and then basically put in a closet to push him into retirement. Thank God he was close to retirement. Now he is where he can tell all that was not classified. And we find out just how bad things have been, as this administration did more to protect radical Islamists than it has done really to help keep America safe.

I know I am critical a lot, but I am grateful. I am very grateful that after this terrorist attack, the President didn't go play golf this time. He didn't call the Governor of Florida, but I am very grateful he didn't go play golf. He didn't go to a baseball game. He wasn't on the kiss camera somewhere. I think he is making progress now after 7½ years, and I am grateful for that. I thank him for that, Mr. Speaker, through you.

But this article from the Daily Caller by Peter Hasson says: ''Syrian Immigrant Who Said 9/11 'Changed the World for Good' is a Homeland Security Adviser.'' It goes through and it talks about, you know, that she was picked by Jeh Johnson to help advise him. And here are some of the tweets—oh, and by the way, Mr. Elibiary, like I said, they finally let him end his term after he said the international caliphate was inevitable. Obviously, the United States, by his comments, will have to fall on our knees in front of the ultimate caliph, perhaps the 12th Imam in his mind. But he said Americans need to get used to it.

Well, here is a new replacement. It looks like she has some of the views of Mr. Elibiary. This is a lady with the last name Alawa. So Ms. Alawa, on February 4, 2013, tweeted out: ''I can't deal with people saying America is the best nation in the world. Be critical. Be conscious. Don't be idiots.''

Well, this Nation has previously been the best nation in the world. It has been the freest nation in the world, and that has been shown. But in recent years, we have fallen further and further down the list of the most free nations in the world. So we are certainly not the most free nation anymore, although we have been the most blessed nation with personal freedoms and personal assets. The only nation in history, that I am aware of, where the number one health problem for the Nation's poor involved obesity.

This adviser to Jeh Johnson also tweeted out that ''The US has never been a utopia unless you were a straight white male that owned land. Straight up period go home shut up.''

Isn't that great, Mr. Speaker, that we have people with this mentality and hatred from Americans and bigoted racial positions that she can advise our Secretary of Homeland Security?

Here is another one, September 17, 2014: ''9/11 is your day to pull out your flag themed clothing, and my day to look behind my back as I walk home.''

Well, actually, I don't see a lot of attacks on Muslims in America, especially by true Christians because that is not a Christian thing to do. It is a radical Islamist thing to do.

That is actually quite confirmed by this tweet on 26 April of 2013. She says: ''You can't say something intolerant and not expect consequences. Not on my watch.''

Well, what she is advocating there, in America, under our Constitution, under every law of every State, is called a crime. She is advocating a crime.

Our American Revolution saw the quoting, usually attributed to Voltaire—some differ for the proper attribution, perhaps Voltaire, but the saying was, ''I disagree with what you say, but I will defend to the death your right to say it.''

Now, according to this high-flying adviser to our own American Homeland Security Department, that is now being changed. Basically, to put it more in Voltaire's potential terms, Miss Alawa is saying: I disagree with what you say, and I am going to cause hell to come down on you. There will be consequences because I disagree with what you say, and I am going to make you suffer for it.

Well, see, that is under sharia law, and we find, obviously, she follows sharia law. She doesn't believe in the United States Constitution, she doesn't believe in freedom of speech, and yet here she is, a top adviser to our own Homeland Security Secretary.

Here is another tweet. This was after Pamela Geller was exposing the lies and hypocrisy of radical Islam and had a drawing contest about Mohammed, and she says: How the blank is—and she fills in blanks. How the blank is the S blank @PamelaGeller is spewing ''free speech''? It's straight up warmongering hate speech. It's xenophobia.

No. The hatred is belonging to Miss Alawa.

Here is another to show her racism. She says: ''Because, Ya know, @TheBachelor, white people in America? They're not gonna be dominant majority for much longer.''

So it is wonderful that Secretary Johnson feels that the way to protect America is to have racist, sharia-loving, above-the-Constitution advisers telling him that you have to go easy on the radical Islamists and not call them what they are, and be mean and tough on people who are concerned about their physical safety, and you need to take the guns away.

I mean, I found this statement. This is consistent. This administration says, when radical Islam attacks, it is time to take guns away from law-abiding Americans. And he keeps proposing this idea that this list that only this administration can compile—nobody in Congress is allowed to even know how they put their list together, potential watch list, terrorist list. We don't know how they put it. They won't tell us. They won't tell people how you get off the list. And yet this unconstitutional way of depriving people of their constitutional rights is being advocated by mostly everybody in this administration. We have to take away Americans' right to keep and bear arms if the President puts them on a list that says he doesn't want them to have guns.

I mean, we have already seen what this administration has done to seniors. Okay. If you are a senior citizen and you have found—because of arthritis in your hands, whatever reason—it is easier for a family member to take care of your checking account and pay your bills so you don't have to suffer the problems—I know, I have had relatives deal with this, and it is happening now.

So somebody is taking care of your checking account, you lose your Second Amendment right to protect yourself with a gun. But what I have seen repeatedly is seniors who may have a family member take care of their checking account, but they sure do know when somebody is breaking into their home, and they need to defend themselves. They know that. It is instinct. But apparently not in this administration.

And how about this?

The security firm that employed the Orlando gunman guards U.S. nuclear sites. Well, we had heard he worked for this—I believe it was G4S, something like that. Yeah, G4S. They have thousands of employees, and they guard nuclear sites.

I have read before publicly from the request for proposal to provide security for Dulles Airport right out here from Washington. Such an important airport to our Nation's government. It is a request for proposal for independent contractors to provide security. The only qualification to providing the security for Dulles Airport, for the toll roads, for the perimeter around Dulles where you don't want somebody that might leave a gate open for a terrorist friend, well, your only qualification is you

have to be over 21 and legally allowed to work, which means you can be a Syrian refugee and have gotten one of the work permits this administration hands out as a basic form of amnesty or maybe be part of a gang bang group that came up from Central America and lied about who you were, where you were coming from, and got a work permit through this President's amnesty bill, you are welcome to go to work at Dulles providing security. Great stuff.

And then this article: ''American-born children of immigrants proving fruitful recruiting ground for jihad in the U.S.'' It seems like I have been talking about that for 6 years. People come over here on visas, they have children, and then the children are taught to hate America.

In fact, our own al-Awlaki, the first American citizen to have been killed by presidential order with a drone strike, even though he had worked with the administration, he has led prayers. He is so dangerous, the Muslim staffers here on Capitol Hill had him lead their prayers a number of times. So dangerous, the President had to take him out with a drone strike, and yet he was an American citizen only because his parents came over on college visas, had him here, took him back to Yemen and taught him to hate America.

□ 2115

''Orlando Terrorist Worked for Same Security Contractor That Has Been Moving Illegal Aliens Into the United States by the Vanload.'' This is from Debra Heine, June 13, from PJ Media.

''FBI Twice Probed Orlando Gunman,'' from Devlin Barrett, June 13, The Wall Street Journal.

The FBI, the government, and homeland security had all kinds of warnings, but they chose to keep playing patsy with people that hate America, who are bigoted, racist Islamic supremacists, and the Nation has suffered as a result.

So what are we going to do? We are supposed to take up a bill. And I applaud our party's leaders. They have made very clear that the President is making a severe mistake by not using the term ''Islamic terrorists.'' So we are taking up a nine-page bill tomorrow that uses the President's term repeatedly, over and over, ''countering violent extremism.'' We never use the term ''Islam.''

We require reports and training, basically, in the Secretary's discretion, if he wants to. The bottom line is it gives cover for countering violent extremism when we are supposed to be pointing out radical Islamists are our enemy.

This is not the bill we should be passing.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 16, 2016, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5687. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's Biennial Core Report to Congress, pursuant to 10 U.S.C. 2464(d); Public Law 112-239, Sec. 322(d); (126 Stat. 1695); to the Committee on Armed Services.

5688. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's report to Congress entitled ''Distribution of Department of Defense Depot Maintenance Workloads for Fiscal Years 2015 through 2017'', pursuant to 10 U.S.C. 2466(d)(1); Public Law 100-456, Sec. 326(a) (as amended by Public Law 106-65, Sec. 333); (113 Stat. 567); to the Committee on Armed Services.

5689. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James F. Jackson, United States Air Force Reserve, and his advancement to the grade of lieutenant general on the retired list, pursuant to 10 U.S.C. 1370(c)(1); Public Law 96-513, Sec. 112 (as amended by Public Law 104-106, Sec. 502(b)); (110 Stat. 293); to the Committee on Armed Services.

5690. A letter from the Acting Under Secretary, Personnel and Readiness, Department of Defense, transmitting a letter authorizing four officers to wear the insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777(b)(3)(B); Public Law 104-106, Sec. 503(a)(1) (as added by Public Law 108-136, Sec. 509(a)(3)); (117 Stat. 1458); to the Committee on Armed Services.

5691. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units [EPA-HQ-OAR-2003-0119; FRL-9945-72-OAR] (RIN: 2060-AS11) June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5692. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [EPA-HQ-OAR-2010-0544; FRL-9947-30-OAR] (RIN: 2060-AS94) received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5693. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Chemical Reporting: Community Right-to-Know; Revisions to Hazard Categories and Minor Corrections [EPA-HQ-SFUND-2010-076 3; FRL-9945-07-OLEM] (RIN: 2050-AG85) received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — D-glucurono-6-deoxy-L-manno-D-glucan, acetate, calcium magnesium potassium sodium salt (diutan gum); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2015-0350; FRL-9946-48] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Findings for 110(a)(2)(C) State Implementation Plan Pertaining to the Fine Particulate Matter (PM2.5) NAAQS; California; El Dorado County Air Quality Management District and Yolo-Solano Air Quality Management District [EPA-R09-OAR-2016-0300; FRL-9947-35-Region 9] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; California Mobile Source Regulations [EPA-R09-OAR-2015-0622; FRL-9947-59-Region 9] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alpha-2,4,6-Tris[1-(phenyl)ethyl]-Omega-hydroxypoly(oxyethylene) poly(oxypropylene) copolymer; Tolerance Exemption; Technical Correction [EPA-HQ-OPP-2015-0485; FRL-9946-43] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alcohols, C>14, ethoxylated; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2015-0858; FRL-9946-16] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Minnesota; Sulfur Dioxide [EPA-R05-OAR-2015-0136; FRL-9947-48-Region 5] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Indiana; Removal of Gasoline Vapor Recovery Requirements [EPA-R05-OAR-2015-0315; FRL-9947-39-Region 5] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5701. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Illinois; NAAQS Updates [EPA-R05-OAR-2015-0009; EPA-R05-OAR-2015-0314; FRL-9946-80-Region 5] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5702. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the text of Recommendation

No. 204, ''Transition from the Informal to the Formal Economy'', adopted June 12, 2015, by the 104 Session of the International Labor Conference in Geneva, Switzerland, in accordance with the obligations of the United States as a member of the International Labor Organization; to the Committee on Foreign Affairs.

5703. A letter from the Secretary, Department of Education, transmitting the Department's Semiannual Report of the Inspector General for the period October 1, 2015, through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5704. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5705. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Federal Election Commission Inspector General's Semiannual Report to Congress for the period October 1, 2015 through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5706. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting the Federal Home Loan Bank of Cincinnati 2015 management report, pursuant to the Chief Financial Officers Act of 1990; to the Committee on Oversight and Government Reform.

5707. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Inspector General Semiannual Report to Congress covering the period October 1, 2015 through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103), also the ''Management Report on Final Actions for the Six Month Period Ending March 31, 2016''; to the Committee on Oversight and Government Reform.

5708. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the Foundation's Annual Report for 2015 in accordance with 20 U.S.C., Chapter 57; to the Committee on Oversight and Government Reform.

5709. A letter from the Chairman and the General Counsel, National Labor Relations Board, transmitting the Board's Semiannual Report of the Inspector General for the period October 1, 2015 — March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5710. A letter from the Director, Peace Corps, transmitting the Peace Corps' Inspector General Semiannual Report to Congress covering the period from October 1, 2015 through March 31, 2016 pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5711. A letter from the Labor Member and Management Member, Railroad Retirement Board, transmitting the Board's Inspector General's Semiannual Report to Congress for the period October 1, 2015, through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5712. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers at the Lawrence Livermore National Laboratory, in Livermore, California, to be added to the Special Exposure Cohort, pursuant to 42 U.S.C. 7384q(c)(2); Public Law 106-398, Sec. 1 (as amended by Public Law 108-375, Sec. 3166(b)(1)); (118 Stat. 2188); to the Committee on the Judiciary.

5713. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers at the Idaho National Laboratory in Scoville, Idaho to be added to the Special Exposure Cohort, pursuant to 42 U.S.C. 7384q(c)(2); Public Law 106-398, Sec. 1 (as amended by Public Law 108-375, Sec. 3166(b)(1)); (118 Stat. 2188); to the Committee on the Judiciary.

5714. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers at the Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort, pursuant to 42 U.S.C. 7384q(c)(2); Public Law 106-398, Sec. 1 (as amended by Public Law 108-375, Sec. 3166(b)(1)); (118 Stat. 2188); to the Committee on the Judiciary.

5715. A letter from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting a report entitled ''Public Assistance Program Alternative Procedures — Third Quarterly Status Report for FY 2015'', pursuant to House Report 113-481 accompanying the Fiscal Year 2015 Department of Homeland Security Appropriations Act (Public Law 114-4); to the Committee on Transportation and Infrastructure.

5716. A letter from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting a report entitled ''Public Assistance Program Alternative Procedures — Fourth Quarterly Status Report for FY 2015'', pursuant to House Report 113-481 accompanying the Fiscal Year 2015 Department of Homeland Security Appropriations Act (Public Law 114-4); to the Committee on Transportation and Infrastructure.

5717. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session of the 114th Congress; jointly to the Committees on Armed Services and Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CRENSHAW: Committee on Appropriations. H.R. 5485. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes (Rept. 114–624). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NEWHOUSE:

H.R. 5483. A bill to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Commerce.

By Mr. YOHO (for himself, Mr. ROYCE, Mr. DUNCAN of South Carolina, and Mr. SALMON):

H.R. 5484. A bill to modify authorities that provide for rescission of determinations of countries as state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CRENSHAW:

H.R. 5485. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes.

By Mr. BYRNE (for himself, Mr. MILLER of Florida, Ms. SEWELL of Alabama, Mr. BROOKS of Alabama, and Mr. SESSIONS):

H.R. 5486. A bill to reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes; to the Committee on Natural Resources.

By Ms. BASS:

H.R. 5487. A bill to increase purchasing power, strengthen economic recovery, and restore fairness in financing higher education in the United States through student loan forgiveness, caps on interest rates on Federal student loans, and refinancing opportunities for private borrowers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mrs. KIRKPATRICK, Mr. GALLEGO, Mr. VEASEY, Ms. JACKSON LEE, Mr. TED LIEU of California, Mrs. WATSON COLEMAN, Ms. NORTON, Mr. CONYERS, Mr. MEEKS, Mr. HIGGINS, Ms. WASSERMAN SCHULTZ, Mr. RICHMOND, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. BLUMENAUER, and Ms. LEE):

H.R. 5488. A bill to amend the Help America Vote Act of 2002 to require States to meet standards for the location and operation of polling places used in elections for Federal office, including a standard requiring States to ensure that no individual waits for longer than one hour to cast a vote at a polling place, and for other purposes; to the Committee on House Administration.

By Mr. KIND (for himself, Mr. REED, Mr. WALZ, Mr. RIBBLE, Mr. WELCH, Mr. POCAN, Mr. SIMPSON, Ms. STEFANIK, Mr. VALADAO, Mr. MOOLENAAR, Ms. DELBENE, Mr. COURTNEY, Mr. GIBBS, and Mr. NEWHOUSE):

H.R. 5489. A bill to amend the Internal Revenue Code of 1986 to make qualified biogas property and qualified manure resource recovery property eligible for the energy credit and to permit new clean renewable energy bonds to finance qualified biogas property, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOVE:

H.R. 5490. A bill to amend the Consumer Financial Protection Act of 2010 to require that no deference be given to the interpretation of consumer financial law by the Bureau of Consumer Financial Protection, to define the scope of judicial review of Bureau actions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for

a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MULVANEY:

H.R. 5491. A bill to require the Director of the Bureau of Consumer Financial Protection to verify the accuracy of consumer complaint information before making such information available to the public; to the Committee on Financial Services.

By Mr. MURPHY of Florida (for himself and Mr. CLAWSON of Florida):

H.R. 5492. A bill to support programs for mosquito-borne and other vector-borne disease surveillance and control; to the Committee on Energy and Commerce.

By Ms. STEFANIK (for herself and Mr. MESSER):

H.R. 5493. A bill to direct the Librarian of Congress to ensure that each version of a bill or resolution which is made available for viewing on the Congress.gov website is presented in a manner which permits the viewer to follow and track online, within the same document, any changes made from previous versions of the bill or resolution; to the Committee on House Administration.

By Mr. PAYNE (for himself and Mr. MULLIN):

H. Con. Res. 137. Concurrent resolution supporting National Men's Health Week; to the Committee on Oversight and Government Reform.

By Mr. COLLINS of New York (for himself, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. COOPER, Mr. GRAVES of Missouri, Mr. STIVERS, Mr. FITZPATRICK, Mr. THOMPSON of Pennsylvania, Mrs. ELLMERS of North Carolina, Mr. BARLETTA, Mr. KELLY of Pennsylvania, Mr. YOUNG of Alaska, Mr. HENSARLING, Mr. WALDEN, Mr. HARDY, Mr. DOLD, Mr. MCKINLEY, Mr. TIPTON, Mr. JENKINS of West Virginia, Mr. LABRADOR, Mr. LOUDERMILK, Mr. WILLIAMS, Mr. SMITH of New Jersey, Mr. PITTS, Mr. LANCE, Mr. KATKO, Mr. KENNEDY, Mr. HIGGINS, Mr. COSTA, Mr. GARAMENDI, Mr. ROHRABACHER, Mr. GOHMERT, Mr. WESTMORELAND, Ms. SLAUGHTER, and Mr. HILL):

H. Res. 785. A resolution recognizing the Boy Scouts of America for its long history of service on the 100th anniversary of the day it was granted a Federal charter; to the Committee on the Judiciary.

By Mr. PALLONE (for himself and Mr. BERA):

H. Res. 786. A resolution expressing the sense of the House of Representatives that India should be a permanent member of the United Nations Security Council; to the Committee on Foreign Affairs.

By Ms. JACKSON LEE (for herself, Mr. RANGEL, Ms. NORTON, Ms. LORETTA SANCHEZ of California, Mr. PALLONE, Mr. MEEKS, Mr. JOHNSON of Georgia, Mrs. BEATTY, Mr. CLAY, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mrs. LAWRENCE, Mr. VEASEY, Mr. CROWLEY, Mr. HONDA, Ms. ADAMS, Ms. EDWARDS, Ms. SEWELL of Alabama, Mrs. WATSON COLEMAN, Mr. GUTIÉRREZ, Ms. FUDGE, Mr. HINOJOSA, Mr. JEFFRIES, Ms. BROWNLEY of California, Mr. POCAN, Mr. CONNOLLY, Mr. GALLEGO, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. DANNY K. DAVIS of Illinois, Mr. KILDEE, Mrs. DINGELL, Ms. BROWN of Florida, Mr. NADLER, Mr. COHEN, Mr. CUELLAR, Mr. BLUMENAUER, Ms. HAHN, Ms. KELLY of Illinois, Mr. KILMER, Mr. BUTTERFIELD, Mr. ENGEL, Ms. LEE, Ms. DUCKWORTH, Ms. LOFGREN, Mr. CONYERS, Mr. RICHMOND, Ms. PLASKETT, Mr. TED LIEU of California, Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. FATTAH, Mr. VAN HOLLEN, Mr. HASTINGS, Mr. OLSON, Mr. LEWIS, Mr. AL GREEN of Texas, and Mr. WEBER of Texas):

H. Res. 787. A resolution recognizing June 19, 2016, as this year's observance of the historical significance of Juneteenth Independence Day; to the Committee on Oversight and Government Reform.

By Mr. NUNES:

H. Res. 788. A resolution expressing the sense of the House of Representatives that Arctic lease sales which are already included in the Draft Proposed Plan must stay in the proposed 2017-2022 Outer Continental Shelf Oil & Gas Leasing Program; to the Committee on Natural Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

262. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 40, encouraging reform in the military investigatory and prosecutorial systems governing child sexual abuse and increased transparency in the military justice system and military reporting of criminal sex offenses involving children; to the Committee on Armed Services.

263. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 32, requesting the revision of federal regulations so that housing subsidies through the Section 8 rental assistance and homeownership program paid directly to an applicant of the Supplemental Nutrition Assistance Program are excluded from the calculation of household income to determine eligibility for the Supplemental Nutrition Assistance Program; jointly to the Committees on Financial Services and Agriculture.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. NEWHOUSE:

H.R. 5483.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, Congress may enact laws necessary and proper to the execution of its enumerated powers. As this legislation solely amends the amount of time available for execution of previously granted authority, it is merely technical in nature and an appropriate exercise of Congress' authority to amend its previous actions through necessary and proper statutes.

By Mr. YOHO:

H.R. 5484.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. CRENSHAW:

H.R. 5485.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. BYRNE:

H.R. 5486.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 which grants Congress the power to regulate Commerce with the Indian Tribes.

This bill is enacted pursuant to Article II, Section 2, Clause 2 in order the enforce treaties made between the United States and several Indian Tribes.

By Ms. BASS:

H.R. 5487.

Congress has the power to enact this legislation pursuant to the following:

Article. I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GRIJALVA:

H.R. 5488.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. KIND:

H.R. 5489.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7, Clause 1

"All Bills for raising Revenue shall orginate in the House of Representatives"

By Mrs. LOVE:

H.R. 5490.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, and Article III, Sections 1 and 2, of the Constitution.

By Mr. MULVANEY:

H.R. 5491.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3. "To regulate Commerce . . ."

Article I, Section 8, Clause 14. "To make Rules for the Government . . ."

Article I, Section 8, Clause 18. "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. MURPHY of Florida:

H.R. 5492.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Ms. STEFANIK:

H.R. 5493.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 115: Mr. JORDAN, Mr. MASSIE, and Mr. ROE of Tennessee.

H.R. 140: Mr. CHABOT, Mr. PITTENGER, Mr. LAMALFA, and Mr. WILSON of South Carolina.
H.R. 210: Mr. MARCHANT.
H.R. 302: Ms. TITUS.
H.R. 391: Ms. SCHAKOWSKY.
H.R. 525: Mr. VAN HOLLEN.
H.R. 608: Mr. VAN HOLLEN and Mr. CARTWRIGHT.
H.R. 752: Mr. RICHMOND.
H.R. 932: Mr. HECK of Washington.
H.R. 997: Mr. LAMALFA, Mr. ISSA, Mr. PITTENGER, Mr. CHABOT, and Mr. BISHOP of Michigan.
H.R. 1062: Mr. FLEMING and Mr. YOUNG of Indiana.
H.R. 1076: Ms. GRAHAM, Ms. BROWN of Florida, Mr. COOPER, and Mr. HECK of Washington.
H.R. 1217: Ms. GRAHAM.
H.R. 1220: Mr. LOWENTHAL and Mr. FARR.
H.R. 1391: Ms. TITUS and Ms. BONAMICI.
H.R. 1453: Mr. FARR.
H.R. 1707: Mr. BEN RAY LUJÁN of New Mexico.
H.R. 1859: Ms. CASTOR of Florida.
H.R. 2254: Mrs. NAPOLITANO.
H.R. 2732: Mr. SARBANES.
H.R. 2799: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROKITA, Mr. WENSTRUP, Mr. CALVERT, and Mr. TAKANO.
H.R. 2804: Mr. MCNERNEY.
H.R. 2896: Mr. WALZ.
H.R. 2980: Mr. DANNY K. DAVIS of Illinois and Mr. FARENTHOLD.
H.R. 3012: Mr. LANCE.
H.R. 3051: Mr. CUMMINGS and Mr. COURTNEY.
H.R. 3084: Mr. JEFFRIES and Miss RICE of New York.
H.R. 3095: Ms. PINGREE.
H.R. 3099: Mr. SIMPSON, Ms. KELLY of Illinois, and Mr. NOLAN.
H.R. 3117: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3119: Mr. LAMBORN and Mr. DESAULNIER.
H.R. 3129: Mr. LUCAS.
H.R. 3130: Mr. CONYERS.
H.R. 3229: Mr. KEATING.
H.R. 3284: Mr. DONOVAN and Mr. KIND.
H.R. 3299: Mr. PASCRELL.
H.R. 3323: Mr. YOHO.
H.R. 3463: Ms. SINEMA and Ms. KUSTER.
H.R. 3514: Ms. ESHOO.
H.R. 3523: Mr. AGUILAR.
H.R. 3535: Mr. KING of New York.
H.R. 3666: Mr. LOWENTHAL.
H.R. 3734: Mr. MOONEY of West Virginia.
H.R. 3846: Mr. THOMPSON of Mississippi.
H.R. 3913: Ms. KELLY of Illinois.
H.R. 4117: Ms. DUCKWORTH.
H.R. 4247: Mr. CRAMER and Mr. MULLIN.
H.R. 4269: Mr. BUTTERFIELD, Ms. CASTOR of Florida, Mr. PAYNE, Mr. KILDEE, Mr. FATTAH, Mr. SMITH of Washington, Mr. O'ROURKE, Mr. PERLMUTTER, and Mr. AL GREEN of Texas.
H.R. 4365: Mr. GOSAR.
H.R. 4474: Mr. LAMALFA.
H.R. 4479: Mr. AGUILAR, Mr. SEAN PATRICK MALONEY of New York, Mr. VISCLOSKY, and Mr. MURPHY of Florida.
H.R. 4480: Ms. DELBENE.
H.R. 4481: Mr. CICILLINE.
H.R. 4538: Mr. POSEY.
H.R. 4558: Ms. MATSUI and Mr. CURBELO of Florida.
H.R. 4567: Mr. VISCLOSKY.
H.R. 4603: Mr. FARR, Mr. QUIGLEY, Ms. CASTOR of Florida, and Mr. RUSH.
H.R. 4614: Mr. LANGEVIN.
H.R. 4616: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 4654: Mr. KIND.
H.R. 4662: Mr. KENNEDY.
H.R. 4665: Mr. KNIGHT and Mr. HUFFMAN.
H.R. 4760: Mr. KING of New York.
H.R. 4959: Mr. KIND and Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 4979: Mr. KINZINGER of Illinois.
H.R. 5094: Mrs. WAGNER.
H.R. 5127: Mr. COLLINS of New York.
H.R. 5147: Ms. SPEIER.
H.R. 5166: Ms. LEE, Mr. CONYERS, Mrs. BROOKS of Indiana, Mr. RIGELL, Mr. BARTON, Mr. TOM PRICE of Georgia, and Mr. BISHOP of Michigan.
H.R. 5172: Mr. KIND.
H.R. 5177: Mr. TONKO and Mr. COLE.
H.R. 5178: Mrs. RADEWAGEN.
H.R. 5180: Mr. AUSTIN SCOTT of Georgia, Mr. GOSAR, Mr. POLIQUIN, Mr. MULLIN, Mr. BEN RAY LUJÁN of New Mexico, and Mr. GRIFFITH.
H.R. 5190: Mr. WALKER.
H.R. 5213: Mr. COLLINS of New York, Mr. ROKITA, Mr. BLUM, and Mr. BOST.
H.R. 5216: Mr. MCNERNEY.
H.R. 5275: Mr. FINCHER.
H.R. 5292: Mr. OLSON, Mr. CAPUANO, Mr. DENT, Ms. PINGREE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UPTON, Mr. POCAN, Mrs. MILLER of Michigan, Mr. ZINKE, Ms. DELAURO, Mr. LOBIONDO, Mr. LARSEN of Washington, Mr. BEN RAY LUJÁN of New Mexico, and Mr. DEUTCH.
H.R. 5319: Mr. SAM JOHNSON of Texas.
H.R. 5351: Mr. MILLER of Florida.
H.R. 5364: Mr. MCNERNEY.
H.R. 5365: Mr. BUCSHON.
H.R. 5392: Mr. MACARTHUR and Mr. GOODLATTE.
H.R. 5417: Mr. LOWENTHAL.
H.R. 5447: Mrs. NOEM, Mr. MEEHAN, Mr. DOLD, Mr. TIBERI, Mr. ROSKAM, Mr. PAULSEN, Mr. HOLDING, Mr. KELLY of Pennsylvania, Mr. NUNES, Mr. TOM PRICE of Georgia, Mr. MARCHANT, Mr. BUCHANAN, Mr. RENACCI, Ms. LINDA T. SÁNCHEZ of California, Mr. PASCRELL, Mr. BLUMENAUER, Mr. ASHFORD, Mr. SCHRADER, Ms. ESHOO, Mr. PETERSON, Mr. KIND, Mr. LARSON of Connecticut, Mrs. TORRES, Ms. SINEMA, Ms. BONAMICI, and Mr. HECK of Washington.
H.R. 5456: Ms. BASS, Mr. REICHERT, Mr. LANGEVIN, and Mr. PAULSEN.
H.R. 5457: Mr. GRAVES of Louisiana, Mr. LAHOOD, Mr. HARDY, Mr. ABRAHAM, Mr. WILSON of South Carolina, Mr. BABIN, Mr. PALMER, Mrs. BROOKS of Indiana, and Mr. ZINKE.
H.R. 5458: Mr. BOUSTANY and Ms. GABBARD.
H.R. 5471: Mrs. MILLER of Michigan, Mr. CARTER of Georgia, Mr. HURD of Texas, Mr. RATCLIFFE, Mr. KING of New York, Ms. SINEMA, Mr. DONOVAN, and Mr. FARENTHOLD.
H.J. Res. 94: Mr. RYAN of Ohio, Mr. GRIJALVA, Ms. LOFGREN, and Mr. MCDERMOTT.
H. Con. Res. 19: Mrs. CAPPS.
H. Con. Res. 33: Mr. LONG.
H. Res. 590: Mr. WELCH, Mr. ROTHFUS, and Mr. HONDA.
H. Res. 647: Mr. KILMER.
H. Res. 686: Mr. THOMPSON of California, Mr. AGUILAR, Ms. MAXINE WATERS of California, and Mr. POCAN.
H. Res. 728: Mr. MEADOWS.
H. Res. 729: Mrs. BLACKBURN, Mr. DUNCAN of South Carolina, Mr. HUFFMAN, Mr. COSTA, Mr. NEWHOUSE, Mr. ROSKAM, Mr. KING of New York, Mr. RIBBLE, Mr. FLORES, Mr. SMITH of Nebraska, Mr. CAPUANO, Mr. FOSTER, Mr. MEADOWS, and Mr. MILLER of Florida.
H. Res. 740: Mr. JOYCE and Mr. CHABOT.
H. Res. 750: Mr. ROSKAM, Mr. PASCRELL, Mr. KING of New York, and Mr. SIRES.
H. Res. 752: Mr. SIRES, Mr. BEYER, Mr. COSTELLO of Pennsylvania, Mr. ENGEL, Mr. HECK of Nevada, Ms. JACKSON LEE, Mr. QUIGLEY, Ms. LORETTA SANCHEZ of California, Mr. SCHWEIKERT, Mr. ZELDIN, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. LOEBSACK, Ms. CLARKE of New York, and Mr. BISHOP of Michigan.
H. Res. 758: Mr. CARTWRIGHT, Mr. MCNERNEY, and Mr. DESAULNIER.
H. Res. 769: Ms. KUSTER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SWALWELL of California, Mr. JEFFRIES, and Mr. PAYNE.
H. Res. 777: Ms. LEE, Mr. CUELLAR, and Mr. HUFFMAN.

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PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162 WASHINGTON, WEDNESDAY, JUNE 15, 2016 No. 95

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

O God, who inhabits eternity but dwells in contrite hearts, we magnify Your Name. Shine the light of Your love, joy, and peace into the hearts of our Senators today. May they make the commitment to stand for whatever is pure and true and just and good. Help them to labor for the rights of the weak and the oppressed, putting principle before partisanship and others before self. Lord, give them brave, true, and compassionate hearts as they strive to live for Your glory. Open their ears that they may hear Your voice calling them to high endeavors.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

ISIL

Mr. MCCONNELL. Mr. President, 7 months ago ISIL terrorists massacred 130 civilians across the city of Paris, 6 months ago ISIL supporters murdered more than a dozen Americans at a holiday party in San Bernardino, 3 months ago ISIL bombings killed and maimed indiscriminately in the heart of Europe, and then last month ISIL's spokesman issued a chilling declaration of war against the Western world. He called for attacks—specifically lone wolf attacks—throughout the month of Ramadan in Europe and the United States. He said:

> Get prepared . . . to make it a month of calamity for the nonbelievers. [T]he smallest action you do in their heartland is better and more enduring to us than what you would do if you were with us here.

On Sunday, a terrorist claiming allegiance to ISIL took 49 American lives. The next day, an ISIL supporter in France murdered two people, including an off-duty police officer.

We hope to learn more about the Orlando terrorist attack and the depth of that particular terrorist's involvement with ISIL when Senators are briefed later today by the FBI Director and the Homeland Security Secretary. This much seems clear already: I do not believe this was some random act of violence. It seems clear this was a cold-blooded murder committed by a terrorist who picked his targets with deliberate malice, who pledged his allegiance to a group who stones gay men and tosses them from rooftops, enslaves women, and crucifies children.

ISIL is not the JV team; it is the personification of evil in our world. ISIL is not contained, nor can it be. The way to prevent more ISIL-inspired and ISIL-directed heartbreak is to defeat ISIL. This is why we have repeatedly demanded a serious plan from the President to defeat ISIL and have done what we can to fill the leadership vacuum he has left. This is why we worked to strengthen law enforcement, rebuild our military, and develop counterterrorism tools designed to save lives. The terrorist attack in Orlando underlines the critical importance of this work, and it presents each of us with a choice: Do we want to make the tough choices to actually solve the problem and defeat ISIL, or do we want to use the Senate floor to make a 30-second political ad?

As I said, the principle way to defeat ISIL-inspired or ISIL-directed attacks is to defeat ISIL inside Iraq and Syria. The President's containment strategy, which has relied primarily upon a ground proxy force of Syrian YPG Kurds, will not be sufficient to dislodge ISIL from its headquarters in Raqqa or clear and hold ground in Arab parts of Syria.

The next President must do much more, and there are steps we can take today to help him or her succeed in that effort. The sweeping Defense bill we passed yesterday represents a decisive step in the right direction. Not only will it help prepare our next Commander in Chief, it will help strengthen military readiness, better enable servicemembers to confront threats, and help keep the American people safer from an array of national security challenges. Passing that bill sent a strong signal to our men and women in uniform, it sent a strong signal to our allies, it sent a strong signal to our adversaries, but there is more we can and must do.

This week, through the appropriations process, we will continue to discuss ways we can shore up our efforts to fight terrorism. Several Republican colleagues have already offered ideas on how we can do so. Republicans have offered ideas to address the threat of lone wolf attacks like the one we saw in Orlando. Republicans have offered ideas to help connect the dots with respect to terrorists' communications. Republicans have offered ideas to help disrupt terrorists' plans. These are the kinds of things we have long advocated. They were important before the horrific events this weekend and are all the more important today.

By passing the underlying appropriations bill, we can provide the FBI with more of the support it needs to follow leads generated here within our borders. In the meantime, I encourage Senators to work with the very capable

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

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bill managers who crafted this legislation, the senior Senators from Alabama and Maryland. If they have other effective ideas, talk to them and try to make the bill even stronger.

This much is clear: We can choose to respond to terrorist attacks after the damage is already done, or we can make it our goal to prevent them in the first place. I know my choice. I am going to keep doing what I can to prevent the pain and loss from terrorism. Our families and communities are counting on us. Our freedoms and rights as Americans are counting on it too. We must continue to do what is necessary to seek out terrorist threats at every level and protect the country we love.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. MCCONNELL. Mr. President, both the Senate and House took decisive action to combat the heroin and prescription opioid epidemic that has devastated so many of our communities. We are now working to take the next important step forward. The Comprehensive Addiction and Recovery Act we passed would expand education and prevention efforts, improve treatment programs, and enhance tools for law enforcement. This critical legislation can bring hope to those affected by this horrible epidemic and would not have been possible without the dedicated leadership of Members such as Senator GRASSLEY, Senator PORTMAN, and Senator AYOTTE. We are currently working toward an agreement that will allow us to go to conference with the House and work out the final legislation.

We have all seen the toll this heroin and prescription opioid crisis has taken on our home States. It is absolutely heartbreaking to see the continuing impact in Kentucky. Getting this done is important for our country. With continued cooperation from both sides, we will get a good bill to the President's desk very soon.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

TERRORISM AND OUR NATION'S GUN LAWS

Mr. REID. Mr. President, here is a frightening quote from an Al Qaeda spokesman urging would-be terrorists to buy weapons in the United States. This is exactly what he said:

> America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check, and most likely without having to show an identification card. So what are you waiting for?

This is an Al Qaeda blueprint for would-be lone wolf terrorists. They are telling them to buy guns because nobody will stop them and then go and murder Americans. That statement should make every Member of Congress think long and hard about our Nation's gun laws.

Terrorist groups like ISIS and Al Qaeda are using America's gun laws against America. They are using these gun laws against Americans in every State. These murderers are calling on their radical followers to exploit loopholes in America's gun laws. Why? Because firearms are easier to obtain in America than making their homemade bombs. Republicans need to think about this very closely because, as Adam Lankford, an expert in criminal justice at the University of Alabama, told the Washington Post this week, ''It is becoming increasingly apparent that mass shootings may be just as deadly as bombings. And the scary part is it's often much easier to pull off.''

Republicans are in denial about the connection between terrorism and guns. In the aftermath of the mass murders with guns at the LGBT nightclub in Orlando, Republicans are saying that these attacks have nothing to do with guns.

The senior Senator from South Carolina said yesterday: ''This is not a gun control issue.'' It is a gun control issue, and that is undeniable. There is no question about that—none.

Terrorist leaders are urging lone wolves to exploit our Nation's gun laws by telling them to buy assault weapons and then go out and murder Americans.

The Republicans have blocked every attempt we have tried to address the deficiencies in our Nation's gun laws. Last December, Republicans blocked legislation that would close the so-called terror loophole, which allows suspected terrorists to enter a gun store and legally buy firearms or explosives or both. Republicans also blocked legislation that would close the gun show loophole, which allows criminals and terrorists to purchase guns without any background check. Remember what Al Qaeda's spokesman said:

> You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check. . . .

That is what he said. This terrorist was talking about the gun show loophole. He was specifically pointing to a flaw in our Nation's gun laws that allows convicted terrorists to slip through, and it is a big, wide hole to slip through. Yet the Republicans refuse to respond to this crisis. Why? Because the National Rifle Association and the Gun Owners of America told them not to allow us to address this flaw in the law. This flaw in the law is leading to Americans being murdered.

By blocking sensible gun safety, Republicans are playing into the terrorists' hands. Republicans' failure to legislate has added a new chapter in the ISIS playbook. As we have seen in Orlando and San Bernardino, deranged individuals are using the terrorist playbook. When terrorist groups are urging lone wolves to buy assault rifles and murder Americans, keeping guns away from terrorists is one of the most important steps we can take to protect Americans.

How many more people must be murdered by terrorists wielding assault weapons before Republicans stop their obstruction? How many more? Perhaps 49 is enough. Hopefully we will find out this week with a vote here. How much longer will Republicans allow killers to manipulate our laws and continue their campaign of terror? How much longer will Republicans fail to protect the American people by allowing these gun loopholes to remain? Democrats are going to wait no longer. We are going to demand solutions to our Nation's gun law epidemic every chance we get.

On Monday, I stated that we would demand a vote on the terror loophole, and we are going to do that. This is our obligation. We must try at every opportunity to say to the Republicans: The American people, not the NRA and not the Gun Owners of America, should be their obligation. There is no excuse for allowing suspected terrorists to buy guns. Guns are the problem. It may not be the only problem, but it is a problem, and it is a big problem.

DACA PROGRAM

Mr. REID. Mr. President, today marks the fourth anniversary of President Obama's Deferred Action for Childhood Arrivals Program. Four years ago today, President Obama announced that young people—DREAMers—who do not present a risk to national security may become eligible for temporary protection from deportation. Since that day, over 730,000 DREAMers no longer live in fear of deportation. More than 12,000 of these young men and women are in Nevada, and they have been protected by this program. They are our newest college students, teachers, engineers, small business owners, and they have contributed enormously to our communities, making America better. Because of the President's program, the authorities can sensibly prioritize those who do present a threat to our safety and our country.

What a shame that Donald Trump and his Republican supporters in the Senate want to deport these kids who know no other country than the USA. In my morning briefing this morning, I heard that the House is going to do something really unique today. They have a measure not to allow these young men and women to serve in the United States military.

It doesn't matter what you do, you can't be mean enough using the Republicans' playbook. There have been efforts made, votes taken to rescind what the President did. There have been efforts made to make sure there is no money in the Immigration and Naturalization Service to expedite the processing of these young men and

women to become legitimate in the only country they know.

These are the same Republican Senators who last year were willing to shut down the Department of Homeland Security—stop it. Why? They wanted to stop this program. These are the same Republican Senators who insist on eliminating the Constitution's guarantee of birthright citizenship, ending family-based immigration and deporting hard-working families.

It is because of what has happened by Republicans in the Congress that we are now faced with Donald Trump. We are here because of what the Republicans in Congress have done. Look at the Senate. Who was the leader initially of birthright citizenship? President Obama was not born in America; he was born in Africa. Everybody should know that. He is an illegitimate President.

Republicans in Congress have made Donald Trump legitimate—to some, but not to us.

So I look forward to the day when programs like DACA are replaced with permanent, comprehensive immigration reform. It needs to be done. It is long overdue. I am hopeful the Supreme Court builds DACA's success when their opinion is rendered over the next few weeks, which could extend the same protection to the parents of DREAMers that the DREAMers have.

Mr. President, I would ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Wyoming.

100TH ANNIVERSARY OF THE FEDERAL CHARTER FOR THE BOY SCOUTS OF AMERICA

Mr. ENZI. Mr. President, a few moments ago I got to speak to 45 students from 5 towns in Wyoming who are here for National History Day competition. So it is only fitting that I rise today to recognize a historic event, and that would be the 100th anniversary of the Boy Scouts of America receiving a congressional Federal charter. On this day in 1916, President Woodrow Wilson signed the Federal Charter of the Boy Scouts of America, and I am submitting a resolution to commemorate that important event.

The congressional charter has helped the Boy Scouts to become one of the largest youth organizations in the United States. In fact, it is estimated that more than 110 million Americans have served as members within its ranks.

Scouting offers those young people friendship, an opportunity to set positive goals, and outdoor experiences. But, above all, Scouting is about building character and service. That concept of service is based on a young boy in London who happened to guide an American through fog, and when the American tried to pay the boy, the boy said: No, that was my good deed for the day. The man brought that concept back to the United States and started the Boy Scouts. A few years later, in 1916, they got the Federal charter.

The service that Scouts perform is immeasurable, but there are many noteworthy moments I'd like to mention. During World War I, Scouts played an important role by collecting used paper and glass from homes. Scouts also sold Liberty Bonds valued at over $147 million. That was a lot of money at that time.

President Roosevelt called on Scouts to help the needy during the Great Depression, and throughout World War II, the Scouts again collected materials and sold war bonds.

The call to service continues, and today Boy Scouts are doing projects all over this country, thousands of hours every year, to earn their Eagle award.

Another service opportunity will happen next year when the National Scout Jamboree takes place 13 months from now in West Virginia. Volunteers are needed for that effort. The jamboree dates back to 1937 when more than 27,000 Scouts camped on the National Mall, right out there. On July 19 of next year, 35,000 Scouts and Venturers will arrive at the Summit Bechtel Reserve in West Virginia for the 18th National Scout Jamboree.

I went to a National Scout Jamboree at Valley Forge when I was in Scouts. It started with trains on the West Coast and picked up cars as it came through each State, heading east to Valley Forge. It was the largest civilian movement of people in the history of the United States. It was an opportunity to get together with people who were fellow Scouts from all over the United States, as well as from other countries. I remember getting to meet some Australian Scouts at that particular jamboree. We were having a campfire with them in the evening, and somehow a garter snake happened to come through the camp. They leaped up and hacked that snake to pieces.

We said: What is that all about?

They said: In Australia, we have 25 snakes and 23 of them are poisonous, so we try to kill them first and then identify them.

There are a lot of opportunities in Scouts. This jamboree will provide some outstanding experiences, adventures, and achievements for merit badges through a number of outdoor sports such as whitewater rafting, rock climbing, and zip-lining. In keeping with the Boy Scout slogan of ''Do a Good Turn Daily,'' there are also opportunities to participate in service projects near the reserve.

I am especially excited by next year's jamboree because Matt Myers, the Scout executive director from my home State of Wyoming, is the National Scout Jamboree director. But Matt can't do this alone. Thousands of volunteers have to work to make the jamboree a success by serving as first responders, media specialists, IT support, doctors, and more. An interesting thing about these volunteers is they have to pay their own way to the session, they have to pay the same fee as everybody who camps there, and they have to spend two weeks of their vacation volunteering. When they had the last jamboree 3 years ago, I think there were 8,000 of these volunteers that came and dedicated their time to the boys in Scouts.

Scouting has meant a great deal to me and my family over the years. Incidentally, there are 10 U.S. Senators who are Eagle Scouts. The normal percentage would be about 4 percent. In the Eagle Scouts you learn a lot of leadership skills and are also encouraged to participate in your community, your country, and the world. Scouts do that.

Incidentally, there are a whole lot more in this body who have been in Scouts. I remember one saying that he made it only to Life Scout, and he wanted me to know that they call it Life Scout because if that is as far as you get—if you don't make that next step to Eagle—you will regret it for life. But no matter what rank you go to in Scouts, no matter how long you are in Scouts, you will learn some things that you will not learn anywhere else.

Part of it is the merit badge system. We have a Scout in Wyoming who has earned all 132 of the merit badges—what a tremendous adventure in personal finance, safety, and career exploration. You can learn about just about any career working on a merit badge, and you can find out what is involved in it, what you have to know, how you get into that profession.

There have been some outstanding Scouts over the years. Richard Byrd, when he went to the South Pole, took a Boy Scout with him. That was the first Scout to visit the pole, and there have been opportunities for Antarctic Scouts at the South Pole ever since. Paul Siple was the first Scout who got to go because he earned the taxidermy merit badge. The expedition wanted to capture some of the animals to have specimens when they came back to the United States, so Siple was chosen.

A year and a half ago on the space station, there was a Boy Scout. He had been to an academy and had been a test pilot, but after he was selected and got to see his reviewed application, there was only one thing on the application that was circled, and that was ''Eagle Scout.'' While he was up in the space station, they had a piece of equipment

break loose. Anything floating around in space, especially if it is big, can be a real hazard. So the Scout took the thing and tied it down using a clove hitch. Of course, they reported back to NASA and said ''We have this little problem.'' NASA worked on it for 2 days and sent back word that they needed to tie the equipment down with a clove hitch. NASA sent instructions. But the Scout had already taken care of the problem. This shows that you never know what you can learn in Scouts and how it can be used later.

Yesterday I got to meet with some of the Upward Bound TRIO students. Those are kids who would be first generation college students. One of them was named Michael Nadig. He was proud to tell me during our meeting that he is an Eagle Scout. I am pretty certain that this young man is going to complete his college because one of the things that an Eagle Scout represents is a symbol of perseverance and a quest to get extra knowledge. I am pretty sure Michael is one of those young people who is going to get that extra knowledge and make it through college.

I am pleased to meet with Scouts everywhere and hear of their adventures and remember my own. And Mr. President, today I am proud to recognize the 100th anniversary of the Boy Scouts Federal Charter. The values of leadership, service, character, and achievement will live on, thanks to the Boy Scouts of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

DACA PROGRAM

Mr. DURBIN. Mr. President, it was 4 years ago that President Barack Obama announced a new program through an Executive Action. It was called the Deferred Action for Childhood Arrivals program, known as DACA. This was an action by the President which I had asked him to consider. I had written a letter with Senator Richard Lugar, a Republican from Indiana, and later with another 21 Senators, asking President Obama to consider the creation of this program because many of us believed that it was the right thing to do and the fair thing to do.

It was 15 years ago that I introduced the DREAM Act. The DREAM Act was really a response to a constituent case in my home State of Illinois. A young woman, Korean, had been brought to this country at the age of 2, came in on a visitor's visa, and when the visa expired, she and her mother and the rest of the family stayed. The papers were filed for everyone in the family but her. Now she was here in the United States, undocumented and illegal at the age of about 18. She wanted to go on to college. She had a promising music career ahead of her. But under American law as written—and still written—it was very clear that she didn't belong in the United States and that she had to leave for 10 years and petition to come back.

It seemed fundamentally unfair that a young person brought in at the age of 2 would face that sort of onerous responsibility and have to leave America, so I introduced the DREAM Act. If you were brought here under the age of 16, finished high school, had no serious criminal record, and you were prepared to go to college, enlist in the military, we would put you on the path to citizenship. It was that simple.

That was 15 years ago. That measure has been passed in the House, it has been passed in the Senate, but it has never passed in both Chambers in the same year, so it is still a bill waiting to become law. Yet there are 2.5 to 3 million young people who could qualify under the DREAM Act. So we wrote to President Obama and said ''Could you give these young people some protection from deportation if they were brought here under the conditions of the DREAM Act,'' and 4 years ago he said yes. He created the DACA Program. The signup was to start in August of that same year, 4 years ago, and I joined with Congressman LUIS GUTIÉRREZ in offering a signup day at Navy Pier in Chicago. We had volunteer immigration lawyers come in to help these young people fill out their forms so they could qualify to stay in the United States for a few years, not be deported, and pay their fee and be here and have a future. We didn't know if 200 would show. We were worried when we heard it might be 300. In the end, there were thousands who came signing up. Many of them waited in line all night with their parents. This was their first chance to stay in America legally.

It was an amazing day, one of the most rewarding days of my public career, to see these young people so anxious to be part of America's future to sign up under this program. That was 4 years ago that President Obama created it. He thought—and I think wisely—that if these young people are a part of America's future, what about their parents? What if in the same household there is a father or mother undocumented? If they have no serious criminal issues, if they are prepared to pay the fee, if they will pay their taxes, if they will sign up with the government, shouldn't they be allowed to stay in America at least on a temporary, renewable basis? That led to the DAPA Program—DACA for the children, DAPA for the parents, created by Executive order by the President.

Well, that Executive order has been challenged in Court, across the street in the Supreme Court. In a few weeks, I expect it will be resolved, and I believe the President's position will be sustained. He has said it is his Executive responsibility to decide priorities in deportation. He wants to deport felons, not families, and he wants to make sure young people have a chance.

The President is doing what every other President has done in both political parties. He has been challenged by Republican Governors in a handful of States, and those challenges have suggested that these young people and their parents should be deported. In fact, there is a Presidential candidate on the Republican side, the presumptive nominee, Mr. Trump, who has called for the deportation of these people—the deportation of people whom you are going to meet every single day. They are your neighbors. They are the people who wait on you in the store. They may be working in a nursing home caring for your parent. They might be sitting next to you in church.

The Trump position—and those of the more radical wing of the Republican Party—is that they should be asked to leave America and deported. To me, that is unwise and unfair. These people should be given a chance to earn their way to legalization and citizenship, to pay their taxes, pay their fees, go through a background check to make sure they are no threat to our country, and be allowed to continue and stay and live in the United States.

Well, the challenges to DACA, the program for the original DREAMers, have reached the point where one judge in Texas, Andrew Hanen, a district court judge, hearing the case challenging DACA, ordered the Justice Department to turn over the details on 108,000 of these DREAMers who received 3-year DACA permits, including their contact information. Judge Hanen indicated this information could be provided to the Republican Governors who filed the lawsuit. DREAMers are understandably very nervous about this personal information being turned over to Republican officials who made clear they want to deport these young people back to countries where they haven't lived since they were children. Thankfully, Judge Hanen's order to turn over this information has been put on hold while we await the Supreme Court's decision.

Even if the Supreme Court upholds President Obama's actions in creating DACA and DAPA, consider the possibility of Donald Trump as the next President. Mr. Trump has referred to Hispanic immigrants in the most offensive terms. He has called them ''killers'' and ''rapists.'' Mr. Trump has pledged that if he is elected President, he will eliminate DACA and DAPA and deport the 11 million undocumented immigrants who live in this country.

Over the years, I have come to the floor to tell the individual stories of these DREAMers, the young immigrant students who grew up in this country. I want to put a face on the people Donald Trump would deport. I want people who are following this debate to meet the young people who they believe have no right to be in the United States and have no future in this country and should be asked to leave—in fact, forced to leave. I want to show America who these people are. Let's not talk

about these undocumented people. Let's talk about the individual who is involved and the families who are involved.

This photo is Lisette Diaz. Lisette was brought to America when she was 6 years old from Chile. She grew up in Long Island, NY, and was a pretty good student—in fact, excellent. In high school, she won the AP Scholar with Distinction Award and was a member of the National Honor Society. She made the high honor roll because she had an overall average grade above 95 percent. I wish I could say the same for my high school career. Lisette was involved in extracurricular activities, including soccer, the literary magazine, and the dance team.

Here is what she said about growing up in Long Island, NY:

> I knew that being undocumented made me different from my [high school] classmates. But I couldn't help but feel like I belonged here. I recited the pledge of allegiance every day in school. I knew U.S. history better than Chilean history. I watched American television. The vast majority of my friends were American. I just really felt American.

Lisette went on to attend Harvard University, where she received numerous awards and participated in many extracurricular activities. She volunteered at the Harvard Immigration and Refugee Clinic, where she worked as an interpreter. Of course, because of her immigration status, Lisette wasn't eligible for any Federal financial assistance for college. Thanks to the DACA Program, which we are commemorating today, she has been able to work as a student supervisor at Harvard Kennedy School Library to help support herself and put herself through school. Just last month, Lisette graduated from Harvard with honors. Her dream—to become a lawyer and to work in public service.

Lisette Diaz is one story. One of the 730,000 who have successfully applied for this deferred action under President Obama's Executive order. Lisette is one of these undocumented people Donald Trump would deport and send away from America.

Mr. Trump and those who happen to be endorsing him don't have any use for young people like Lisette Diaz. They believe they should leave. They add nothing to this country, in their estimation. They are just wrong. Both Donald Trump and other Republicans have made their agenda clear. They want to shut down DACA and DAPA and deport hundreds of thousands of DREAMers and the parents of American children who may be undocumented. If they have their way, Lisette will be deported back to Chile, a country where she hasn't lived since she was 6 years old. Will America be a stronger country without her? Will we be a better country if someone of her extraordinary talent is gone? Will it make us any safer, any better, if she is deported, as Donald Trump has called for? The answer to most rational people is very clear.

I am hopeful the Supreme Court will uphold the President's immigration action. Then I hope the Republicans in Congress will reject Donald Trump's bigoted rhetoric and work with us to pass comprehensive reform immigration and fix our broken immigration system once and for all. There was a time, and it wasn't that long ago, when we passed comprehensive immigration reform in the U.S. Senate. Fourteen Republicans joined with the Democrats to make this bipartisan measure at least a vehicle for us to finally address immigration reform in America. It was one of the better days in my service in the U.S. Senate. What happened to that bill after it passed with a bipartisan majority? It went to the House of Representatives, where it languished and died.

In 3 years, not a single piece of legislation has been brought forward on the issue of immigration reform. Everyone concedes our immigration system is broken. We know we have undocumented people in this country. Those who are dangerous should be deported immediately; those who are not should be given a chance. That is what the bill said—a chance to file their filing fee, to go through a criminal background check, to pay their taxes, to register with the government, and go to the back of the line and wait, many times waiting for 10 or 15 years for that chance to finally become a citizen of this country. That is what our bill said. I think it is fair, but the House of Representatives, under Republican leadership, would not bring it up. Sadly, this Presidential campaign has shown that many in the Republican Party are not only opposed to that legislation, they are opposed to the concept of immigration. They are opposed to the notion that people can come to this country and make a difference.

Of the Fortune 500 companies in this country, the biggest employers, the ones that have had the most impact on our economy—a study found that 90 were started by immigrants to the United States, including some of the biggest and the most important.

This is a nation of immigrants. I have said before, and I will again, I am proud to stand here as a first-generation American. My mother was an immigrant to this country. Thank goodness my grandparents had the courage to get up and leave Lithuania and come to the United States of America. Because of that, I stand here today. That is my story. That is my family's story. It is America's story, and those who reject that history of this country and that heritage of this country are rejecting our birthright and our identity as the United States of America.

This campaign by Donald Trump against immigrants—building walls and all the hateful things he said—is going to be remembered by a lot of people for a long time. It is going to be transformational as people identify where they think America's future will be. I don't believe it is going to be part of the hatred and fear that is being peddled by Mr. Trump and others who support him.

We are a hopeful, positive nation. When we come together, our diversity is our strength. It is our unity. It is what distinguishes us in the world.

Today, on the fourth anniversary of the President's Executive order for the Deferred Action for Childhood Arrivals Program, I thank the President again for his leadership. I hope the Supreme Court decision, in a few weeks, will chart a path for us to open this so we can start moving through the President's leadership toward a goal which we started in the Senate and unfortunately which died in the U.S. House of Representatives.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

COMMERCE-SCIENCE-JUSTICE APPROPRIATIONS BILL

Mr. PERDUE. Mr. President, I rise to continue setting the record straight for the ongoing issue of water rights between Alabama, Florida, Georgia, and the Army Corps of Engineers.

As I said yesterday, language from the committee report that accompanies this CJS—Commerce-Justice-Science—bill has been inserted in an attempt to strong-arm the outcome of a matter that should clearly be left to the States. This is an interstate dispute, with negotiations and litigation still pending, and much like other parts of the country, the States have been in negotiations for many years.

Clearly, this is not a matter for Congress. This is not a matter that Congress in any way needs to insert itself into. Furthermore, this is a debate we have already had.

Last year, the leaders of both Chambers here in Washington determined that Congress has no business using the appropriations process to tip the scales one way or the other on this water rights issue. Why are we going through this again?

This is not the work our constituents had in mind for us when they sent us here. They expect us to deliver results on the priority issues of our day, and they expect the national interests and the Constitution to come before the self-interests of a select few Members of the Senate, but, yet again, the senior Senator from Alabama is attempting to impose Washington as the solution for a matter that should be and is being handled by the States.

For over 20 years, Alabama, Florida, and Georgia have litigated and negotiated over water rights issues. Despite decades of litigation, neither Alabama

nor Florida has been able to prove any real or substantial harm resulting from the Army Corps of Engineers' or Georgia's water management practices. As a matter of fact, they are under court direction today.

The numbers show this. Since 1980, the population of the Metro Atlanta water district has more than doubled from just over 2 million to over 5 million, and that is as a percentage of about 10.5 million people in the State as a whole in 2014. Since 2000 alone, the population of this metro area has grown by more than 1 million.

Since the formation of the Metropolitan North Georgia Water Planning District in 2001, water withdrawals in Metro Atlanta have decreased dramatically even as the population grew by more than 1 million. As a matter of fact, the consumption per capita has gone down by more than one-third.

This is good water management. Georgia has been a good steward of water resources, and this has been repeatedly validated. In fact, Metro Atlanta water systems have gone above and beyond the necessary water management practices to ensure that they are conserving as much as possible and efficiently properly using the water they do withdraw.

Again, the numbers back this up. There are 15 counties in the metro district. As I said before, from 2000 to 2013, water withdrawals have declined by more than one-third. Both Alabama and Florida have consistently lost in court because their claims have been found to be baseless. Because they cannot win in court, now we see the senior Senator from Alabama trying to win through the appropriations process in Congress.

There is a case on this issue currently being litigated between the States in the U.S. Supreme Court that is due to be heard by a court-appointed special master in November of this year. There is another case pending in the U.S. District Court for the District of Columbia, and yet another one is pending in the U.S. District Court for the Northern District of Georgia. We need to allow the legal process to run its natural course on these cases.

But, again, some in this body are short-circuiting that litigation through the appropriations process. That is just not appropriate. This short-circuiting would have improper influence on the outcomes of these court cases. That speaks volumes.

We are not sent here to pick winners and losers among the States. This is a matter for the States involved to litigate and negotiate, as are all interstate disputes. By the way, this could set a dangerous precedent not just for these three States but for all States that have water rights issues.

This is a matter for the States involved to litigate and negotiate, as are all interstate disputes. This is not a matter to be dealt with through the appropriations process of the Federal Government.

Attempts at this kind of Washington meddling are exactly why many of our constituents have lost trust in this body. We must remove this language from the CJS bill or we will set a dangerous precedent moving forward.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 120, H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $473,000,000, to remain available until September 30, 2017, of which $10,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: Provided, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $54,250,000, of which $1,000,000 shall remain available until expended: Provided, That section 141(a) of the Trade Act of 1974 (19 U.S.C. 2171(a)) is amended by striking ''Executive Office of the President'' and inserting ''Department of Commerce'': Provided further, That not to exceed $124,000 shall be available for official reception and representation expenses.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $106,500,000, to remain available until expended: Provided, That

the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $213,000,000, to remain available until expended; of which $10,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $100,000,000, to remain available until September 30, 2017.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $266,000,000: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, $862,000,000, to remain available until September 30, 2017: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, $1,551,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $38,200,000, to remain available until September 30, 2017: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,272,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2016, so as to result in a fiscal year 2016 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2016, should the total amount of such offsetting collections be less than $3,272,000,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of $3,272,000,000 in fiscal year 2016 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office ''Salaries and Expenses'' account: Provided further, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2016 for official reception and representation expenses: Provided further, That in fiscal year 2016 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: Provided further, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): Provided further, That within the amounts appropriated, $2,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology (NIST), $684,700,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': Provided, That not to exceed $5,000 shall be for official reception and representation expenses: Provided further, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $145,000,000, to remain available until expended, of which $130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $15,000,000 shall be for the Advanced Manufacturing Technology Consortia.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $63,300,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,242,723,000, to remain available until September 30, 2017, except that funds provided for cooperative enforcement shall remain available until September 30, 2018: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: Provided further, That in addition, $130,164,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery

Products and Research Pertaining to American Fisheries'', which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: Provided further, That of the $3,390,387,000 provided for in direct obligations under this heading, $3,242,723,000 is appropriated from the general fund, $130,164,000 is provided by transfer and $17,500,000 is derived from recoveries of prior year obligations: Provided further, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $222,523,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $2,079,494,000, to remain available until September 30, 2018, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: Provided, That of the $2,092,494,000 provided for in direct obligations under this heading, $2,079,494,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: Provided further, That, within the amounts appropriated, $1,302,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2017: Provided, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2016, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $56,000,000: Provided, That within amounts provided, the Secretary of Commerce may use up to $2,500,000 to engage in activities to provide businesses and communities with information about and referrals to relevant Federal, State, and local government programs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $30,596,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2016: Provided, That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $10,828,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. Notwithstanding section 14 of the Act of June 18, 1934 (commonly known as the ''Foreign Trade Zones Act'') (48 Stat. 998, chapter 590; 19 U.S.C. 81n), none of the funds provided for in this Act, or any other appropriations Act, for the Department of Commerce shall be available to enforce or carry out any activities under 15 CFR 400.43.

SEC. 109. (a) None of the funds made available by this Act or any other appropriations Act may be used by the Secretary of Commerce to manage fisheries in the Gulf of Mexico unless such management is subject to the boundaries for coastal States set out under subsection (b).

(b) Notwithstanding any other provision of law, for the purpose of fisheries management the seaward boundary of a coastal State in the Gulf of Mexico is a line 9 nautical miles seaward from the baseline from which the territorial sea of the United States is measured.

SEC. 110. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 111. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual

basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: Provided, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' and shall remain available until September 30, 2018 for such purposes: Provided further, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 112. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.).

SEC. 113. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the U.S. Census Bureau, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

This title may be cited as the ''Department of Commerce Appropriations Act, 2016''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $109,000,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $25,842,000, to remain available until expended: Provided, That the Attorney General may transfer up to $34,400,000 to this account, from funds made available to the Department of Justice in this Act for information technology, to remain available until expended, for enterprise-wide information technology initiatives: Provided further, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $411,072,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account: Provided, That, of the amount available for the Executive Office for Immigration Review, not to exceed $15,000,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $89,000,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $13,308,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $885,000,000, of which not to exceed $20,000,000 for litigation support contracts shall remain available until expended: Provided, That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: Provided further, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: Provided further, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $9,358,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $162,246,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $124,000,000 in fiscal year 2016), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at $38,246,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,973,000,000: Provided, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: Provided further, That not to exceed $25,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $225,908,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $162,000,000 of offsetting collections pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the Fund estimated at $63,908,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,374,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $13,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: Provided, That amounts made under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $14,446,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,195,000,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $9,800,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United

States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,454,414,000, to remain available until expended: Provided, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to section 4013(b) of title 18, United States Code: Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That any unobligated balances available from funds appropriated under the heading ''General Administration, Detention Trustee'' shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $93,000,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $507,194,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,433,492,000, of which not to exceed $216,900,000 shall remain available until expended: Provided, That not to exceed $184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $108,982,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,033,320,000; of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,201,000,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: Provided, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,848,000,000: Provided, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $5,400 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2017: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities: Provided further, That, notwithstanding section 1345 of title 31, United States Code, or any other provision of law, up to $540,000 may be used to pay expenses associated with reentry programs to assist inmates in preparation for successful return to the community, including prison institution and Residential Reentry Center programs that involve inmates' family members and significant others, community sponsors, and volunteers.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $106,000,000, to remain available until expended, and of which not less than $81,000,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and for related victims services, $479,000,000, to remain

available until expended, of which $245,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984: Provided, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) $215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $30,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(4) $11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: Provided further, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) $51,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;

(6) $35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $35,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: Provided, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: Provided, That such funds may be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(15) $500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women; and

(16) $5,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: Provided, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $117,000,000, to remain available until expended, of which—

(1) $41,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act;

(2) $36,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act;

(3) $35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act; and

(4) $5,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which $4,000,000 is for transfer to the National Institute of Standards and Technology to support Scientific Area Committees.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $1,009,000,000, to remain available until expended as follows—

(1) $382,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $15,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), $10,000,000 is for an initiative to support evidence-based policing, $2,500,000 is for an initiative to enhance prosecutorial decision-making, $15,000,000 is for an Edward Byrne Memorial criminal justice innovation program, $20,000,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement, and $2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System;

(2) $75,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $41,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(4) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(5) $12,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(6) $4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(7) $13,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403, of which not more than $2,500,000 is for intellectual property enforcement grants, including as authorized by Section 401 of Public Law 110–403;

(8) $3,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(9) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(10) $22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(11) $1,000,000 for the National Sex Offender Public Website;

(12) $8,500,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(13) $55,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than $12,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(14) $15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(15) $125,000,000 for DNA-related and forensic programs and activities, of which—

(A) $117,000,000 is for a DNA analysis and capacity enhancement program and for other

local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): Provided, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) $4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(16) $41,000,000 for a grant program for community-based sexual assault response reform;

(17) $68,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, and $5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy: Provided, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(18) $5,000,000 for a veterans treatment courts program;

(19) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(20) $22,000,000 for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction;

(21) $4,000,000 for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model; and

(22) $75,000,000 for the Comprehensive School Safety Initiative, and for related hiring: Provided, That section 213 of this Act shall not apply with respect to the amount made available in this paragraph:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other juvenile justice programs, $253,500,000, to remain available until expended as follows—

(1) $65,500,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: Provided, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) $75,000,000 for youth mentoring grants;

(3) $40,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(4) $68,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(5) $500,000 for an Internet site providing information and resources on children of incarcerated parents;

(6) $2,000,000 for competitive grants focusing on girls in the juvenile justice system; and

(7) $2,500,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of the amounts designated under paragraphs (1) through (3) may be used for training and technical assistance: Provided further, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''), $212,000,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: Provided further, That of the amount provided under this heading—

(1) $11,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $187,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That within the amounts appropriated under this paragraph, $30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: Provided further, That of the amounts appropriated under this paragraph, $10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: Provided further, That within the amounts appropriated under this paragraph, $10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701;

(3) $7,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: Provided, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) $7,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: Provided, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. Funds appropriated by this or any other Act under the heading ''Bureau of Alcohol, Tobacco, Firearms, and Explosives, Salaries and Expenses'' shall be available for retention pay for any employee who would otherwise be subject to a reduction in pay upon termination of the Bureau's Personnel Management Demonstration Project (as transferred to the Attorney General by section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (28 U.S.C. 599B)): Provided, That such retention pay shall comply with section 5363 of title 5, United States Code, and related Office of Personnel Management regulations, except as provided in this section: Provided further, That such retention pay shall be paid at the employee's rate of pay immediately prior to the termination of the demonstration project and shall not be subject to the limitation set forth in section 5304(g)(1) of title 5, United States Code, and related regulations.

SEC. 207. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 209. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 210. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the accompanying report and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 211. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 212. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 213. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings ''Research, Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance;

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs; and

(3) up to 7 percent of funds made available for grant or reimbursement programs: (1) under the heading ''State and Local Law Enforcement Assistance''; or (2) under the headings ''Research, Evaluation, and Statistics'' and ''Juvenile Justice Programs'', to be transferred to and merged with funds made available under the heading ''State and Local Law Enforcement Assistance'', shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 214. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2013 through 2016 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w–2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q–3), the requirements under section 2904 of such part.

(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 215. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 216. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 217. No funds provided in this Act shall be used to deny the Inspector General of the Department of Justice timely access to all records, documents, and other materials in the custody or possession of the Department or to prevent or impede the Inspector General's access to such records, documents and other materials, unless in accordance with an express limitation of section 6(a) of the Inspector General Act, as amended, consistent with the plain language of the Inspector General Act, as amended. The Inspector General of the Department of Justice shall report to the Committees on Appropriations within five calendar days any failures to comply with this requirement.

SEC. 218. Section 8(e) of Public Law 108–79 (42 U.S.C. 15607(e)) shall not apply to funds appropriated to or administered by the Office on Violence Against Women, including funds appropriated in previous appropriations acts that remain available for obligation.

SEC. 219. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2016.

This title may be cited as the ''Department of Justice Appropriations Act, 2016''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,555,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,295,000,000, to remain available until September 30, 2017: Provided, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: Provided further, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $524,700,000, to remain available until September 30, 2017.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight,

spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $600,000,000, to remain available until September 30, 2017: Provided, That $150,000,000 shall be for the RESTORE satellite servicing program for completion of pre-formulation and initiation of formulation activities for RESTORE, and such funds are independent of the asteroid rendezvous mission or satellite servicing demonstration activities on the International Space Station.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,831,200,000, to remain available until September 30, 2017: Provided, That not less than $1,200,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: Provided further, That not less than $2,310,000,000 shall be for the Space Launch System, which shall have a lift capability not less than 130 metric tons and which shall have an upper stage and other core elements developed simultaneously: Provided further, That of the funds made available for the Space Launch System, $1,900,000,000 shall be for launch vehicle development and $410,000,000 shall be for exploration ground systems: Provided further, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5 year budget profile and funding projection that adheres to a 70 percent Joint Confidence Level (JCL) and is consistent with the Key Decision Point C (KDP–C) for the Space Launch System and with the future KDP–C for the Orion Multi-Purpose Crew Vehicle: Provided further, That funds made available for the Orion Multi-Purpose Crew Vehicle and Space Launch System are in addition to funds provided for these programs under the ''Construction and Environmental Compliance and Restoration'' heading: Provided further, That $321,200,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,756,400,000, to remain available until September 30, 2017.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $108,000,000, to remain available until September 30, 2017, of which $18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,784,000,000, to remain available until September 30, 2017.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $352,800,000, to remain available until September 30, 2021: Provided, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: Provided further, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2016 in an amount not to exceed $6,905,600: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $37,400,000, of which $500,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISIONS

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For the closeout of all Space Shuttle contracts and associated programs, amounts that have expired but have not been cancelled in the Exploration, Space Operations, Human Space Flight, Space Flight Capabilities, and Exploration Capabilities appropriations accounts shall remain available through fiscal year 2025 for the liquidation of valid obligations incurred during the period of fiscal year 2001 through fiscal year 2013.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,933,645,000, to remain available until September 30, 2017, of which not to exceed $540,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $200,310,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $866,000,000, to remain available until September 30, 2017.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $325,000,000: Provided, That not to exceed $8,250 is for official reception and representation expenses: Provided further, That contracts may be entered into under this heading in fiscal year 2016 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of

experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,370,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $14,450,000, of which $400,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the ''Science Appropriations Act, 2016''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,200,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of eight full-time individuals under Schedule C of the Excepted Service: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: Provided further, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $364,500,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $84,500,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $385,000,000, of which $353,000,000 is for basic field programs and required independent audits; $4,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $18,500,000 is for management and grants oversight; $4,000,000 is for client self-help and information technology; $4,000,000 is for a Pro Bono Innovation Fund; and $1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2015 and 2016, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,431,000.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2017: Provided, That not to exceed $2,250 shall be available for official reception and representation expenses: Provided further, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term ''promotional items'' has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum

extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. (a) Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of $2,602,000,000 shall not be available for obligation until the following fiscal year:

(b) Notwithstanding section 1402(d) of such Act of 1984, of the amounts available from the Fund for obligation, the following amounts shall be available without fiscal year limitation—

(1) to the Assistant Attorney General for the Office of Justice Programs—

(A) $50,000,000 for victim services programs for victims of trafficking as authorized by section 107(b)(2) of Public Law 106–386, or programs authorized under Public Law 113–4;

(B) $16,000,000 for an initiative relating to children exposed to violence;

(C) $12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the Victims of Child Abuse Act of 1990;

(D) $15,000,000 for supplemental victims' services and other victim-related programs and initiatives, including research and statistics, and for tribal assistance for victims of violence;

(E) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(F) $3,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the Victims of Child Abuse Act of 1990; and

(G) $18,000,000 for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence.

(2) to the Director of the Office for Victims of Crime, $52,000,000 for assistance to Indian tribes only for supplementing victims' services and other victim-related programs and initiatives.

(3) to the Department of Justice Office of Inspector General, $10,000,000 for oversight and auditing purposes.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 515. None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, ''Standards for Security Categorization of Federal Information and Information Systems'' unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact information systems within the Federal Government and against international standards and guidelines, including those developed by NIST;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

(3) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 518. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The

Fair Credit Reporting Act; The National Security Act of 1947; USA Freedom Act; and the laws amended by these Acts.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for fiscal year 2016.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 524. (a) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2016, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $55,000,000;

(2) ''Legal Activities, Assets Forfeiture Fund'', $362,945,000, of which $58,945,000 is permanently rescinded;

(3) ''United States Marshals Service, Federal Prisoner Detention'', $69,500,000;

(4) ''Federal Bureau of Investigations, Salaries and Expenses'', $80,000,000;

(5) ''State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs'', $5,020,000; and

(6) ''State and Local Law Enforcement Activities, Community Oriented Policing Services'', $10,000,000.

(b) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2016, specifying the amount of each rescission made pursuant to subsection (a).

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 529. (a) None of the funds appropriated or otherwise made available in this Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and 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 effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 530. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 531. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 532. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 533. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 534. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 535. (a) The head of any executive branch department, agency, board, commission, or office funded by this Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2016 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days of the date of a conference held by any executive branch department, agency, board, commission, or office funded by this Act during fiscal year 2016 for which the cost to the United States Government was more than $20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending such conference.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a banquet or conference

that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 536. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 537. The head of any executive branch department, agency, board, commission, or office funded by this Act shall require that all contracts within their purview that provide award fees link such fees to successful acquisition outcomes, specifying the terms of cost, schedule, and performance.

SEC. 538. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 539. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 540. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 541. None of the funds made available under this Act may be used in contravention of section 7606 (''Legitimacy of Industrial Hemp Research'') of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

SEC. 542. None of the funds made available in this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, or with respect to either the District of Columbia or Guam, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016''.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4685

(Purpose: In the nature of a substitute)

Mr. MCCONNELL. Mr. President, I call up the substitute amendment No. 4685 to H.R. 2578.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. SHELBY, proposes an amendment numbered 4685.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 4686 TO AMENDMENT NO. 4685

Mr. SHELBY. Mr. President, I call up amendment No. 4686 to the substitute amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 4686 to amendment No. 4685.

Mr. SHELBY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction)

On page 23, beginning on line 15, strike ''U.S. Census Bureau,'' and insert ''Bureau of the Census,''.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise this morning to encourage my colleagues on both sides of the aisle to support H.R. 2578, the Commerce, Justice, Science, and Related Agencies appropriations bill for fiscal year 2017.

Before I discuss this bill, I want to take a few minutes to extend my condolences to all who lost loved ones in the horrific act of terrorism that took place over the weekend in Orlando, FL. The unthinkable act of violence underscores how critical it is for the Nation's law enforcement to have the tools they need to prevent future incidents and protect the American people.

This bill funds important functions that are vital to our Nation's security, including law enforcement, immigration enforcement, cyber security, and severe-weather forecasting. I believe this bill reflects our strong bipartisan relationship on the Committee on Appropriations, and I thank my colleagues across the aisle for working with us to move the bill out of the committee.

As chairman of the Commerce, Justice, Science Subcommittee, I worked with my colleagues to provide critical funding for the U.S. Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation, among others.

The Commerce-Justice-Science bill before us meets the subcommittee's allocation of $56.3 billion in discretionary spending. This level is $563 million above the fiscal year 2016 enacted amount and is $1.6 billion above the budget request. However, when taking out scorekeeping adjustments and comparing true spending, this bill is actually $1.83 million below the President's request.

The committee has made difficult but I believe responsible decisions to craft a bill that stays within the 2-year budget agreement that was agreed to last fall. Within these budgetary boundaries, I believe the committee has achieved a careful balance between the competing priorities of law enforcement, national security, economic development, scientific research, and space exploration.

The bill also funds the Department of Commerce at $9.3 billion, which keeps our next generation of weather satellites on schedule and ensures that the National Weather Service can continue to provide timely warnings for severe weather.

To help NOAA modernize the way it manages fisheries, the bill continues to provide strong funding for NOAA to expand its adoption of electronic monitoring and reporting in order to increase coverage of our Nation's fisheries and reduce costs for our commercial fishermen.

The red snapper fishery is vital to fishermen and businesses across my State of Alabama and the rest of the Gulf Coast States. I am pleased this bill continues several provisions that will help respond to the challenges facing anyone who wants to fish for gulf red snapper.

This committee remains supportive of science and innovation by maintaining healthy funding for the National Science Foundation, while preserving a balanced space program within NASA. The budget request that NASA presented to Congress included, I believe, a disingenuous combination of discretionary spending and an unprecedented amount of funding disguised as mandatory spending. The truth is that NASA's request only totaled $18.2 billion—a cut of $1 billion from what Congress provided last year. These cuts, if they were enacted, would erode ongoing science missions, delay exploration launches, and stifle American innovation.

In contrast to the budget request, the bill now before us funds NASA at $19.3 billion, preserving the funding Congress provided in 2016. This level makes it possible for the agency to continue supporting ongoing science and exploration missions, especially the Space

Launch System and the Orion capsule development, which are both in critical stages of development.

The bill maintains strong funding for the Department of Justice at $29.2 billion, and the bill provides either the budget request or at least a 1.5-percent increase for all Federal law enforcement operations to support men and women on the frontlines of preserving public safety. The bill before us also includes essential cyber security funding through the Department in order to protect our Nation and to track down, arrest, and prosecute child predators to keep our communities safe.

I want to point out that this bill provides $2.96 billion for victims of violent crime from the Crime Victims Fund, or CVF, which meets the 3-year average of deposits into the fund and is a metric the Committee on the Budget requested. As a result, overall funding for victims and victim-related grant programs—which are widely supported by many members of this committee as well as Members of the Senate—remain at or above the 2016 levels.

I believe this bill strikes a balance between the competing priorities of law enforcement, terrorism prevention, research, scientific advancement, and U.S. competitiveness. I think we have basically a transparent product that accommodates the Senate's priorities and addresses the needs of our Nation. I urge my colleagues at the proper time to support the bill's swift passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, rise in support of the Commerce-Justice-Science appropriations bill. As my colleague, the chair of the subcommittee, the Senator from Alabama, Mr. SHELBY, said, the CJS bill does provide $56.3 billion to fund the Department of Commerce and its many agencies, the Justice Department, the National Science Foundation, and the National Aeronautics and Space Administration. It meets the Bipartisan Budget Act of 2015. Every account is pretty much at the level we funded last year. It is a bipartisan bill, it is free from poison pill riders, and it was reported 30 to 0 from the committee. I support the underlying bill and look forward to moving it through the Senate.

What a difference a few days make. When I left the Senate on Thursday to return to Maryland to be with my constituents, I was so excited about joining with Senator SHELBY to bring the Commerce-Justice-Science appropriations bill to the floor. I was excited about it for several reasons—not only about the legislation, but what the legislation and what we brought here actually meant.

First of all, we actually were going to bring a bill that was bipartisan, and I was going to join with my colleague of so many years, Senator SHELBY of Alabama, where we have worked together, where we have tried to come up with how we meet the needs of the United States of America to protect our citizens, to make sure that we are the country of innovation and discovery, and that we do this in a way that is also fiscally responsible. In order to have bipartisanship, you must start with friendship. Senator SHELBY and I have developed that over the years based on mutual respect, candor, civility, and consultation. I was looking forward to bringing the bill based on context.

This will be the last subcommittee bill that I will bring to the Senate. With my retirement at the end of this session, I will be leaving. But this subcommittee is one that I have chaired for a number of years, and I have worked with such wonderful colleagues on the other side of the aisle. So there was a whole sense of excitement in bringing the bill to the floor. People were working together to bring something before our colleagues in a spirit of, No. 1, meeting America's needs, being fiscally responsible, and showing that with mutual respect we can get a mutual job done. But that excitement ended. It ended Sunday morning when I woke up and, to my horror and shock, saw what had happened in Orlando.

Orlando, I saw, was bleeding. The LGBT community was bleeding. The Latino community was bleeding. America was bleeding. It was a terrible act of terrorism and hate, killing 49 innocent people, with a death toll possibly on the rise, at a nightclub in Orlando. This was just terrible. I knew it wasn't the first time a terrorist with hate in his heart and a gun in his hand had mowed down his fellow citizens with a high-powered weapon. It seemed too hard to believe, yet I noted that last Friday it was 1 year since the murder at Charleston. Innocent Americans going about their lives have been murdered in churches, schools, movie theaters, at work. They have names like Newtown, Aurora, and San Bernardino. America wants to know: What are we doing to keep America safe?

I want to say to America, first of all, that in the underlying bill we really worked hard to make America safe. The Senate CJS bill includes $3.7 billion to protect Americans from terrorism and to respond to growing threats and incidents. With Senator SHELBY leading the way and working with me, we worked to help the FBI transform from fighting bank robbers to fighting ISIL and lone wolves. The bulk of the Department of Justice, or DOJ, counterterrorism funding is for the FBI—$3.5 billion to uncover and disrupt plots against America. For example, we fund the Joint Terrorism Task Force, where all the agencies work together in 104 cities. We make sure we have a watch list through the Terrorist Screening Center of individual investigations resulting in arrests for those who seek to join ISIL in Syria. This legislation, this appropriations bill before us, also funds something called the National Security Division—$95 million to make sure we have the prosecutors, law enforcement, and coordinated intelligence communities to make the case against terrorism. We fund the Office of the U.S. Attorneys at $51 million, and we also make sure that when we catch the bad guys they go to Federal prison.

Also, we help local law enforcement to train and respond to the active shooter incidents. In the last decade, we have had to respond to 160 incidents in which there was an active shooter trying to commit mass murder. Overall, the bill contains a 1-percent increase for Federal law enforcement. It is what we could do with our budget allocation, but that is not enough. Our tight allocation means we can't afford the resources to respond to the threats of America and stay within the budget caps. The FBI needs the right tools, the right technology, and the right training to stop terrorists before they act to uncover these lone-wolf and organized operations. That is why later on in the bill, I will offer an amendment for emergency funding for the FBI to add $170 million to fight terrorism, whether it originates overseas or here in the United States. We have helped with emergency supplemental funding for the FBI before, every year between 2001 and 2008, but the threat is growing with emergencies now.

But Sunday's attack was also a hate crime. No hate crime should be tolerated against any community or any group, ever. America's strength lies in its diversity. We also have to stay together, and we have to stand strong in denouncing prejudice and violence directed at any group. We must speak out against hate in any form.

I, too, want to express my condolences to those people who died in Orlando. I also want to express my condolences to their family members, to the injured, and to all who will bear the permanent impact of this.

This bill is also a way of showing that we are serious about hate crimes. The bill that Senator SHELBY and I brought here maintains funding for the Civil Rights Division of $148 million to enforce anti-discrimination laws. We worked with Assistant Attorney General Gupta and her colleagues to keep schools, workplaces, and companies safe and free from intolerance and discrimination. But again, there, we need more help, and I hope to add $30 million to that agency to fight discrimination. Hearing the strong cries across the country, I know there will be those who will be calling for action on gun control. Senator FEINSTEIN and others will speak later on today on that.

In terms of what just happened—it happened in Orlando, but it happened in Newtown and so on—I think we have a good response in the bill, and I think there are good pending amendments. But I also want to speak to the other part of the bill. One of my big issues is jobs—jobs today and jobs tomorrow. In this legislation, working again with my colleague, we put money into this for jobs and innovation.

Why is innovation so important? For the companies in the S&P 500, about 80 percent of their value comes from intangible assets—patents and trademarks and research software—not bricks and mortar and inventory. That means that through innovation, companies need new knowledge to invent new products and to have new jobs. We want to win not only the Nobel Prizes, but we want to win the markets, and we have to start with research. That is why we fund the National Science Foundation at $7.5 billion, supporting more than 11,000 research grants, and the National Institute of Standards and Technology at $974 million to make sure that it sets our standards for products to be sold everywhere in the world. Those are American standards, not Chinese standards. We are not buying Chinese mammogram equipment. We are not buying Chinese equipment to make our cars lighter and safer. Also, we are doing important work there on cyber security.

Also, we have the National Oceanic and Atmospheric Administration. I am very proud of the work they do in terms of fisheries and our oceans and certainly their work in the Chesapeake Bay. But we also have the very important weather prediction, where, again, working with the other side of the aisle, we made sure they had the right computational capacity to be able to do the weather forecasting that we need.

Hurricane season is upon us. We need to pinpoint when a hurricane is coming to be able to save lives and be able to save property. Every mile of evacuation costs $1 million. The more accurate we can be, the earlier we can be, the more lives we will be able to save and also protect property. That is what they do.

Then, of course, there is NASA. My colleague from Alabama, Senator SHELBY, and I have worked a number of years on the national space agency. We have worked so hard for a balanced space program—human space flight, reliable space transportation, aeronautical and space science. We have inspired new discovery. We have helped promote innovation. We have looked at new stars from the Hubble. We have looked at new planets using Pluto. We have spawned a new satellite servicing industry. We have also looked out for the planet. Whether it is in Huntsville, AL, or at the Goddard Space Flight Center, we have really moved this work.

We need our science agencies to invent and to be able to sell their products, but we also want to protect ideas and innovation. That is why we fund the Patent and Trademark Office. Senator SHELBY and I believe that private property needs to be protected. But intellectual property is private property, and we want to make sure that our Patent and Trademark Office really is able to be not a bottleneck but a pathway to protecting this. We also promote the International Trade Administration and the Economic Development Administration.

I look forward to a robust amendment process to address the issues related to safety and security and other aspects of the bill. I hope our colleagues will come forth to debate—there are no restrictions here—and then to offer amendments. Now is the time to seize the moment.

I look forward to working with my colleague Senator SHELBY and all of our colleagues to move this bill. I think at the end of the day, we can be very proud of what we are doing to protect America on many different levels.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I commend the chairman and ranking member for many, many things. I want to say to the ranking member, Senator MIKULSKI, that we are going to miss her upon her retirement. As one who is near and dear to our Nation's space program, both civilian and military, their leadership has been extraordinary.

MASS SHOOTING IN ORLANDO

I want to talk about Orlando. Since I didn't have time to blow this up, I want people to see this small print, where my finger is on an AR–15. A similar weapon is what the shooter Mateen used called a Sig Sauer, and it has some designation of letters. It has a collapsible stock. That is probably why he was able to conceal it as he went into the nightclub late in the evening while some people were leaving. It was last call. There was probably some reduction of heightened awareness because the evening was over.

The AR–15 is an extremely lethal military weapon which, like the military M–16, can shoot a bullet called a .223, or it can shoot a bullet that is a little larger and more powerful called a .300 AAC Blackout, all the more that will do damage tearing into flesh.

This tragedy in my State, in the town in which I live, could have been prevented, since he had been on the terrorist watch list for over 2 calendar years. While he was questioned three times—in 2013 and 2014—upon that questioning, the FBI saw no prosecutable evidence to continue and closed the case.

As the Director of the FBI said, ''Once an investigation is closed there is then no notification of any sort that is triggered by that person then attempting to purchase a firearm,'' when the case or cases were closed as inconclusive. That was FBI Director Comey.

Therefore, I have introduced legislation that would—if you have been questioned about a possible terrorist act—much more so if you have been put on the terrorist watch list but have been taken off because, as the Director said, that case was closed as inconclusive, his words—when you go to purchase a gun, you can purchase that gun legally. Why shouldn't the FBI be notified that the person who has just purchased the weapon had been on the terrorist watch list? It is common sense. I don't think that even the NRA can object to this—and they are accustomed to getting their way around here—because this does not in any way inhibit the purchase of that firearm. This is after the fact of the purchase that a notification is given to the NCIS system—the National Instant Criminal Background Check System—that this person was once under investigation by the FBI and/or put on the terrorism watch list.

It seems to me this is common sense. Had that law been in place, 50 people—49 innocent victims—would not be dead, and there would not be another 50, some of whom are fighting for their lives.

I will also say we have already hotlined a resolution that my colleague Senator RUBIO and I have introduced expressing the condolence to Orlando, condemning the terrorist attack, giving our support for the families and friends of those affected, and applauding the dedication of the law enforcement who responded and the interagency officials.

I will also say what I repeated in my remarks Monday afternoon, as I had just returned from South Orange Avenue, the street in Orlando not far from the nightclub and not far from ORMC, the hospital where so many of those victims are still in critical condition: We are healing. It is going to take a long time, but one of the things in the healing process that we need is the expression of unity instead of division.

It was a marvelous sight in the temporary command center, set up in the middle of Orange Avenue, to see the State, local, and Federal level all working together seamlessly, with the FBI taking the lead. That is how government is supposed to respond.

How is a society supposed to respond? Was it on Sunday when we opened our Orlando office to try to help with the incoming calls, all of which were support; was it like the ceremony two nights ago at the First Baptist Church of Orlando, where it was one of unity and the members of the Muslim community were prayed for by the other faith communities in that church setting; or was it in the 400 calls we had in our Orlando office on Monday, the day after—95 percent of which were expressing hate, anti-gay, anti-immigrant, anti any gun control, anti whatever it was, expressing not a message of unity but a message of division?

This Senator had just been elected in 2000. In the first year of my tenure in the Senate, 9/11 happened. What I saw was remarkable. This Senate came together to crowd around the Senators from New York, Connecticut, and New Jersey, offering them the unity of the Nation. At the time that we were still under the terror watch on that very evening of September 11, 2001, the Members of Congress in this Senate and the House said: We don't care. We are going to the center steps on the

east front of the U.S. Capitol Building, and we broke out in unison singing ''God Bless America.'' We were showing our unity.

Where is that unity now? It is being expressed in pockets around this country, and it is being expressed to those grieving in Orlando. We must do more.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to follow up on the remarks of our friend Senator NELSON from Florida.

Let me first say a couple of things about the bill that is on the floor. This is a challenging bill to bring to the floor. Senator SHELBY is the chairman of the committee. He has done a great job on bringing a bill to the floor. It is not the bill he would have written if he were writing the bill by himself. Senator MIKULSKI has done the same thing. By having these bills on the floor, we have a chance to let all the Senators express their views by offering amendments and voting on amendments.

This bill has some excellent things in it at a critical time and pursues a national network of manufacturing centers. A couple of years ago, Senator BROWN and I were able to get Advanced Manufacturing Centers of Excellence into the law in a way that the Commerce Department could do things that they otherwise are not able to do. This fully funds an important program that the administration zeros out every year. The victims of child abuse advocacy centers are centers where kids can go who have either been the victims of a crime or the witness to a crime and have the interview that needs to be had and have it one time, in almost all cases by somebody who knows what they are doing—a forensic interview that puts that crime on the record in a way that kids don't have to constantly relive that moment because somebody who might be very good at interviewing adults isn't very good at interviewing kids, someone who doesn't understand how traumatic that moment is if you are 2, 5, or 15.

Senator COONS and I were able to put legislation on the books that extended that program a few years ago, and I am grateful to see the program fully funded, even though I am annually puzzled by why the Justice Department says we don't need these programs for these victims. That is taken care of here.

Lots of things happened, as we should be focusing on the law enforcement community. Once again, after what happened Sunday morning, we are praising the law enforcement community. We are praising the equipment they have. I haven't heard anybody critical of the fact that there were armored vehicles—not armed vehicles but armored vehicles—there, the BearCat they used that could perforate the wall. Those weren't in the State capital, and the local police didn't have to call and ask: Is it OK if we get the armored vehicle brought down here from Tallahassee? They had a vehicle.

Many of these vehicles were bought under programs that uniquely allow either funding or equipment to be transferred. When you see those holes in the wall where victims got out and law enforcement officials got in, that was the very kind of vehicle that many in this Congress were critical of just a couple of years ago when those same vehicles were being used to save lives, bring people out who had been injured in our country, and we heard a lot about the militarization of the police. We didn't hear any of that over the weekend, and thank goodness we didn't hear that.

I am pleased the Senate has responded to Senator RUBIO and Senator NELSON's resolution that expresses our gratitude for those who helped in this tragedy, gratitude to the law enforcement community, gratitude to first responders, gratitude to people in the community who stepped forward to donate blood, people in Orlando and around the country who sent in national support groups to offer counseling at a time when a lot of counseling is necessary.

It is hard to imagine what it would have been like to be in that nightclub. It is hard to imagine what it would have been like. One father I heard yesterday had a message from his son, over his son's iPhone, that he thought was the last time he would ever hear from his son, and only hours later he saw a video of his son. He was one of the people who was being helped out of the building. Only then did he know his son was alive.

A lot of counseling needs to happen for a lot of people who lost their loved ones, people who have lost people who mean so much to them. Forty-nine innocent people were killed on Sunday. Fifty-three people are still suffering injuries, and many more people are suffering the trauma of what happens when you are there or when this is your community or this is your family. We need to be thinking about that, and the resolution recognizes that.

People need help at times like this. After a tragedy such as this, we are almost certain to hear two debates; one is about the Second Amendment, and one is about how big of a problem is the mental health problem of this. We have now added to this debate Orlando, San Bernardino, and other places around the world. We now have to deal with radical Islamic terrorism being used as a motivator, those who have taken faith out of any rational concept of faith and have used it as an excuse for violence.

We will have debates about the no-fly list and terror watch list. By the way, those are two very different lists. The no-fly list is a relatively small list. The terror watch list has about 1 million people on it.

As a member of the Intelligence Committee, I am still waiting to hear a better explanation as to why a terror suspect was taken off the list other than them coming to the conclusion that the interview was inconclusive. The Senator from Florida said that was the reason for the decision that was made by the FBI Director. ''Inconclusive'' is not a good enough answer. I would think that if there is a reason an individual is on that list, there should be a conclusive reason that person is taken off the list and not an inconclusive reason for being taken off the list. I suggest we need to be thoughtful here. When the government can put people on the list outside the normal justice system and because the government has put your name on a list, somehow you lose rights you might otherwise have—that is the kind of thing we wouldn't assume our government would be able to do. To put somebody on a list who needs to be watched is a different thing, and how they get on and off that list is a different debate. But just the idea that we could have a government put your name or my name or the name of anybody listening to this on a list and that because you are on that list, certain things could happen that wouldn't happen otherwise, is concerning to me.

Senator STABENOW and I have been working for a long time now to try to create an opportunity for States—back to the counseling element of this—to treat all health care, including mental health care, the same. We have a bill, the Expand Excellence in Mental Health Act, where we have had 24 States that have applied for the grant process to make a proposal to the Federal Government that would allow them to try this program for a couple of years so they can see what happens. The 8 to 24 States that are able to do this will likely find out that not only is this the right thing to do on all fronts, but it is the right thing to do in terms of health care costs generally. If we treat mental health care like we treat all other health care, all of those costs will go down.

The last bill President Kennedy signed into law was the Community Mental Health Act at the end of October 1963. The law was meant to free the thousands of Americans who suffered from mental illness and were institutionalized. The only problem was that once those mental health institutions closed, no other alternatives had been made available in the way they should have been. According to the National Institutes of Health, one in four adult Americans has a diagnosable and almost always treatable mental health issue, and they say that one in nine adult Americans has a mental health issue that impacts how they live every day.

This brings me to one of the points I wanted to be sure to make today. We always talk about mental health after one of these tragedies occurs. People with a mental health issue are much more likely to be the victim of a crime than they are to be the perpetrator of a crime. As we have this discussion, we want to be careful that we don't drive people further away from an interest in seeking treatment.

If one out of four adult Americans has a diagnosable mental health issue, this is not unique. If one out of nine adult Americans has a diagnosable mental health issue that impacts how they live every day, we should be talking about this as a health care issue. Clearly, somebody who does irrational things may have a mental health concern, but we don't ever want to make the mistake that mental health and crime are somehow the same thing.

I will repeat this one more time: If you have a mental health issue, you are much more likely to be the victim of a crime than the perpetrator of a crime.

For far too long, we have allowed the law enforcement community and the emergency rooms in this country to be the de facto mental health care delivery system. We are doing significant and helpful things in this bill for law enforcement. Let's look for other opportunities to do the right thing for law enforcement by being sure that we take one of their daily obligations—the mental health care delivery system obligation—and look for every way we can to minimize that by creating opportunities to have mental health care treated like all other forms of health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GUN VIOLENCE

Mr. MURPHY. Mr. President, first, I extend my thanks to Chairman SHELBY and Ranking Member MIKULSKI for putting together a truly bipartisan bill. I am honored to be a member of the Appropriations Committee and honored to support this bipartisan compromise. This was a difficult bill to put together, but they did very good work to make this a product both sides could support. I thank them for allowing me to be a part of that process.

Second, let me acknowledge the remarks of Senator MIKULSKI, who noted that in many ways the world and the country have changed since this bill was scheduled to come to the floor.

Our hearts break collectively in this country for the citizens of Orlando. In particular, for those of us from Connecticut, our hearts break for the people of Orlando because we know in a very real way about the pain that exists there today, and we also know how that pain is really never-ending. The ripples of that pain are unceasing and unrelenting, and they span generations, neighborhoods, and years. Newtown is still putting itself back together and probably will be for a long time, and the same goes for Orlando. Our hearts break for what that community is going through.

The world is different today than it was at the end of last week. There is a newfound imperative for this body to find a way to come together and take action to try to do our part to stem this epidemic of gun violence and in particular this epidemic of mass shootings that plagues this Nation like no other industrialized nation in the world. There is something fundamentally different happening in the United States that causes us to have these catastrophic-level mass shootings on almost a monthly basis. In 2015 it caused us to have 372 mass shootings. The definition of a mass shooting is when four or more people are shot at any one time. Every day results in 80 or more people being killed by guns through domestic violence, accidental shootings, and homicides.

It won't surprise you to know that for those of us who represent Connecticut, the failure of this body to do anything at all in the face of that continued slaughter isn't just painful to us, it is unconscionable. I can't tell you how hard it is to look into the eyes of the families of those little boys and girls who were killed in Sandy Hook and tell them that almost 4 years later, we have done nothing at all to reduce the likelihood that that will happen again to another family. I shudder to think what it will be like for Senator NELSON 4 years from now to talk to the parents of those who were killed this past weekend in Orlando and tell them that 4 years after Orlando and 8 years after Newtown, Congress has been utterly silent.

I have stood on this floor dozens of times talking about this subject. I often come down to tell the story of the voices of the victims of these gun homicides and mass shootings just to make sure people know who these victims are. They are real people with families. This isn't new to me, but I am at my wit's end. I have had enough. I have had enough of the ongoing slaughter of innocents, and I have had enough of the inaction in this body.

Every shooting is different. There are a different set of facts around every single shooting. The story in Newtown was about a deeply mentally ill individual who had been isolated in his school and neighborhood. It was a story about a young man who had a fascination with violent content and violent video games. It was a story of a young man who had access to a very powerful weapon and who was able to shoot and kill 20 kids.

The shooting in Orlando has a different set of facts as well. There is clearly a terrorist connection. It is a story about radicalization. It is also a story about a very ill, very confused young man. It is a story of access to a very powerful weapon. It is a story about interaction with the FBI and the holes in the network of surveillance and checks that we need to discuss.

Every set of facts is different, but what unites all of these shootings—from Littleton, to Aurora, to Newtown, to Blacksburg, to Orlando—is that the weapon of choice in every case is a gun, often a very powerful gun, an AR–15 or AR–15 style of gun that was designed for the military and law enforcement to kill as many people as quickly as possible. What unites all of these incidents is our failure to do anything about it.

No one can guarantee that a shooting won't occur. No set of laws can allow us to say with certainty that there won't still be killings in Chicago, New Haven, and Los Angeles. There is no legislative guarantee that there won't be another Omar Mateen. But the idea that we haven't even tried or proffered ideas on this floor and debated them is offensive to those of us who have lived through these tragedies.

I have great respect for the product that Chairman SHELBY and Ranking Member MIKULSKI have put on the floor. I know this isn't going to make me popular with many of my colleagues or with the leadership of this body, but I don't think we should proceed with debate on amendments to this bill until we have figured out a way to come together on—at the very least—two simple ideas that enjoy the support of 80 to 90 percent of Americans. These two ideas, two pieces of legislation, would have been potentially dispositive and impactful with respect to the case in Orlando.

Senator FEINSTEIN has introduced one of those pieces of legislation which would simply say that if you are on a terror watch list, you shouldn't be able to buy a weapon. I heard one of my colleagues talk about reservations about this legislation, but I am certain there is a way to bridge any divide we have on how to administer that protection in a way that could bring Republicans and Democrats together.

Second, in order to make that protection meaningful, we also need to make sure that wherever a would-be shooter buys a gun, he goes through a background check. If you put terrorists or suspected terrorists on a list of those who are prohibited to buy guns, it doesn't do much good when around half of all gun purchases today are made outside of the background check system.

Let's say that the Orlando shooter was on a list that prohibited him from buying a weapon and he went to a store and was denied that AR–15-style weapon because he was on that list. But all he would have to do is go to a weekend gun show or go online, and he would be able to get that weapon without a background check. So if you really want to prevent terrorists or would-be terrorists or suspected terrorists from obtaining weapons, you have to pass legislation that puts those on the terrorist watch list on the list of those who are prohibited to buy guns; give them an ability to get off that list if they are on there without reason, but put them on that list as a default. Second, we have to expand the sales that are subject to background checks to make sure that we are creating a web that catches that potential terrorist when he tries to buy that weapon.

I am prepared to stand on this floor and talk about the need for this body to come together on keeping terrorists away from getting guns—through those two measures—for, frankly, as long as I can, because I know we can come together on this issue. I know there is

other really important business to be done here. I know other people have amendments they would like to call up. I know there are other issues that Senators would like to raise. But having come through the experience of Newtown, I have had enough.

It has been 4 years and nothing has been done, despite the fact that 90 percent of the American public wants us to act. The vast majority of gun owners want us to expand the reach of background checks. Polls suggest that 80 percent of Americans believe that people on a terrorist watch list shouldn't be able to buy guns. There is no controversy out there about these two provisions. We can work it out. We can work it out today.

We got a majority of the Senate to support Manchin-Toomey. That legislation still exists. Senator SCHUMER has introduced other legislation. Senator FEINSTEIN has introduced a bill to keep terrorists from getting guns. I am certain there are ways that it can be made better.

As someone who represents the community of Sandy Hook, which is still grieving today, I am going to stand on this floor and talk about our experience at Sandy Hook and Orlando's experience and the need to come together on this issue of making sure that dangerous people who have designs on mass murder don't get dangerous weapons, as long as I can, so that we can allow time to try to figure out a path forward, to bring this body together on the issue of changing our gun laws so that they reflect the will of 90 percent of the American people. I know what I am suggesting is extreme, but we have had enough of inaction in Connecticut. I just don't want the Senator from Florida, who just spoke, to say to those families 4 years from now that he couldn't do anything either.

Let me tell my colleagues what I mean about how this affects Sandy Hook in an ongoing way and why I couldn't help myself but to come down and take this stand today. The families that are dealing with this grief in Orlando are spread out all over the country and all over the greater Orlando area. It is awful. We just can't imagine—I certainly can't imagine—what it is like to lose a child. These are young men and women who died in that nightclub. But it is something different to lose a 6- or 7-year-old. It is something different when four or five of those kids lived on one road in Newtown. All of a sudden, overnight, four or five kids disappear. They are gone. It is something different when all of the other kids in that school heard those gun shots. They had to flee, stepping over the bodies of the administrators and their teachers.

That pain stays with you for a long time as a community, such that in the months and months after what happened in Sandy Hook occurred, you could be in a classroom and hear a young child scream out a word that seemed like a non sequitur. In one particular class the word was ''monkey'' and, every so often, we would have a student stand up and yell ''monkey.'' That was a safe word. The teachers had worked out that if a conversation started in class about the shooting, about maybe what one kid had seen and another student didn't want to be a part of that conversation—because we remember there were survivors from these classrooms as well as from the classroom next door—if one kid didn't want to be in that conversation, then that one child would stand up and say ''monkey'' at the top of their lungs, and a teacher would come over and break up that conversation. I don't know why, but I think about that a lot—about a little kid standing up and screaming ''monkey'' in the middle of the classroom, just as a reminder of how the trauma of these events doesn't end.

They say in cities across America that when one American is shot, there are 20 people surrounding them—friends, family members including aunts, uncles, children—who experience post-traumatic stress after that event. Studies suggest that there are 20 people that experience levels of trauma. Often in our cities, that leads to a cycle of violence; the anger that comes from a loved one being killed often leads to someone else getting killed as well. It is part of the reason why, over Memorial Day weekend in Chicago, there were over 60 people who were shot.

So this grief is never-ending for communities like Newtown, which is why I am as passionate today as I was in the days and weeks following, and why, for me, Orlando was a breaking point. I just look at myself in the mirror and I think—as we will hear from some of our colleagues who will interject with questions and who have reached a breaking point as well—that we couldn't proceed with business as usual in the Senate this week, that we couldn't do what we have largely done after mass shooting after mass shooting; we couldn't go on and debate other issues and ignore the fact that the vast majority of Americans—80 to 90 percent—want us to take this action, and that it would be impactful.

Now, again, you can say what I am proposing today wouldn't have changed the result in Sandy Hook because this individual in Sandy Hook did buy the weapon with a background check through a legal means—his mother. I understand that. There is no one change in law that is going to apply to every situation. But it potentially would have been impactful in Orlando. As I am sure Senator FEINSTEIN will explain later today, there is a possibility that if her bill had been in effect, the FBI could have put this individual on a list that would have prohibited him from buying a weapon. And had we expanded background checks to make sure that they applied to Internet sales and gun show sales, then he might have been stopped in his ability to get this weapon. We can't know that for sure, but we certainly can say that it would have been less likely that he would have been able to get that weapon and carry out this crime had those laws—again, supported by the vast majority of the American public—been in effect. And by acting, by coming together and finding a way to act on these two noncontroversial measures, I think we also send an important signal to the American public and to would-be murderers that we are serious about stemming this epidemic.

I think people notice when we remain silent. I know it is unintentional, but it almost seems to some people as if we don't care about what happens when we don't try to do anything about it. I understand that we have deep disagreements about how to proceed, but with the exception of one week in 2013, we have not brought a debate to this floor in which we try to hash out our differences. The Republican leadership didn't announce in the wake of Orlando that we are going to spend this week working on trying to enact measures to make sure that another mass shooting doesn't happen. And there is a fundamental disconnect with the American people when these tragedies continue to occur and we just move forward with business as usual.

So I am going to remain on this floor until we get some signal, some sign that we can come together on these two measures, that we can get a path forward on addressing this epidemic in a meaningful, bipartisan way.

Orlando is the worst mass shooting in American history. A gunman shot and killed 49 people and shot and injured at least 53 others outside of Pulse, a gay nightclub in Orlando. At about 2 o'clock in the morning on Sunday, a gunman opened fire inside Pulse, a large gay nightclub in downtown Orlando. It opened in 2004. The owner started it to, frankly, promote awareness of the area's lesbian, gay, bisexual, and transgender community, and they host monthly LGBT-related education events. There was one ununiformed Orlando police officer working security at the nightclub, along with a number of other private security officers. The police officer working security exchanged fire with the gunman after this incident began. The gunman proceeded to retreat back into the nightclub and take the remaining club-goers hostage, where he held them for three hours until 5 a.m. A SWAT team comprised of true heroes stormed the club with stun grenades and an armored vehicle. The gunman was killed in the resulting firefight. One officer was injured. Law enforcement rescued approximately 30 hostages.

In a press conference at about 10:30 that morning—we all remember this—the police indicated that 50 people were killed and 53 more were injured. The shooter was identified as Omar Seddique Mateen, 29, a U.S. citizen from St. Lucie County, FL.

We now know that this shooter became a person of interest to law enforcement in 2013 when the FBI learned that he had made comments to coworkers alleging possible terrorist ties, and again in 2014. The FBI did open an investigation into the shooter, but it was subsequently closed when they didn't think that it warranted any further investigation.

Mateen was armed with an AR–15-style assault rifle and a Glock handgun. He did obtain licenses to buy both of these guns legally—a handgun and a long gun. He bought them about a week or two before the incident, so it is pretty clear he was buying these weapons with an intent to kill civilians.

Prior to the shooting, Mateen called 911 and pledged his allegiance to ISIS. He mentioned the Boston bombers. It is a complicated story line, and we know some of the other story lines about this shooting, as well, including whether he had been frequenting that club prior to entering it as the shooter. It is a complicated story line. But at the root of it is someone who had been flagged by the FBI. The root of it is someone who had access to a weapon that was not designed for civilians.

AR–15-style weapons weren't legal in the United States until 2004 after being banned for 10 years. It is not coincidental that there was a massive increase in mass shootings in this country after 2004. We are still gathering information on the exact nature of the motive, but what we know is this incident is the deadliest mass shooting and the highest casualty mass shooting in American history, but it is not the first, and if we don't do something, it won't be the last.

In 2009, in Fort Hood, TX, a gunman shot and killed 13 people and shot and injured 30 others at the Fort Hood military post. In August of 2012, in Oak Creek, WI, a gunman shot and killed six people and injured three others at a Sikh temple in Oak Creek. In June of 2015, in Charleston, SC—and we are sitting on the 1-year anniversary of this mass shooting—a gunman shot and killed nine people at the Emanuel African Methodist Church, one of the oldest Black congregations in the South. About a month later, in July, a gunman shot and killed five people, including two U.S. marines and a naval officer, and shot and injured two others. In San Bernardino, at the beginning of December of 2015, 2 gunmen killed 14 people and injured 21 others at the Inland Regional Center. I mention these particular shootings because these were the shootings that were investigated as acts of terrorism. These are the shootings that have involved connections to radical groups or the intention to commit an act of terrorism against a minority group.

So I think it is right that we drill down today on this issue of stopping would-be terrorists from getting guns because just since 2009 this would be the sixth American mass shooting to be investigated by the FBI as an act of terrorism. We think of terrorists as using bombs or improvised explosive devices as their weapons of choice. In fact, the reality is that over the course of the last 12 months, it has been the military assault weapon that has been the weapon of choice of would-be terrorists.

The San Bernardino shooter and the Orlando shooter chose a gun, not a bomb, in order to carry out their attacks. Why? Because it is, frankly, a lot easier to get a powerful rifle that was designed for the military than it is to obtain or construct a military-capacity bomb or explosive device.

We have to admit that there is this trendline heading in the direction of powerful firearms that used to be banned in this country—and by the way, through bipartisan legislation—to carry out this destruction. You don't have to listen to me; you can listen to terrorist organizations themselves. ISIS today relies on lone wolf attackers in order to perpetuate its mythology of increasing strength. Why is that? Well, it is because we have actually had success in reversing their territorial gains in Iraq and Syria. ISIS is on the run in the Middle East. They are far from being defeated, and we need to keep up strong steps to continue to support the Syrian rebel forces and to support the Iraqi Army to push ISIS back.

They have two narratives that they proffer in order to recruit people into their ranks: No. 1 is that the caliphate was inevitable and growing, and for a long time it was. That so-called caliphate—their geographical territory of control—was growing. No. 2 is that the East is at war with the West, that this is a fight between the Muslim faith and the Christian faith.

Well, that first narrative is not as available to them as it used to be because the people who are thinking of signing up for ISIS don't have to read too deep in the news to know that the so-called caliphate is shrinking, not growing. It doesn't look so inevitable that ISIS is going to control big portions of the Middle East for the long term. Looks like the gig might be up for them, so they are now more than ever relying on the second narrative—that this is a much broader war between the East and the West, and so lone wolf attackers in places such as Paris or Brussels or Orlando or San Bernardino become much more important to their continued international growth. So it is not without coincidence that terrorist groups have made it very clear to potential converts in the United States that a firearm works just as well as a suicide bomb. They took credit very quickly for this attack, and they are going to be hoping there are others who will go to a store and buy a powerful assault weapon and turn it on Americans. It is our duty to do everything possible to make sure that doesn't happen.

It isn't an either/or proposition. It is not fight them there or fight them here. It is not focus on terrorism or focus on guns. It is both. It is the need to continue to support the momentum that exists on the ground in the Middle East to defeat ISIS and defeat them for good and to harden our defenses here in the United States to make sure these potential lone wolf attackers can't get access to an assault weapon.

Think about this statistic today. We know who is on the list of those who are being watched as potential terrorists, and we can match that against who has requested to buy a weapon, and the statistics are pretty stunning. Individuals on the consolidated terrorist watch list cleared a background check when seeking to obtain a gun in 91 percent of the attempted transactions between 2004 and 2014. That is a total of 2,043 successful transactions out of 2,233. There are 2,000 people, over the course of 10 years, who are on the terrorist watch list and who walked into a gun store and bought a weapon. Now, those are only the ones we know about, because 40 percent of gun sales happen outside of gun stores. So there are likely another 1,000 to 2,000 people on the terrorist watch list who got guns through other mechanisms.

If we are serious about taking on terrorism, then we have to beat these guys where they live in the Middle East, and we have to support the administration's efforts to do that and supplement them, but we also have to make sure these potential mass shooters don't get their hands on powerful weapons, especially when we know they have connections to terrorist sources. In order to do that, we have to do both. We have to put those people who are on the terrorist watch list on the list of those who are prohibited from buying weapons, and we also have to make sure that wherever that person is going to buy a weapon, they are checked to make sure they aren't a terrorist.

Mr. President, I don't know how long I will last here, but I hope I will be able to give time to our leadership to come together and try to find a path forward on legislation that will make this country safer and will acknowledge that our gun laws are part of the story—not the whole story but part of the story—as to why this mass slaughter continues in this country. I live every single day with the memory of Sandy Hook. I know this is inconvenient for the leadership and for colleagues on both sides of the aisle. I get that. Most of the time around here, I am a team player, but I have had it. I have had enough, and I just couldn't bring myself to come back to the Senate this week and pretend like this is just business as usual. We have to do something. We have to find a way to come together.

I don't know how long this will take, but I am going to stand here and continue to hold the floor while we give time for our colleagues to try to figure out a path forward to recognize that without changes in this Nation's gun

laws supported by the vast majority of Americans, the slaughter will continue.

I see my colleague from Connecticut rising. I will yield to my colleague from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. Mr. President, I have a question which I will preface with the context of that question. First, I thank him for his leadership.

We have worked together as a team on this issue of gun violence prevention and the fight against terrorism abroad and at home, and I thank our other colleagues who will be part of this effort. It is very much a team effort that we bring to the floor today, involving our friend and distinguished colleague from New Jersey, Senator BOOKER; Senator FEINSTEIN, who has worked so hard on this legislation before we arrived here; our colleague Senator DURBIN, who is with us now; and Senator SCHUMER. So many of us feel so deeply.

I think for Senator MURPHY and myself, the deeply emotional experience of Orlando evokes the images and sounds and sights of Newtown on that tragic day when both of us were there and witnessed the aftermath of 20 beautiful children and sixth grade educators gunned down senselessly and needlessly in an act of unimaginable and unspeakable horror.

This effort is more than about just words. This Chamber is filled with words. Rhetoric is the business of the floor of the Chamber. We are here today to seek action, and action has been too long delayed on banning gun violence, the kinds of acts of hatred and terror that happened in Orlando. Actions speak louder than words, and the Nation deserves action. Ninety percent of the American people want sensible, commonsense measures like background checks to be adopted by the Senate.

There is no question that we are learning more in shock and horror about the details of Orlando. It seems to have involved potentially insidious bigotry and hatred, a pernicious, extremist ideology, perhaps inspired by ISIS and others abroad, as well as very likely mental illness of some kind. But we know it was an act of terror and hatred that can be prevented by the kinds of measures we are seeking today, specific measures preventing anybody who is too dangerous to fly in a commercial plane from buying a gun—no flying, no gun. Someone who is deemed to be a terrorist or deserving to be on the terrorist watch list should also be deemed too dangerous to purchase the kinds of weapons this individual was able to purchase.

We need to strengthen the FBI because its investigative authority, in effect—perhaps not legally but in effect—would have been strengthened by this kind of measure, enabling anybody too dangerous to fly to also be stopped from buying a gun. This individual could have been stopped—not with any certainty, but at least the possibility is realistically there—and its investigations might have been continued and pursued had that law been in effect. Background checks are a means to enforce existing law and prevent categories of people already deemed too dangerous to buy guns—convicted felons or drug addicts or others in those categories adopted literally decades ago with the full support of the opponents of background checks who may be in opposition now. These measures complement each other.

We know we must fight terrorism abroad. We are at war against ISIS. We must pursue that war effectively, aggressively, and relentlessly. We must fight the homegrown terrorists who are either inspired or supported by ISIS, the lookalikes and soundalikes who claim allegiance to ISIS, whether they are supported or inspired, and for whom ISIS may claim responsibility.

The defenses must be hardened at home. That is part of what we are seeking to do here, just as we fight abroad against terrorism that would reach our shores and threaten our security.

Those measures must involve some military action, and that military action includes intercepting intelligence and finances, air superiority, and air aid for our allies on the ground, without committing massive numbers of U.S. troops to that effort. That war must be pursued even as we pursue the war against terror and hatred here at home.

But hardening our defenses requires that kind of action. So as a body we must commit to stop the terrorist gap from continuing to threaten our security at home, as well as implementing universal background checks that will keep guns out of the hands of dangerous people. We owe it not only to the memory of the children and educators at Sandy Hook and to the countless innocent people who have perished since in the mass shootings that so preoccupy our attention but also the daily shootings—30,000 of them every year. In downtown Hartford and around Connecticut, no place is immune. No one is safe so long as there is this threat.

These measures are modest, and they should be followed by others, such as a repeal of PLCAA, the protection against domestic violence for victims, and the kind of measure I have offered, the Lori Jackson Act. The repeal of PLCAA, which my colleague from Connecticut and I have championed, would repeal immunity that is unique to the gun industry. A ban on illegal trafficking and straw purchases, mental health issues, and school safety steps are measures that must be pursued as part of a strategy to combat gun violence and terrorism, whether it is inspired by ISIS or an organization abroad or homegrown here. These measures are complementary, and they must be pursued together.

We have lived too long, and I have worked literally for decades since I first supported a ban on assault weapons in Connecticut in the early 1980s and then defended it in court after it was adopted. These measures of protection will require steps against those kinds of assault weapons that are truly weapons of destruction, designed to kill and maim human beings as quickly as possible and as many people as possible.

Those assault weapons, whether they were involved in Orlando or not or in any of those other examples, such as Aurora, Virginia Tech, and Sandy Hook, clearly presented threats and were implements of destruction there. We must take action. We must come together. We must unify as a nation to recognize the common threat rather than divide ourselves with the kind of demagogy that has been all too common in the wake of these tragedies.

So I ask my colleague a question, and I look forward to continuing to ask questions and working with him as part of this team today to continue the pressure that we feel must be brought to bear at this moment of national crisis, when the conscience of the nation can be evoked, when we all owe it to ourselves to search our consciences and convictions, look at ourselves in the mirror, and look the Nation in the eye and say: We must act. We cannot allow this moment in our history to pass without action.

I ask my good friend and colleague, Senator MURPHY, if he can understand why this body has so long refused to recognize the will of the Nation and why for so long the Senate has been, in effect, complicit by its inaction in these kinds of killings—30,000 a year.

What about the influence of the gun lobby has made it so powerful in exerting this hold over the Congress and many of our State legislators, and what can we do to address this public health crisis? It is more than just an epidemic; it is a public health crisis, a scourge of gun violence that we must counter.

If 30,000 people died as a result of Ebola or Zika or some other disease, the Nation would be rightly outraged. There would be drastic and immediate action. Why is there not for this public health crisis and this health epidemic that is not only threatening but is deadly to our Nation?

Mr. MURPHY. I thank my colleague for the question, and I want to reiterate the nature of our partnership that he underscored.

He and I were there together in Newtown in that firehouse hours after that shooting, and we have spent probably hundreds of hours with the families. Since then, we have probably spent hundreds of hours together on this floor arguing as a team for changes in our laws.

I am so grateful to my friend Senator BLUMENTHAL for being part of this effort today. He is right in stating that long before I was, shall we say, a convert on this issue myself in the days and weeks following Sandy Hook, it was Senator BLUMENTHAL as our attorney general and then as our Senator

who has been fighting this fight for years.

Connecticut has some of the strongest laws keeping guns out of the hands of criminals in the Nation, and it is not a coincidence that our gun homicide rate is one of the lowest.

I will just say this to answer the Senator's question. I know my colleague from New Jersey is rising as well. The United States is unique. We have written into our Constitution language about the intersection of private individuals and firearms. So we have to take seriously the words that are in that Second Amendment. But even in the controversial Supreme Court case, which overturns decades of precedent and held that there was, indeed, in the Constitution an individual right to own a firearm, the author of that decision, Justice Scalia said definitively that it is not an absolute right and that, yes, the majority of that Court was holding that there is an individual right to a firearm, but there is not an individual right to any firearm under any conditions at any time that you want it.

So I think part of the problem for my colleague from Connecticut is that the gun lobby has managed to convince many members of the public that the Second Amendment is unconditional, when it is not. It allows for reasonable limitations on the right to own a weapon.

What we know is that in States that have imposed those reasonable limitations, there are less gun crimes. There are less homicides. There is no truth to this mythology that the only way to stop a bad guy with a gun is to have a good guy with a gun. There is no truth to the mythology that if there are more guns in a community, there is less gun homicides. It is the exact opposite.

I think the gun lobby has been able to convince not just colleagues but many of our fellow Americans that the Second Amendment is absolute in its terms. It isn't.

I think they have also been successful in perpetuating this mythology that good guys with guns stop bad guys with guns, when, in fact, most of the time when you have a gun in your home, it is going to be used to kill you and not used to kill an intruder.

I don't know if the Senator has another question. But if he does, I yield to the Senator without losing my right to the floor.

Mr. BLUMENTHAL. I need to follow up with an additional question, and then my colleague from New Jersey is on the floor to ask a question.

On the issue of Second Amendment rights, which Senator MURPHY has just pointed out so well, that is the law of the land. There is a Second Amendment right for law-abiding people to buy and possess firearms. But is it not true that in these measures, we are talking about people who are dangerous and who are recognized to be dangerous? That is why they are on the list. And there is also a right on their part to remove their names from that list if there is an error or a mistake of fact that has caused them to be on that list without good reason. So these measures that bring us to the floor today acknowledge and recognize the importance of that Second Amendment right, and the potential impact of our opponents in their arguments against it—saying that there is a lack of due process and that the people will be denied that Second Amendment right—is really mistaken. Is that not correct?

Mr. MURPHY. That is true. I thank the Senator for making that patently clear.

What we are suggesting here is that the way we can come together in this body is around the simple premise that individuals with serious criminal records, individuals who have been deemed mentally incompetent or incapable, and people on the terrorist watch list shouldn't be able to buy firearms. That is it. That is what we are talking about here today and to build out that system in an effective way that is as foolproof as possible.

That has nothing to do with the limitation on an individual's Second Amendment right. If someone wants to go buy a firearm, they are not a suspected terrorist, they do not have a serious criminal record, and they have not been judged or deemed by a judge to be mentally incapable of making their own decisions, then there is nothing in what we are proposing in this body to come together on that would restrict that.

I yield to my friend, the Senator from New Jersey, Mr. BOOKER, for a question, without losing my right to the floor.

Mr. BOOKER. I thank the Senator from Connecticut, CHRIS MURPHY, and the senior Senator from Connecticut as well.

I do want to echo his spirit and the deference he gave to Senator BARBARA MIKULSKI and Senator SHELBY. Both of these two Senators are people I respect a tremendous amount. In fact, I would go beyond that for Senator SHELBY and Senator MIKULSKI because I have deep affection for them. They are great, strong legislators, and they have produced legislation that is important to this country. I have a reverence for their work, the attention to detail, and the focus they have provided preparing legislation to move forward.

I asked for indulgence from them to understand why I stand on the floor today preparing to ask a question to Senator MURPHY. Last night, Senator MURPHY and I talked about the tragedy of what happened in Florida. It was painful to both of us because we knew this was not in any way an anomaly. This was something happening with terrible, savage routine. In this Nation we are seeing mass killing after mass killing after mass killing after mass killing.

We both understood, with other colleagues, that right now our Nation stands at a point of vulnerability to those who seek to do us harm, those who seek to inflict terror, those who seek to inflict grievous bodily harm, those who seek to kill Americans, and they have the ability to exploit loopholes in order to have access to weapons.

So I stand on the floor today in preparation to ask a question to Senator MURPHY, wanting to say that the motivation for his presence on the floor right now is that we just cannot go on with business as usual in this body at a time where there is such continued, grievous threat and vulnerability to our country, where you see again and again mass shooting after mass shooting.

There is a saying that the only thing necessary for evil to be triumphant is for good people to do nothing. I am grateful to Senator MURPHY for his conviction in our conversations yesterday and into the night that we could not just go along with business as usual; that we have had enough; that we have to push this body to come to some consensus on that which the overwhelming majority of Americans, indeed, the overwhelming majority of gun owners in this country and, indeed, the overwhelming majority of NRA members in this country believe; that we should put commonsense safety measures in place to protect against terrorists obtaining firearms to inflict the kind of carnage we have seen too often in this country and in others. Please understand, while many people imagine that when terrorists act, they act with bombs, more and more across the globe and across the United States they are acting with assault weapons and firearms.

We are here today to say: Enough. I have cleared my entire day. This will not be business as usual. I cleared my evening events so that I could stay on this floor and support Senator MURPHY as he pushes this body to come to some consensus, in the way the country has already done, to find commonsense, practical ways we can protect this Nation from terrorism.

The Constitution of this country begins with the understanding that the primary responsibility of this Nation is about the common defense. It says in our preamble that ''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.'' Written there in plain English, the Constitution laid out the very form of government in which this body stands and put in clear English at the beginning that we are to focus on domestic tranquility, the common defense, the general welfare. So we cannot go on with business as usual in this body. We must stand because this violence in our country will continue unless we take measures, commonsense

measures, to restrict these firearms from going to known or suspected terrorists.

I believe this is a day that should not be business as usual. I believe this should be a day that this body comes together as it has before, to put forth commonsense safety measures to prevent terrorism. I want to paraphrase one of our great leaders, Martin Luther King, who said: What we will have to repent for in this day and age is not just the vitriolic words and violent actions of the bad people but the appalling silence and inaction of the good people.

That is why I stand now to ask a question of the Senator. That is why I will stay on this floor with my colleague from Connecticut and support him in this effort to move this body into putting forth the commonsense steps we should take to prevent weapons from getting into the hands of our enemies, from getting into the hands of terrorists, from getting into the hands of people who seek to wreak the kind of carnage that our Nation tragically witnessed this past weekend.

The Senator from Connecticut, my colleague and friend, went through the unforgettable lists of mass shootings—Newtown, 20 schoolchildren and 6 employees killed; Santa Monica, 5 Americans killed; Washington, DC, at the naval yard, 12 people killed; Fort Hood, 3 people killed; Isla Vista, CA, 6 people killed; Marysville, WA, 4 people killed in a high school cafeteria; Charleston, SC, 9 people at a church killed; Chattanooga, TN, at a military recruiting office, 4 marines and a naval petty officer killed; Roseburg, OR, 10 people killed at a local community college; Colorado Springs, CO, 3 people killed at a Planned Parenthood clinic; San Bernardino, CA, in an act of terrorism, 14 people killed; Orlando, this past weekend—this past Saturday night—49 innocent people murdered, killed.

I rise to ask Senator MURPHY a question because there is a question on the hearts and minds of the majority of the people of our Nation. They are asking the question: How long will this go on? They are asking the question: How can we be a nation so mighty and great, yet hold this distinction on the planet Earth where these kinds of mass killings go on at a rate, at a level nowhere else seen on the planet Earth? It is here in this country—founded upon the idea that we formed this government for our common defense, that we formed this government to ensure domestic tranquility, that we formed this government based on the idea that we can make for a safer, stronger, and more prosperous land—that question is being asked from coast to coast, from north to south.

Senator MURPHY and I talked yesterday about coming to the floor today and not letting business as usual happen. We talked with our other colleagues who will come to this floor today and who all have in their hearts that word: Enough. Enough. Enough. What we are seeking is not radical. What we are seeking is not something that is partisan. What we are seeking is common sense and is supported by the overwhelming majority of this Nation. In study after study, poll after poll, survey after survey of gun owners, of people who have weapons and who take to heart their Second Amendment rights—when you ask them ''What should we do? Do you support closing the terrorist loophole, creating practical, commonsense bars for people who are suspected of terrorism from buying a gun,'' 82 percent of gun owners say ''Yes, we should do that.'' They say: Enough.

Mr. SASSE. Mr. President, humbly, I raise a point of order about whether there is a question. I would like to ask a question.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Connecticut may yield for a question only without losing his rights.

Mr. BOOKER. Mr. President, I have a question, but I think I can have a preamble to my question to set the context of the question.

The PRESIDING OFFICER. Ask the question through the Chair.

Mr. BOOKER. The question I would like to ask is, Given the fact that the overwhelming majority of Americans support commonsense gun legislation, given the fact that 82 percent of gun owners support closing the terrorist loophole, and given the fact that 75 percent of NRA members support closing the terrorist loophole, why does the Senator from Connecticut feel this body is not moving on commonsense legislation that will protect our Nation, that will defend us against terrorists, and that will prevent tragedies such as the one that happened in Orlando?

I direct my question to the Senator from Connecticut.

Mr. MURPHY. I thank my colleague for his question. I think this is a question people throughout this country are asking today: Why are these measures we are asking for consensus on today so controversial in the Senate when they are not controversial in the American public?

My colleague Senator BOOKER talked about the statistics. It is not just that 90 percent of the American public supports expanded background checks to make sure people aren't criminals when buying guns; it is that the majority of gun owners support expanded background checks. It is Democrats who support it. It is Republicans who support it.

Similarly, on the issue at hand today, which is making sure potential terrorists don't obtain weapons, a similar majority of the American public supports that as well. There is less polling on that question, but suggestions are that 75 to 80 percent of Americans support the idea that if you are on the terrorist watch list, if you are on the consolidated list, then you shouldn't be able to obtain a weapon.

The question of my colleague is, Why can we not get consensus here? I guess, at some level, it is tough for me to answer that because it seems so clear to me that I am willing to vote for those measures. I am willing to cosponsor them. I am willing to come to the floor and speak in support of them. In many ways, it is a question for those who are blocking these measures from coming forward. As I said before, I believe much of it is rooted in what I believe is a misunderstanding of the Second Amendment. It is not an absolute right; it comes with responsibilities and conditions. I think a lot of it is a misunderstanding about the data that suggests—State by State, community by community—if you have tougher gun laws that keep guns out of the hands of criminals or prevent these powerful military-style assault weapons from flowing through your streets, you are going to have less level of gun homicide.

So part of our effort—and part of my belief—is to come to the floor today to continually reinforce what the real story is about the nature of the underlying right and about what the data tells us, but also, Senator BOOKER, about what we know to be the threat to this country. Research shows that on U.S. soil, people who are seeking to commit acts of terror rely almost exclusively on guns. And when guns are used in potential acts of terror, they are vastly more likely to result in casualties—when guns are used.

Now, this isn't me talking. This is an analysis of domestic terror attacks in the United States by Professor Louis Klarevas of the University of Massachusetts. He showed that since September 11, 2001, 95 percent of the associated deaths connected with terrorist attacks—with terrorism—were committed with guns.

According to a project run by the Department of Homeland Security's Center for Excellence at the University of Maryland—something called the Global Terrorism Database, which is a government database run by the Department of Homeland Security—terrorist attacks in the United States are 10 times more likely to result in fatalities when they involve guns than when they do not. Between 1970 and 2014, nonfirearm terrorist attacks resulted in deaths 4 percent of the time, whereas 40 percent of the attacks involving firearms resulted in deaths.

If you really want to get down to the chilling bone here, Mr. President, listen to the words of one of the most notorious Al Qaeda operatives—actually an American who is now deceased—whose name is Adam Gadahn. He released a video in 2011. In it he said:

> In the West, you've got a lot at your disposal. Let's take America for example. America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle without a background check and most likely without having to show an identification card. So what are you waiting for?

Even if his facts weren't 100 percent correct on whether you can get a fully automatic weapon at a gun show, this is clearly a message being sent by some of the most notorious operatives and recruiters within the Al Qaeda and ISIS network: Go get a gun. They are easily obtainable. Do as much damage as possible.

So to answer Senator BOOKER's question, I guess I don't want to sit here and impute malevolent motives or intentions or the interference of interest groups on my colleagues. I just have to believe that we have the facts wrong and that we are maybe misreading our constituents. I know people who listen to the NRA are very vocal. I know they call in to all of our offices frequently and express their opinions very strongly. I will admit that the majority of Americans—and this majority exists in every single State—who support expanded background checks, support keeping terrorists off the watch list, they are maybe not as passionate in their views. So it may also be that there is a misread coming on where the American public exists on this question. I think there are more and more Americans who are rising up and choosing to make this a priority when they come to the polling places and when they talk to us.

To Senator BOOKER, I think this is just about trying to do our best to correct the record—as the Senator said, doing our best to explain that what we are asking for is not revolutionary. It is not radical. It is simply commonsense. If we lay it out in plain facts, most of the people we represent would expect that we would have already taken care of this. If we told them we have not yet put individuals who are on the terrorist watch list on those that are prohibited from buying guns, I think they would be very surprised. If we told them that the majority of gun sales happen without background checks, I think they would probably be surprised by that. I think they expect us to act on this.

I know the Senator from Nebraska is looking to ask a question. I would be happy to yield to the Senator from Nebraska for a question without losing my right to the floor.

Mr. SASSE. I thank the Senator from Connecticut.

I am happy to defer to the assistant Democratic leader if he has a question first.

I thank the junior Senator from Connecticut for helping lead us into an important discussion. I do have a genuine question.

In your colloquy with the senior Senator from Connecticut, I think the question was asked that there is due process for I think what the Senator has been calling the terrorist watch list. I would just ask if the Senator can explain to me what the terrorist watch list is. I am familiar with the terrorist screening database. There is a series of lists that fall from the database, but I don't think there is any such thing as the ''terrorist watch list,'' and I certainly don't understand what due process rights would apply to this list. If the Senator could help clarify that, that would help me. I thank the Senator.

Mr. MURPHY. I thank the Senator from Nebraska for his question.

There is something called the consolidated watch list, which is an amalgam of a number of different databases. As the Senator understands, one of them is the no-fly list. The legislation Senator FEINSTEIN has propounded and will propound refers to those consolidated lists and then provides the ability for an individual to contest their placement on those lists, to be able to be notified why they were prohibited from buying a gun and to be able to contest that with either the agency that put them on that list or with the NICS database itself. I take seriously this issue of due process. As we know, there are certainly people who are on that list who should not be—as, frankly, there are people today on the list of those prohibited from buying guns who should not be. There are mistakes made on the NICS list today—names that get put on there that shouldn't be put on, people who may have been wrongfully convicted.

I would agree with the gentleman that it is important that the legislation we come to agreement on specifically refers to the set of lists—which I would suggest mirror the consolidated database that is maintained by Federal law enforcement—and have a very explicit right to get off that list. I don't think it is impossible that we can come together on that in very short order.

I yield to the Senator from Illinois for a question without losing my right to the floor.

Mr. DURBIN. If the Senator from Connecticut will yield for a question—first, let me say at the outset I thank him for his leadership. I am happy to join with this willful band who feels as he does; that this is an issue long overdue and that the American people have asked us over and over again: When is Congress going to do something about these mass shootings and the carnage which has taken place?

I would like to ask a specific question, though, about an element here. We have talked about terrorism, those who may be on a terrorism watch list or some version of it, which Senator FEINSTEIN will address in her amendment, but there is a second part to this which is equally, if not more, important, from my perspective. We define mass murder as those that involve more than four victims, but many of us are living and representing communities where there is massive murder taking place over long periods of time. Maybe not so many deaths in one particular incident but over a long period of time. Yesterday, our colleague from New Jersey eloquently explained to us, in our private caucus luncheon, about the carnage in his hometown that has taken place in New Jersey for a long period of time.

My question to the Senator from Connecticut goes to a city which I am honored to represent, the city of Chicago. There were 488 homicides in Chicago in 2015. The vast majority of those were shootings. Chicago's 488 murders were the highest total number of any U.S. city last year. In New York, there were only—only—339 in comparison, and in Los Angeles, 280, cities much larger than Chicago with much smaller numbers of homicides.

The Bureau of Alcohol, Tobacco, Firearms and Explosives has gone to the areas of Chicago where we have the most intense gunfire and killings taking place on a regular basis. Here is what they told me in 2015: Forty percent of the crime guns confiscated after these homicides and killings came from gun shows in Northern Indiana, just across the border from Chicago.

The reason I raise this question is, I believe the second part of this suggested approach—terrorists, the loophole, closing that once and for all, and, secondly, closing the loopholes when it comes to background checks—would include and envision putting an end to what we see happening in Chicago, where in the most dangerous neighborhoods 40 percent of these crime guns are crammed into the trunks of cars at gun shows in Northern Indiana, with no background checks. Then, the people who buy them head for the city, to the streets of Chicago, to sell them, usually to teenagers who then spray their bullets at night in gang warfare and other activity.

My question to the Senator from Connecticut—there are so many other aspects we need to address—straw purchasing is one, assault weapons is another—but what the Senator is trying to focus on is not just the horrible tragedy that occurred in Orlando but to really expand our reach in terms of addressing new legislation when it comes to closing the loopholes in the law—loopholes which allow gun show sales without background checks and sales over the Internet without background checks. I would ask the Senator from Connecticut the rationale behind including that provision.

Mr. MURPHY. I thank the Senator. The Senator from Illinois, like Senator BLUMENTHAL, has been a leader and a hero on this issue since before I got to the Senate, and he is exactly right. The state of this Nation is not just this repeated story line of mass shooting after mass shooting, it is the fact that even on days when there is not a mass shooting, there is the equivalent of a mass shooting happening in cities like Chicago, Baltimore, or New Orleans every single day. The numbers over Memorial Day weekend over Chicago are absolutely chilling.

Think about living in a city in which, over the course of what should be a celebratory weekend, there are 60-some odd incidents of gunfire, and that is just gunfire that hits people. So it is

critical we acknowledge that this epidemic that we are often focused on because of these mass shootings is an epidemic that exists every single day in this country.

Senator DURBIN is right that part of the reason we are asking that expanded background checks be part of this agreement that we come to over the course of today is because while we are on the bill that funds the Justice Department, while we are debating the bill that funds, in part, the background checks system, let's make sure it works. As the Senator knows, the data is clear: In jurisdictions that have near-universal background checks, there are less gun deaths—period, stop. In jurisdictions that decide they are going to apply background checks to as many sales as they can—let's be honest, you often can't get every sale, but you can certainly say, if you are selling guns online through advertisement or you are selling guns at a gun show that is organized and marketed, that those sales should be subject to a background check. In States that do that, they have lower rates of gun crimes. As the Senator knows so painfully—because Chicago sits right at the intersection of other jurisdictions—States can't do this by themselves. Even if a State decides to expand out the forums in which a gun sale is subject to a background check, if the other State next-door—let's say Indiana—has a lower standard, then your law is virtually meaningless. Of course, that is the story line in Chicago. The story line in Chicago is a handful of gun dealers—irresponsible gun dealers across the State line—selling guns to individuals who then take them into Chicago.

This is certainly a debate brought on by another mass shooting, and we certainly have an obligation to make sure the terrorists don't obtain guns, but the Senator is right that this ultimately has to be an issue of doing something about our urban gun violence as well.

Mr. BLUMENTHAL. Will the Senator yield?

Mr. MURPHY. I yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. I thank the Senator for yielding for a question only. I want to ask more specifically about a point he made so well at the very beginning of this conversation; that the fight against gun violence and extremism abroad and at home is not an either/or, that we need to fight the violent extremism abroad, whether it is called jihadism or radical Islam or violent extremists, whatever label we give it. This fight is about that battle and about enlisting our allies abroad in supporting us in that battle and combating the homegrown terrorists, the extremists who are supportive or inspired by ISIS or others abroad. We do not have an either/or situation here, as the Senator said so well. They are complementary.

My question to my colleague from Connecticut is whether these kinds of measures that we are seeking to advance on the floor today also empower and enable a stronger alliance with our allies abroad that are joining us in this fight.

I ask that question of him because he as a member of the Foreign Relations Committee, as I am a member of the Armed Services Committee, is aware of the importance of acting with our allies abroad. These measures, do they not, enable us to form and enlist and advance those alliances?

Mr. MURPHY. I thank the Senator for the question because of course this is a global fight against terrorism. This is not a battle that can be waged by one country and one country alone. The Senator is right that we are right now calling on our allies in Europe to take steps that would better protect all of us from these terrorist plotters. For instance, we have real concerns about the degree to which European nations are sharing data about potential terrorist plotters. Right now, law enforcement and terrorism surveillance in Europe is largely done on a country-by-country basis. Even within some countries, it is heavily siloed. In Brussels itself, I think by last count, there were six different police departments that didn't even communicate with each other. So there is a big problem in Europe about agencies not being able to talk to each other, and we are pressing Europe and Europeans to get more serious about both tracking terrorists throughout that continent and then sharing information with us.

How is that relevant to the Senator's question? It is very hard for us to preach to the Europeans that they should get more serious about tracking terrorists if we have big holes in our databases as well, and we do today. From the information that is out there, we know that in Orlando, this individual was on a watch list. He came off of it. Because of the way in which the network of lists and notifications work today, the FBI was not notified when he went to buy a gun.

We can have a debate as to whether he should have been prohibited from buying a gun if he was no longer on those lists, but it probably makes sense that the FBI should at least be notified so they can perhaps do some followup. As long as we have these gaps in our laws related to access to firearms for potential terrorists, then I think it is hard for us to tell the Europeans to do better. As the Senator knows, we also want to be able to connect what they know with what we know.

There are American citizens who travel to other countries, and they may be radicalized in part in connection with those visits. We want to be able to get that information to the extent that a foreign country knows about the activities of American citizens when they travel abroad so that it is incorporated into our databases, incorporated into the list of people we are concerned about getting access to a weapon.

I yield to the Senator from New Jersey for a question without losing my right to the floor.

(Mr. SASSE assumed the Chair.)

Mr. BOOKER. Senator MURPHY, I am grateful for your yielding for a question. I think I want to drill deeper down on that point because I am not sure if Americans understand that there is a lot of bipartisanship when it comes to CVE, countering violent extremism. I am very proud to serve on the Homeland Security Committee. I have worked with members on the other side of the aisle to do a lot of commonsense things to try to counter violent extremism here at home. Those involve efforts of coordination, as Senator MURPHY was talking about, investing resources in trying to counter violent extremist efforts here at home.

There is a tremendous bipartisan effort that has gone on in this country since 9/11 in trying to take down silos of information—sharing, cooperating, coordinating, and investing resources in many ways to keep us safer as a nation. We should all be very proud of that. But it is clear—especially from what should be stunning to people who don't know this and from the information you read—that the very enemies we are talking about—terrorist organizations that now have become common knowledge in this country, because people know Al Qaeda, they know ISIS, and folks are focused on that—the very enemies we are fighting against are aware of the big loophole that exists in this Nation—that someone who is a suspected terrorist, who has a terrorist intent, who is even known by the FBI, can come to our Nation or can be a citizen of our Nation and go to a gun show and buy weapons.

I want to clarify what I said. That was not an accident. This could be someone who is in our Nation as a citizen or it could be someone who has come to our Nation through the Visa Waiver Program and could still exploit this loophole of buying weapons without a background check. So we have actually enough sharing of information to go on that we actually can stop an individual from getting on a plane.

Think about this. We can take an action to stop someone from flying, but we do not have the ability in this country right now to stop that known individual from getting in a car and driving down 95 from New Jersey and going to a gun show and buying weapons.

The data show that the GAO has found that between February of 2004 and December of 2014 there were at least 2,033 cases where a known suspected terrorist tried to buy a firearm or even obtain it. We know there are that many people trying to do this and that we have the ability to stop those folks. So given the context of all the areas in which we are cooperating to stop terrorism and that there is this one black hole where now the information isn't being shared for actions to stop folks from getting these weapons that can do such carnage, isn't this a

glaring gap in our overall security procedures, policies, and structures in our country?

Mr. MURPHY. I thank the Senator. It is a glaring loophole, and it is unclear why it has persisted. This idea of closing the loophole has been backed by both Democratic and Republican administrations, and I think the Senator talked about how this has been a bipartisan commitment. The George W. Bush Department of Justice supported the exact same bill that we are talking about today, in 2007. Attorney General Holder, in response to a question from Senator FEINSTEIN at a 2009 Judiciary Committee hearing, said: I think that legislation was initially proposed by the Bush administration. It was well conceived, and we will continue to support that.

Not so long ago, this was an issue that was conceived by a Republican administration. It didn't seem to become controversial until gun lobbying organizations decided that it should be. We should remember that about all the things we are discussing here, because we live in a world today in which we think the issue of gun laws is the third rail of American politics. But all of the legislation that we are talking about could not have passed if it wasn't for Republicans and Democrats coming together, whether it be to support the existing background check system or to support the existing ban on assault weapons—plenty of Republicans voted for that—or to conceive of this idea of terrorists being kept off the list.

Here is how it plays out in real time. Elton Simpson is the name of the individual who opened fire on a Texas community center that was hosting an event displaying cartoons of the prophet Muhammad. I think we all agree that was an act of terrorism that was perhaps as a result of the radicalization of this individual. He was reportedly on the U.S. no-fly list. One of the Boston marathon bombers, Tamerlan Tsarnaev, was reportedly placed on two terrorist watch lists in 2011. He committed that act with an explosive device, but he also killed a police officer with a handgun. Orlando is the latest example of crimes being committed by those who were in and around this database.

The Senator from Nebraska asked the question earlier: How do we make sure that people aren't on there by mistake? Both parties will only support legislation that gives a practical means for individuals to grieve the fact that they are prohibited from buying a gun when indeed they should not be. I think at some level, we should accept that in virtually every Federal database that exists of people who are ineligible to buy a gun or people who are eligible to receive Medicare reimbursement, there are occasionally mistakes. But that does not stop us from trying to engage in collective action as a community to better protect our Nation.

Let's get that list right. Let's give people the ability to get off it if they are on it wrongly. But let's accept that what we know is that in 90 percent of the cases over that 10-year period where people tried to buy a gun and were on the terrorist watch list, they were able to buy it.

Let's be honest. This is only one element of what needs to be a broader strategy to combat either the potential radicalization leading to violence of American citizens or this broader question of combating gun violence at-large that Senator DURBIN brought up. But it is an important glaring hole that needs to be corrected.

I yield to my friend from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. Thank you to my friend and colleague from Connecticut for yielding for a question and his holding the floor.

I want to follow a question that was asked by our colleague from New Jersey. I have heard him speak so eloquently about the people in his city of Newark, and, in fact, children dying in his arms as victims of gun violence. Those kinds of acts of violence are unpredictable.

The FBI was investigating the killer in the Orlando tragedy and knew of his potential dangerousness, but there are countless individuals who commit these acts of murder. Thirty thousand deaths every year occur as a result of gun violence. Many of them are unpredictable and perhaps unpreventable under current law, but they could be prevented with stronger laws.

So my question to my colleague from Connecticut is whether this measure will enhance the fact-finding and investigative powers of the FBI in seeking to stop gun violence where we know it may occur and—in fact, as much as I deeply respect the diligence and dedication of the FBI—whether additional resources combined with this kind of measure will enhance their ability to stop these acts of hatred and terror such as we saw so tragically in Orlando.

Mr. MURPHY. Thank you, Senator BLUMENTHAL, and I want to thank you for your work on the Judiciary Committee for leading this fight to try to make sure that law enforcement has what it needs to protect this country.

Again, I spoke to this broader conversation about how you protect this country from domestic terrorist attacks. I think there are a lot of people who want to drill it down to only one silo of conversation. As I remarked at the beginning, some people want to make this just about the fight in the Middle East. Some people want to make this just about surveillance. Other people want to make this just about gun laws.

It is not any of those things. It is about a combination of efforts. So we have to admit that this fight against ISIS and against Al Qaeda in the areas in which they have large amounts of control is an ongoing fight. That is not going to be concluded tomorrow or next week or the month after. We think we are making dramatic progress, but it is going to take us a while.

As I remarked at the outset, it also means that there is an inverse proportionality between our success in taking the fight to Al Qaeda and ISIS inside theaters of war and their importance in attacking us here at home in the sense that they are going to need to take the fight to us here if they are having less success in repelling our efforts to push them back inside the Middle East.

That is where law enforcement comes in, Senator BLUMENTHAL, and you are exactly right. Let's make it a priority to defeat ISIS. But let's admit that for the time being, they are going to try to launch lone-wolf attacks here. What we know is they generally don't go through the trouble of trying to coordinate these attacks ahead of time. So it makes it much more difficult to stop. They are trying to find someone who is on the fringes of society, who may be mentally ill or prone to radicalization and weaponize them. Sometimes it makes it difficult for law enforcement to find that needle in a haystack.

What we know is that in this case, they had found that needle in a haystack. They had found him twice. Perhaps his inclusion permanently on one of these lists wouldn't have done much good because it wouldn't have prevented him from getting a firearm. There wasn't as much due diligence done as should have been.

This clearly is an important tool of law enforcement, and we need to give it to them. I hope—and I think Senator MIKULSKI talked about this in her opening comments—we can talk about giving broader resources to the FBI and to law enforcement to do the job they need do. We ask them to do more and more, but we don't give them the resources that are necessary. If we are going to give them additional responsibilities—keeping a better monitored, consolidated database, having a process for individuals to grieve their inclusion on it—then we have to make sure they have the resources necessary.

To the Senator from New Jersey, I yield for a question without losing my right to the floor.

Mr. BOOKER. Again, I appreciate this point that I want to keep coming back to, which is that we are—and both Republicans and Democrats talk about—in a war with a determination to defeat our enemy. Yet our enemy has spoken very clearly about exploiting the loopholes that exist in a way for those who are seeking to do terror to buy weapons. In other words, as to someone who is suspected already by the FBI, suspected by the American Government to have designs on the kind of terroristic act that could take many Americans, as we saw this past weekend, we already know who that person is, and our enemy has basically advertised the fact that it doesn't matter. If they were already suspected by the FBI and had been interviewed by

them last year or 5 years ago, they explicitly said: Don't worry about that because America—singling us out from European countries and others that are terrorist targets—in particular has this loophole we can exploit. Even though you have been suspected of terrorism and have been interviewed by the FBI, you can still find ways to easily obtain weapons by taking these measures, such as going to a gun show or ordering online.

We just passed a Defense authorization bill that will allocate billions and billions of dollars for our national defense. I don't mean to be over the top about this issue, but if our past enemies and past wars have specifically showed us what our vulnerabilities are and that they are going to continue to exploit these vulnerabilities and literally have ISIS-inspired individuals who have been interviewed by the FBI carry out these horrific actions by using a loophole, as we saw this past weekend, doesn't it make common sense to close that loophole when we are at war with folks who are inspiring individuals to take so much human life?

When we talk about closing the terrorist loophole, we need to be very articulate and make sure that it is done in a way that just has to do with those people. As it stands now, the NICS system can potentially check to see if a person is on one of those aggregated watch lists. I wish to ask the Senator from Connecticut: Doesn't it make sense to have universal background checks in this context? That is what I would really like to get at. If you have steps to stop terrorists from exploiting this loophole but it is not a universal stop, we are not solving this problem. We are not really arresting it in the way that we should.

Mr. MURPHY. Mr. President, I thank the Senator for that question. That is why it is so important to link those two pieces together. If you really want to protect this country from terrorist attacks by a firearm—as I stated before, that is the weapon of choice for those who want to do harm to this country for political reasons—then you have to both make sure those individuals are on the list of those prohibited from buying weapons and you have to make sure when you go and buy a weapon you intersect with that list.

This has been a long trend line, as both of my friends know. It used to be that almost everybody who bought a gun went into their local gun store to purchase that weapon, and over the course of time, for a variety of reasons, the means by which you bought a firearm has diversified significantly. We now have lots of sales occurring online, as we do with almost every other commercial good, and there is this buildout of gun shows, which are places where both licensed and nonlicensed dealers go to sell their guns in a very organized and controlled fashion. We have story upon story of individuals who have gone to buy guns in those gun stores in mass quantities, knowing that they would not have to go through a background check and then selling them on the black market. So someone who knows they are prohibited from buying a gun decides not to buy a gun in a gun store; instead, they go buy a number of weapons at a gun show, which is unregulated. Those individuals who are not licensed gun dealers are able to sell their weapons without background checks at a gun show, and they can get as many as they want. That is not a secret. I mean, you don't have to scratch the surface of America's gun law or debate this subject very hard to find out that there are easy ways to get guns without getting a background check. You can also go online. You can very easily buy a weapon on ARMSLIST without going through a background check.

We cannot adequately protect this country from terrorist attacks by firearm unless you do both, and that is why those two are linked together. As the Senator also knows, let's not shy away from the fact that the reason we are on the floor today is that this slaughter also happens outside the realm of terrorist attacks. In fact, the majority—95-plus percent—of Americans who have been killed by guns were not killed in a terrorist attack, but many of them were killed by guns sold outside the background check system.

This is a two for one. If there are objections on the Republican side to the provisions of the Manchin-Toomey legislation, I hope that over the course of this afternoon and this evening we can come together on those issues. If you pass some version of that legislation, which is supported by 90 percent of the American public and the vast majority of gun owners, in conjunction with putting terrorists or would-be terrorists or suspected terrorists on that same list, then you have not only protected our country from terrorist attacks, but you have also addressed this epidemic that we all live with on a regular basis, whether it be in Newark, Bridgeport, or, as Senator DURBIN talked about, Chicago. The regularity of gun crime that is often associated with weapons that were purchased outside of the background check system is not an inevitability that we have to accept. We can do something about it by coming together today.

I think that is what my friend is getting at by linking together two policies that have to be interdependent in order to protect ourselves from a terrorist attack, and it is also about this broader issue of taking on crimes in our city.

I yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. Mr. President, I thank Senator MURPHY. I wish to draw out a point he was making by posing another question. There is no one-size-fits-all fix to the problem of hatred and terrorist attacks in this country that involve gun violence. The kind of attack that we saw in Orlando may have been motivated by an insidious bigotry that involves deep-seated hatred or pernicious extremist ideology inspired by ISIS or some enemy abroad or mental illness. The facts are developing. We will know more, as the Senator from Connecticut knows. The point is that the laws we now have enable our enemies to weaponize the people in this country who may be prone to use assault weapons that are designed to kill as many people as possible and as quickly as possible. This idea of weaponizing our enemies or homegrown terrorists or people who can be inspired by the twisted insidious ideology that ISIS spawns should really bring us to recognize that there is not only a security threat abroad but one at home as well.

I ask my colleague, the Senator from Connecticut, whether people who are too dangerous to be permitted to board a plane should be in some way stopped from buying one of these guns that can be used—whatever their motive—to do the kind of destruction that we saw with such unspeakable horror in Orlando, Virginia Tech, Aurora, Columbine, and our own town of Newtown? We have met with these families in our State and in towns and cities across the country. We have heard their cries beseeching us to do something. Is there more that we can do?

Mr. MURPHY. Mr. President, I thank my friend. Let me put it to the body this way, through the Chair. This is also about sending a message to everyone in this country that we are serious about taking on this epidemic of gun violence, whether it is a terrorist attack or it is an attack by someone who is deeply mentally ill, such as the attack in Newtown, or the ordinary, everyday violence that is just epidemic in our cities. I think it is incredibly important for us to send a message that we are serious about this and, frankly, not worry about whether we have addressed every aspect of this debate and solved every problem at once—not allowing the perfect to be the enemy of the good. I say that to my colleague, through the Chair, for two reasons. One is this notion I talked about earlier in which I really do worry that there is a quiet unintentional message of endorsement that is sent when we do nothing or all we do is talk. I believe that when there is not a collective condemnation of policy change from what is supposedly the world's greatest deliberative body, there are very quiet cues picked up by people who are contemplating the unthinkable in their minds. This isn't intentional. I am not accusing anybody of being intentional in their endorsement, but I think when we don't act, there is a quiet signal being sent to those whose minds are becoming unhinged and who are thinking about doing something truly horrific. Since we have been talking about this—since Sandy Hook—we haven't heard anything that would suggest that the highest levels of government condemn it with any real policy change.

Second, this is more deeply personal, and I know both of my colleagues on the floor today share this point of view. Almost every one of us has had a conversation with a family member who has lost a son or daughter to gun violence. Too many of us have had that collective conversation with families who have lost a loved one or have spoken to someone who lost a family member or their loved one in a mass atrocity. As for me personally, I need to be able to tell them something. They need to be able to hear something that helps in their healing.

The fact is, every day there are 80 sets of families who begin a process of grief surrounding the taking of a life through a firearm, and for many of them, their process of healing is encumbered by the fact that their leaders are not doing anything to stop it. If we could simply be compassionate as a body—forget the broader systemic impact of passing laws that will reduce the levels of violence in this country—that would enable us to help in the healing process of the families in Sandy Hook and Orlando. I know that after my colleagues met with the families in Sandy Hook, they came to the floor to plead for change.

We should pass legislation. This is easy, given that it should unite broad members of the American public.

I think the Senator's question is right: What are the other things we can do? We can go down the list. The Senator from Connecticut suggested that we make sure that individuals who have a restraining order against them by a spouse or partner aren't able to buy a weapon, and other suggestions have been to ban military-style assault weapons and provide more resources to law enforcement. There are a variety of other things we can do. Here is an easy place to start. Here is an easy place to start, where we know there is no real disagreement among the American public; 80 to 90 percent approval. We know there are Republicans and Democrats at least who can start negotiating this afternoon and this evening. Here is an easy place to start.

I don't know, maybe it is a muscle. Maybe it is a muscle. Maybe once you start to exercise that muscle, once you start to get in the habit of coming together to try to find ways to address gun violence, it makes it easier to take the next step. And also, maybe people see that the sky doesn't fall. Maybe people will see that if we do expand background checks, that hundreds won't lose their right to go practice their sport, that people who want to shoot for sport don't all of a sudden lose access to that pastime. So maybe we will also see, as we have seen in Connecticut, that the sky doesn't fall when we pass these commonsense laws, that people still enjoy a fulsome right to own a firearm so long as they can prove that they are not a criminal, that they are not on the terrorist watch list, and that they haven't been adjudicated as mentally ill.

I yield to the Senator for an additional question.

Mr. BLUMENTHAL. We need to be realistic, don't we, I ask Senator MURPHY? The President has said we are not going to prevent every death from gun violence. I think we owe the President a great debt of thanks for his leadership and courage and strength for advancing the debate on gun violence and seeking specific, constructive steps that will help to stop it, but we know we are not going to be successful in preventing every single death as a result of gun violence. This kind of set of measures is a start.

My colleague from Connecticut has said it is an easy start. It is easy to understand and it is easy to see the effect and the tangible difference it can make. But obviously, if it were easy to achieve, it would have been done long ago.

Unfortunately, as he and I have said all too often and as we have had to say to those families from Connecticut and around the country who have come to us at the vigils and the townhalls and the public meetings and in our offices, there is no one single solution, and Congress has been complicit by its inaction on any solution to this problem. So we are not going to completely prevent all 30,000 deaths or every act of potential terror and hatred, like Orlando, but we can make a start, can't we?

Mr. MURPHY. Mr. President, through the Chair, that is exactly right. Let's make a start.

I guess what is so offensive to the people Senator BLUMENTHAL and I represent, especially in Connecticut, is that we have done absolutely nothing; that in the face of mass slaughter after mass slaughter, this body has taken absolutely no action. I know times are tough here. I know we are often at each other's throats. But that in and of itself is unacceptable.

Let's find some limited common ground on issues that the broad American electorate support, and let's move forward on it. Maybe we wait to litigate some of the more controversial pieces until later on.

As Senator BLUMENTHAL said earlier, this level of death would be absolutely unacceptable if it came by way of disease or if it came by way of infection. No one would contemplate standing pat and doing nothing if a mosquito-borne illness were killing 80 people a day in this country or wiped out 50 in one evening. No one would accept Congress doing nothing and just moving on to the next piece of legislation after the next wave of people dies. That is just not something people would accept. But for some reason in this country, we have come to accept that gun violence is inevitable and that there is nothing we can do or should do about it.

I am going to make this argument with greater specificity later this afternoon, but it is important for us to look at the data on gun deaths in America versus gun deaths in every other industrialized nation. It doesn't happen in other places like it happens here. And it is not because America has more people who are mentally ill. It is not because America spends less money on law enforcement. It is not because America has a less well-funded system of mental health, although we have a terrible system of mental health that we should fix. The reason we have epidemic levels of gun violence is not that we are different from other countries in all of these other ways; it has to be explained in part because we have allowed so many people who shouldn't have guns to have them. There is a reason we are different, and thus we shouldn't accept it.

I yield to the Senator from Florida for a question without losing my right to the floor.

Mr. NELSON. Yes. Mr. President, if I may, if the Senator will yield for a question.

The PRESIDING OFFICER (Mr. PERDUE.) The Senator from Connecticut has yielded to the Senator from Florida for a question.

Mr. NELSON. Mr. President, I wish to ask the Senator about the weapon that was used in Orlando. My home is in Orlando. I was there right after the shooting. Of course, I speculated at the time that this was going to be a combination of ISIS-inspired, a hate crime, anti-gay, and very likely anti-Hispanic because 44 of the 49 had Hispanic surnames.

I want to ask the Senator if he is aware of the difference between the lethal killing machine that was used and the AR–15, which is a military weapon used by the military called the M–16, and the SIG SAUER MCX. They can use the same bullets, but this one, in fact, can use an even larger, more lethal bullet, traveling at 2,000 miles per hour. I wanted the Senator to see this. Is he aware that down in Orlando, this killer used this rifle?

Mr. MURPHY. Mr. President, through the Chair, I thank my colleague for the question. From the layman's perspective, they don't seem like they are different weapons. They are both incredibly powerful weapons. They are both derivatives of weapons that were intended to kill as many people as quickly as possible.

Mr. NELSON. For the military, that is expected.

Mr. MURPHY. I yield for an additional question.

Mr. NELSON. And the Senator no doubt but unfortunately agrees, along with the rest of us about what happened in Orlando, that these are not weapons for hunting; these are weapons for killing. And this particular weapon has a collapsible stock. Would the Senator be surprised? This is how he got it in. You take out the magazine. You collapse the stock. He probably had a blousy outer garment. It is near the 2 o'clock closing time. People are leaving, security is lessening, and he walks in with this. How did he get it in? He didn't have to have a long rifle; he had

a collapsible stock. What would the Senator think about that?

Mr. MURPHY. Well, it is not surprising to me, would be my answer.

I think, as the Senator knows, the marketing techniques of the companies that sell these guns are very disturbing. They often are marketing these guns in a way that would suggest that the intended use by the manufacturer is, in fact, to kill as many people as possible. They advertise the fact that you can conceal them easily, so they don't shy away from the fact that the collapsible elements make them easily concealable. The manufacturers are not suggesting that they should be used for mass slaughter, but they certainly are selling them in a way that speaks to an audience who is contemplating what they were contemplating.

I yield to the Senator for an additional question.

Mr. NELSON. Those who are listening to this, if they are concerned about this stilted parliamentary language we are using, it is the Senate's rules that I am requesting through the Presiding Officer permission to ask a question, so I will ask this in the form of a question.

Would the Senator believe that these are the shoes of one of the trauma surgeons? It just so happened that two blocks from the nightclub is the trauma center in Orlando, the Regional Medical Center, the No. 1 trauma center with trained trauma surgeons. They called them all in in the middle of the night.

Would the Senator like me to read what the doctor who owns these shoes said?

Mr. MURPHY. First of all, let me say that it doesn't surprise me because we know the level of carnage that entered that emergency room. But I think it should pain everyone to look at that pair of shoes, look at the blood splattered on them, think of the amount of blood that was lost by those who died and lived, and to think that we are not going to do anything about it.

I yield for an additional question. I know the Senator from New York is waiting as well.

Mr. NELSON. Mr. President, since the Senator would like to know what Doctor Joshua Corsa, the medical doctor who owns these shoes, said, he wrote in one of the Orlando publications:

> These are my work shoes from Saturday night. They are brand new, not even a week old. I came to work this morning and saw these in the corner of the call room, next to the pile of dirty scrubs. I had forgotten about them until now. On these shoes, soaked between its fibers, is the blood of 54 innocent human beings. I don't know which were straight, which were gay, which were black, or which were Hispanic. What I do know is that they came to us in wave upon wave of suffering, screaming, and death. And somehow, in that chaos, doctors, nurses, technicians, police, paramedics, and others, performed super human feats of compassion and care. This blood, which poured out of those patients and soaked through my scrubs and shoes, will stain me forever. In these Rorschach patterns of red I will forever see their faces and the faces of those that gave everything they had in those dark hours.
>
> There is still an enormous amount of work to be done. Some of the work will never end. And while I work I will continue to wear these shoes. And when the last patient leaves our hospital, I will take them off, and I will keep them in my office. I want to see them in front of me every time I go to work. For on June 12, after the worst of humanity reared its evil head, I saw the best of humanity come fighting right back. I never want to forget that night.

Dr. Joshua Corsa, Orlando Regional Medical Center.

I thank the Senator for yielding.

Mr. SCHUMER. Mr. President, will the Senator yield for a question?

Mr. MURPHY. I yield to the Senator from New York for a question without losing my right to the floor.

Mr. SCHUMER. First, I thank my colleague from Florida for that amazing presentation. I thank my colleagues from Connecticut and New Jersey for the amazing job they have done in making sure they do everything they can, using the procedures of this body, to see that we get votes on this important legislation. I also thank my friend from Connecticut, who has held the floor for some time today—both Senators from Connecticut, who have done an amazing job. And I know we will all be looking forward to hearing from our friend from West Virginia for his words. I thank all of the Senators on the floor because this is so important.

The Senator from Connecticut said it has been nearly 4 years since Sandy Hook and this body has done nothing. He is right. This body is shameful. This body is shameful in its obeisance to the hard right of the gun lobby in not even doing the most reasonable things that almost all Americans support, that don't affect the rights of legitimate gun owners, and that would simply make our country safer.

I say to the Senator from Connecticut, we are in a new world. We are in a world where lone wolves can get a hold of guns and do huge damage, as we saw and as our friend from Florida eloquently talked about in his own State. We have to change and adapt to that world. Maybe in the old days people would say: Well, terrorism is not going to happen here. It has. It has, and we need to make sure we do everything we can to prevent terrorists from getting guns.

My colleagues have talked about two pieces of legislation; No. 1, making sure that if someone is a person the authorities suspect might commit terrorism and may be planning a terrorist attack and they also know that a gun which that person purchased can be used in that attack, they would stop them from getting a gun, and, No. 2, legislation on universal background checks because we need both.

My question to my colleague is along these lines. If we closed the terror loophole, we still could have a terrorist go to a gun show or go online and buy a gun. If we just deal with making sure there are universal background checks, we haven't prevented terrorists from getting guns at a gun show, online, or at a gun shop, as we saw.

As the author of the Brady law, there was no online then, so we didn't ban online purchases. The NRA, to get the vote—it only passed by one vote on the House floor—said let gun shows get in. In those days, gun shows were what they used to be, not a massive place where people go buy guns but people who needed to sell the one gun they had. What has evolved is that the people who want to get around the law use gun shows methodically and regularly to avoid the background check. I would simply ask my colleague this. Isn't it true that these two pieces of legislation go hand in hand? Isn't it true that if we did one—either one but not the other—that terrorists or suspected terrorists could still get their hands on guns? And isn't it true that both pieces of legislation have the overwhelming support of a huge number of Americans?

Mr. MURPHY. I thank the Senator for his lifelong leadership on this question. I feel as though I am in a caucus of giants here, where people are coming down to the floor—from Senator DURBIN to Senator SCHUMER, to Senator BLUMENTHAL—who have all been working on this issue about firearms, trying to protect Americans from gun violence far longer than I have. Of course, as one of the original authors of the bill, Senator SCHUMER knows better than anyone that had you known that you were building a bill that would only cover 60 percent of gun sales, you never would have designed it, nor probably voted for it, with the terms that exist today. What has happened is that over time gun sales have migrated to other places.

What we are simply trying to do is to reinforce the existing intention of the law. We are not trying to change the law at all. For everybody who voted for that bill originally to make sure criminals were not able to buy guns, they did so because they believed they were going to cover the majority of sales that were done in a commercial atmosphere. Now commerce happens in gun shows and online, and we need for the system to migrate to it.

The Senator is also right that protecting America from terrorist attacks is ineffective unless we do both—make sure people on the terrorist watch list can't buy guns and that the forums which that list reaches are both gun stores and gun shows but also Internet sales.

Further, the Senator is right that this is the only place where this issue is controversial. This is the only place in which there is a 50–50 argument over this question. You find any other forum in any other part of the country and it is 90–10 on this issue, which is why my friend from West Virginia has led on this because he knows that in all of our States, this is something that

brings Republicans and Democrats and gun owners and nongun owners together. Maybe other things don't, but this issue does.

I yield to the Senator from New York for a question.

Mr. SCHUMER. I have one other question, if I might, Mr. President, for the Senator from Connecticut, and then we want to hear what the Senator from West Virginia has to say. He has been a courageous leader on this issue.

There is some talk on both sides of a compromise. I know I have talked with the Senator from Connecticut and all of my colleagues here, that on our side of the aisle we are willing to compromise. It doesn't have to be one way to do it, but I would just ask the Senator: Isn't it true that we don't want to compromise so we can say we did something and not really close both of these loopholes?

Mr. MURPHY. That is right.

Mr. SCHUMER. That the compromise that is built around what the Senator from Texas has proposed—which says that you have to go to court to prove that the person might be a terrorist, and after 3 days they can get a gun, and that no court proceeding would take that long—would be a meaningless compromise, a pyrrhic victory, and something the vast majority of us on this side of the aisle would not accept?

Mr. MURPHY. I think that is a very important point, and I thank the Senator for making it. Let's be honest. The American people support the proposal that is in the underlying Feinstein legislation. The American people support the underlying legislation that is incumbent in Manchin-Toomey.

So, yes, we want to be able to find common ground, but that common ground can't result in loopholes that are big enough to drive a truck through, allowing terrorists or those on the terrorist watch list to get guns.

This idea that you can give law enforcement 72 hours to go to court to stop somebody from obtaining a gun is ridiculous. There are not enough resources in our system of law enforcement and our judicial system to track every single terrorist who is buying guns and bring every single one of those sales to court. Secondly, the legislation I have seen would only give 72 hours to do that, which would leave thousands of these sales to go through without prohibition. No, we can find common ground here, but let's remember, the American public by big numbers already supports the proposals that have been put before this body and have failed previously.

Mr. SCHUMER. I thank my colleague and agree with him completely and look forward to the questions from the Senator from West Virginia.

Mr. MURPHY. I yield to the Senator from West Virginia for a question without losing my right to the floor.

Mr. MANCHIN. Let me first thank all our colleagues and Senators for being here today speaking about this most important issue for the citizens in each one of our respective States.

My question to the Senator from Connecticut is on gun culture. I don't think there is another State—if there is, I don't know—that has more of a gun culture than West Virginia. We take the Second Amendment rights extremely seriously, and I want to make sure we are on the same page because some people come from States that don't have much of a gun culture or weren't exposed to guns as a young person growing up.

I can state that in West Virginia, at a very young age, we are taught, first of all, how to handle guns safely. We are taught to never sell our gun to a stranger, never sell a gun to someone who has a criminal background, never sell a gun to someone who is mentally unstable. We don't give our guns to a family member or a friend if we don't think they are responsible. This is how we are taught in our gun culture.

I am sure Connecticut has the same gun culture we have. So how this all came about with the amendment 3 years ago, after the horrible, horrific tragedy in Newtown, was that if we respect a law-abiding gun owner who didn't buy the gun because they want to do something wrong with it or they are a criminal or are soon to be a criminal because they own it, then you have to assume they are law-abiding, and they are going to do the right thing. If they are going to do the right thing, the right thing is we don't sell to strangers, we don't sell to criminals, we don't sell to mentally unstable people.

Doesn't it make sense that if you go to a gun show that would allow somebody not to go through that but to go to a table where there is an unlicensed dealer selling to someone who isn't required by law to have a background check, to say: Well, wait a minute. You can't do that. This is a commercial transaction. As a law-abiding gun owner, I don't do that. I don't know who you are. I don't know you. You want to buy my gun, but before I sell you my gun, I am not going to do that until I know you are capable of owning a gun and respect it and know how it operates. That is what we said and we do so much more.

I would say to my good friend from Connecticut, is the gun culture the same? You come from a State that has a gun culture. Even those wonderful families who suffered in the tragic loss of their children weren't trying to ban anything. They wanted common sense. So is the gun culture in your State similar to ours; that we treat people as law-abiding gun owners who do the right thing, and the right thing is to find out who wants to buy your gun and don't let them go to a gun show or on the Internet where they are able to skew around that?

Mr. MURPHY. I would be interested in the Senator's reaction when I answer his question, and then he can ask another question to follow up.

People are going to say that Connecticut and West Virginia are very different States, and they are. There are a lot of differences between the citizens of Connecticut and West Virginia, but I have found that gun owners aren't that different in the sense that they are serious about their guns. They are serious about being a collector. They are serious about having the right to protect themselves. They are serious about the right to be able to hunt. But they also recognize that it is a responsibility, and you can lose that responsibility if you commit crimes.

Almost every single gun owner I have talked to has said, yes, absolutely criminals should not be able to buy guns. And every gun owner in Connecticut that I asked this question to said to me: What? Terrorists, people on the watch list, are allowed to buy guns?

So I think as different as our States are, I think gun owners are largely the same in that they come to this issue with the sentiment of not wanting the government to take away their ability to own a firearm, and they want a diversity of products available to them. They want to make sure they are able to collect or hunt, but also they don't want a criminal—somebody convicted of domestic violence, murder, or assault and battery—to be able to get their hands on a weapon. I think that is where both of our gun communities are, and I will yield to the Senator from West Virginia for another question or if he wants to correct me, if I am wrong.

Mr. MANCHIN. My question is a followup on that.

After we tried to do the Manchin-Toomey amendment to put commonsense measures into place—as law-abiding gun owners do every day—did you have anybody in Connecticut come and say to you that the Manchin-Toomey amendment would take away their gun rights and make it so they can't keep their gun, can't own a gun, or can't buy a gun? Because, in fact, for those who took time to read it, we protected the Second Amendment greater than it had ever been protected. We protected law-abiding gun owners so they are able to do what the Second Amendment right gives them the right to do. We never banned anything because we know the law-abiding gun owners will do the right thing.

I think in West Virginia and I would say in Connecticut that 70 to 80 percent of the real ardent collectors, shooters, sportsmen say it makes sense. They don't mind getting a background check. Why we hit a roadblock, I don't know.

Did you have anybody coming to you in your State and saying: Senator MURPHY, please don't vote for that because I don't want you to take my rights away.

Mr. MURPHY. No one in Connecticut thought this was taking their rights away, and as the Senator from West Virginia knows, we have a strict background check system in Connecticut already, so in Connecticut we had already subjected these sales to the

background check system. My impression is that our hunters, sports shooters, and collectors have never felt that they were on the precipice of losing their right to enjoy their sport or their pastime, or to be able to build on their collection.

As you mentioned, there are definitely disputes when you get into the area of banning this kind of weapon or that kind of weapon, but that has nothing to do with this bill. This bill is just about saying that if you are a criminal, you can't buy a weapon.

There may be other things that are controversial, but this one is noncontroversial. The Senator has told me it is not controversial in West Virginia either, when laid out as to what it really is.

I yield for a question.

Mr. MANCHIN. If I can ask my good friend from Connecticut a question.

When the Senator goes home to Connecticut to explain it, they understand it, they read it. If anything, we are protecting them more to do the thing they do every day and the way they were trained, and they believe that we are correct. What happens is they start saying: Did you get this question? Yes, but if you do that, then they will just expand it further, and they will take more of our rights away.

I say that this is a constitutional amendment. It cannot be by an Executive order. It has to have the action of Congress. So don't worry about someone expanding it or some office or law saying that they are going to expand the rule or expand the interpretation of it, or that the executive—the Governor—is basically going to have an executive ruling that takes more of your rights away.

I said you cannot do that with a constitutional amendment. We have to do what we are doing right now. So can't we do the logical thing in passing something that is a building block for us to make sure those who are unstable, who have been criminals, or who want to do harm to all of us should not be able to conveniently go anywhere they want to in America, to a gun show in America, or on the internet—which we never know—and buy that.

Did the Senator have any feedback on that to him?

Mr. MURPHY. I did. We hear it constantly, which is this belief that there is a secret agenda, that this is really about a slippery slope to gun confiscation.

As the Senator stated very eloquently in his remarks, there is a Second Amendment, and there is an interpretation by the Supreme Court of that Second Amendment that guarantees the individual's right to a firearm, which we cannot broach and which we cannot breach as a legislative body. So that is unquestioned.

The question of whether there is a secret agenda is one we have to confront, but the reality here is when we passed the initial background checks law, I am sure people at the time said this is just the camel's nose under the tent.

Mr. MANCHIN. Sure.

Mr. MURPHY. And it was not. As we stated, this system worked for a very long time until all of these gun sales migrated out of the system. But we have plenty of examples in which we have passed sensible commonsense gun laws that didn't lead to all of the worst case scenarios that many people often proffer to us.

I yield to Senator MANCHIN for another question.

Mr. MANCHIN. My other question would be that I am understanding that the Senator and most of my colleagues would like to do two amendments here. We have two amendments proposed. They are basically commonsense building blocks to protect the citizens of this great country in each one of our respective States.

There is the one on terrorists, if you are on a terrorist watch list. I have heard my colleagues on both sides here and my colleagues on the other side of the aisle say: Well, there is no due process. Basically, we are taking people's rights away, which is the foundation and the cornerstone of this great democracy of ours.

I said: You know, there is not another nation on Earth that has a target on its back the way the United States of America does.

Understanding that if a person is being called in—let's take the shooter in Orlando. Our hearts and prayers go out to the families of those who have lost loved ones and those who are still suffering. With that being said, I think this gentleman was called in a couple of times. He was suspected of being a terrorist or of being of a terrorist mindset. They are thinking: How was he able to still legally go and buy the firearms—legally? He didn't go illegally.

So they said: You mean you cannot even stop that from happening?

Then they said: Well, due process.

I know one of my colleagues wants 72 hours, which we know is not even reasonable or practical.

But on that, I think both sides—Democrats and Republicans—both want to keep terrorists from getting firearms.

The question has been, I am sure—and your people are asking you in Connecticut: How do you go further? How do we get this to the point to where if you have been questioned and are suspected, you should be at least on a watch for 5 years, and you can't buy on a NICS no-buy list?

There is the easy list, which they keep asking me about. I don't know if the Senator from Connecticut is asked this same question. But, my goodness, if a person is thought to be of a terrorist mindset and we have flagged them not to fly on an airline—a commercial airline in the United States of America—don't you think we ought to have the same concerns about them being able to buy a weapon legally?

Mr. MURPHY. Through the Chair to my friend, it is important to remember that there is consensus in this body that those individuals shouldn't fly. There is nobody who has come to the floor of the Senate and has proposed a law that we should take all of these individuals who are on these watch lists and give them back the ability to fly; right? Nobody would propose that on the floor of the Senate because they would get tarred and feathered by their constituents if you came in and said: Everybody who has been investigated by the FBI who is on the terrorist watch list, we think that you are depriving them of their right, and so let them fly. No, no one would propose that.

So if it is not controversial that individuals who have had intersections with law enforcement over terrorism are not permitted to fly, why is it so controversial that they should be stopped from buying a firearm, at least until they grieve the process and make it clear that they had no reason to be feared?

Mr. MANCHIN. Senator, do you have anybody in the State of Connecticut who is coming to you and saying: You know, I have a friend who was suspected of being a terrorist, and their rights have been taken away. They are an American citizen, and for some reason they were on the Internet, they were checked out, and the FBI has come to their home and suspected them and questioned them.

Should that person still be on the no-buy list, if you will, because they are a suspected terrorist?

Mr. MURPHY. I think people in my State are shocked that this isn't already law. I think at some level people don't understand why this hasn't been baked into the background system as it is. As you know, this is just simply not a controversial issue anywhere but in this Chamber.

Mr. MANCHIN. Do they think we have broached the amendments and the Bill of Rights, that we have taken people's rights away?

Mr. MURPHY. Nobody believes that, no.

Mr. MANCHIN. I have not had that in West Virginia at all. If anything, they said: Please, err on the side of caution. Keep me and my children safe.

That is what they are saying. We are not taking any people's rights. But we have to have a process where if that person, basically, over a period of time has shown that they haven't really engaged and haven't been involved, then they can come back. I think we have all said: That makes sense to us; we can do that.

I think Senator FEINSTEIN has a 5-year provision in there for that which is very reasonable.

I can't go back home this weekend and explain to the people in West Virginia why we haven't moved forward on this. There could be another Orlando in, God forbid, one of our States.

Mr. MURPHY. I thank the gentleman for joining us on the floor today. I think that is really what this is

about—not being able in our heart of hearts to go back to our States, especially those that have been touched by these crimes, and tell them that we wasted another week, that we sat here and we ignored the problem for yet another week.

The reason I am on the floor, the reason that Senator BLUMENTHAL and Senator BOOKER are joining me, is that we have just had enough. We have had enough of these shootings, enough of this talk. We think it is time for action and time for action now.

Mr. MANCHIN. I thank the Senator for answering the questions that we have had. I thank all of you for being informative in the questions that we still have furthermore to ask.

Mr. MURPHY. I know the Senator from Maryland is on the floor, but I yield to the Senator from Connecticut for a question.

Mr. BLUMENTHAL. Thank you, Senator MURPHY.

I want just to pursue some of the questions, the excellent inquiries that have been posed by our colleague from West Virginia and just to say that some folks in America who may be listening or watching or may hear afterward about this debate may say to themselves: Somebody who has been put on that watch list erroneously, someone who is precluded from boarding a plane or traveling in the United States—regardless of whether they can buy a gun or not—aren't they entitled to the due process right to correct that list?

The answer, in my view, is very simply yes, as a matter of constitutional right and due process, as a matter of equal protection, as a matter of the right to travel freely in the United States of America. If someone is on that list erroneously, he or she deserves the right to have that record corrected. I am going to pose that question to my colleague from Connecticut now.

But I have a second question, which is also probably on the minds of a number of our Connecticut constituents who are watching or listening or may hear about it afterwards: Don't we have some of the strongest gun protection laws in the United States of America, and isn't that enough? Why are we worried about this terrorist watch list? Why are we worried about background checks for the Nation as a whole when Connecticut has helped to lead the Nation; when Illinois, as a matter of fact, has strong gun laws, perhaps in theory; when California or other States pass their own laws? Why are we here on the floor of the Senate seeking action and saying enough is enough? Why are we so outraged and passionate about achieving gun violence protection barring people on a terrorist watch list from buying guns, making sure that we have universal background checks, a ban on straw trafficking, and illegal importation across State borders?

I think the answer is these measures are necessary because even the strongest State laws are basically ineffective—at least to protect many people—as long as stolen guns, lost guns, can be transported across State boundaries. Guns have no respect for State boundaries. In Connecticut we are vulnerable because of the weaker laws in other States. So this national protection is vitally important.

Is that not the case, I ask Senator MURPHY?

Mr. MURPHY. I thank Senator BLUMENTHAL.

I think that is critically important here. I would answer it in two ways.

The first is to underscore your point. Our Nation's set of State-based firearms regulations are only as strong as the weakest link. We can have the strongest laws in Connecticut, but guns, terrorists, and would-be criminals don't observe State boundaries. If you are intent on committing a heinous crime, you probably also have the means to figure out how to get around one State's tough gun laws.

Senator DURBIN was here earlier talking about the fact that a large number of the weapons that are used in Chicago to commit murders—60-some odd shootings over Memorial Day weekend alone—come from outside the State of Illinois. Illinois has some pretty tough gun laws, but Indiana doesn't. So you can get to Indiana from Chicago in a heartbeat, and you could pick up a firearm online or at a gun show, or you can go to a pretty miserably regulated gun dealer and bring what effectively are illegal weapons back to Chicago. Yes, we are talking about a Federal law because this cannot be a State-based solution.

Through the Chair, that being said, as Senator BLUMENTHAL knows, State laws do have an effect.

That is helpful in showing, through this body, that we are not powerless, that if we pass these laws and apply them on a national basis, it will have an effect.

In Connecticut, we have seen a 40-percent reduction in gun crimes since these laws went into effect. That is a preview to this body, that if we were to adopt that standard—yielding to my friend for another question—then we could potentially bear the same reward in human lives saved on a national basis.

I yield to the Senator for another question.

I know Senator CARDIN is on the floor as well.

Mr. BLUMENTHAL. I would be pleased to yield to other colleagues for their questions, but let me just ask the Senator one more quick question.

Again, somebody unfamiliar with this topic might be wondering. Convicted felons under law are barred from buying firearms. So someone who has been to prison, paid the price, done probation, been out of our prisons for years and years, and done nothing to repeat that criminal episode—whatever it was—is still barred from buying a gun. Yet someone who is deemed dangerous enough to be on a watch list or a no-fly list—the consolidated list that the Senator from Connecticut referred to earlier—is free to walk into any gun store or any gun show and, in 7 minutes—a reporter of the Philadelphia Inquirer, I believe, was able to do it in 7 minutes—simply present the money and walk out with an AR–15 automatic weapon, a firearm designed to kill as many people as quickly as possible, designed for combat and largely manufactured and used around the world to kill people—not predominantly for hunting or recreation. It is designed to kill people.

Isn't there an irony to this kind of an inconsistency? Irony is probably a euphemism. Or isn't that an outrage that the terrorist watch list people can buy an AR–15—no questions asked—in 7 minutes or less or slightly more? And a convicted felon, having committed a serious crime, having paid his dues to society, having paid a fine, having served time in prison, done and out—and we talk a lot now about a second-chance society, about their being able to live normal lives and work and so forth—is barred, even though that person may be far less dangerous, far less a threat to innocent people in Orlando or at Virginia Tech or in Newtown, CT, or to the 30,000 people every year who either are killed or kill themselves because of this easy availability of guns to people who are dangerous.

The terrorist watch list—again, not a panacea, not a single solution—barring those people from buying guns will not fix this problem alone, but it is a start. It sends a message, and it will provide hope to those families who have looked in our eyes, the families of Newtown, families across the country who have lost loved ones and who say: Why can't Congress act? That is why we are here saying enough is enough, if I am correct.

Mr. MURPHY. I say to Senator BLUMENTHAL, I don't think there is any more I can offer in answer. You are correct that it is both ironic and outrageous.

I yield to the Senator from Maryland for a question without losing my right to the floor.

Mr. CARDIN. Mr. President, through the Chair, I would like to inquire of my friend from Connecticut with regard to the relationship between the tragedies we have seen far too often in this country—most recently in Orlando but, as Senator MURPHY and Senator BLUMENTHAL know all too well, in Newtown and at Virginia Tech and the list goes on and on—and the work we have done in order to protect our homeland from radicalization.

I would like to ask my colleague because he has been one of the leaders on the Senate Foreign Relations Committee and he has worked very hard to make sure we have the very best intelligence information to keep our country safe, to support law enforcement against terrorists, and that we do everything we can to make sure we identify those who would commit terrorist

actions and take law enforcement action against those individuals.

With regard to the Orlando episode, although we don't know all about it yet, we are still learning information about the perpetrator, we do know the LGBT community feels particularly threatened by what happened. They were victimized at this particular spot.

Senator MURPHY, Senator BOOKER, Senator BLUMENTHAL, and Senator MARKEY—all who are on the floor—have worked very hard to deal with the root causes of hate in our society, which is another factor concerning safety in our communities.

I would like to get the connection here on the gun issues, but I think it is important to point out that we have worked very hard to support the LGBT community, to make it clear that the rights of all people in this country are going to be protected. We celebrated the Supreme Court decision that recognized marriage. We celebrated some actions within our military to open up full participation by the LGBT community, and we were particularly pleased with the recent confirmation of Eric Fanning that we saw take place in our military. We have seen some progress in America.

Globally, we have seen some progress in regard to the LGBT community. We have seen in several countries—and I mention this specifically in asking the question of Senator MURPHY because of his work on the Senate Foreign Relations Committee—such as Malta, Ireland, Thailand, Libya, and Vietnam, that laws have been passed to protect transgenders. That is all work we have done to try to keep all of our communities safe. Ukraine passed a law that repealed one of the workforce discrimination laws against the LGBT community.

These are all important steps we have taken to try to keep not only our community but the global community safe from these types of hate acts. So we have taken some positive steps in trying to isolate terrorists, in trying to make sure law enforcement has all the tools they need, and we have done a lot of work to protect vulnerable communities to make sure we stand for the rights of all people.

I applaud my colleagues for being here on the floor to talk about the relationship here—this is what I want to ask Senator MURPHY about—why, in the week following Orlando, he is here on the floor talking about gun safety.

I noticed in the Orlando tragedy that one of the weapons used was an assault weapon, a military-style weapon. I must say that in my observations in Maryland, I don't know too many people who need to have that type of weapon in order to do hunting in my State or to keep themselves safe. It seems to be a weapon of choice by those who want to commit crimes.

My colleague talked at great length about terrorists and those on the terrorist watch list and that loophole that exists. We can talk about what happened in my colleague's State with a high-volume ammunition clip that certainly added to the numbers of victims before law enforcement could deal with the perpetrator.

So my question is, As we are looking at ways to keep Americans safe, how does my colleague see these issues coming together? How can we have a coordinated strategy, and why haven't we acted?

Mr. MURPHY. I thank the Senator for his question, and I want to thank him for the work he has done as our leader on the Foreign Relations Committee to make LGBT rights not just a domestic priority but an international priority for this country.

I started this out about 3 hours ago talking about how complicated the attack in Orlando was and how many different competing influencers there were on the incomprehensible decision this individual made. But clearly he had a hatred in his heart for people in the LGBT community. And it is a reinforcement for us to pay attention to the words that we use, the things we do, and the legislation we contemplate or pass. If we build inclusive societies in this country and promote—as my colleague from Maryland is—inclusive societies abroad, then we give less room for individuals who might be contemplating these hateful actions against individuals who are members of a minority group—LGBT, Hispanic, or whatever it may be.

So I think our obligation here is multiple. We need to pass stronger gun laws and we need to take the fight to ISIS, but we also need to double down on inclusive societies and we need to double down on fighting discrimination against our LGBT brothers and sisters because to the extent that we make discrimination, that we make hatred, and that we make malevolent thought much more of an outlier in our society, we cut down on the potential for this to happen in the future.

I thank the gentleman for also bringing together all these other potential steps forward on our gun laws. Of course assault weapons should not be legal in this country. When they were prohibited for 10 years, we saw a diminution in the number of mass murders committed. Of course these mega-clips—the 30-round and 100-round clips—have no place in a civilized society.

I guess our hope is that if we start exercising this muscle of getting consensus on gun laws, we start with background checks and the terror gap, which we know the American public is together on and we know we can find agreement on in this body, then that will give us the platform with which to get agreement on some of these other issues. If we start finding common ground today, this afternoon, tonight, then we will have the room to find more common ground in the future.

But the Senator is right—we have to link these efforts together. We have to understand how complicated the motivations were for the shooter, but we also have to understand we are not powerless in confronting it.

I yield again to the Senator for a question.

Mr. CARDIN. Mr. President, one additional question, if I might ask at this time.

The Senator pointed out—and rightly so—that there is no one problem we have to deal with, there are multiple issues involved. I have heard some of my colleagues say, well, the problem is not the weapons they use or the problem is not the social issues or the problem is not this or that, but I would ask this of my friend from Connecticut: It seems to me the one option that should be off the table is doing nothing.

It just seems to me that the American people are demanding—and rightly so—that we take action now to make our communities safer. Quite frankly, they don't understand the inaction of this body. Quite frankly, I don't understand the inaction of this body.

Would my colleague agree that the only option we should take off the table in trying to deal with this is doing nothing?

Mr. MURPHY. Through the Chair, I thank the Senator for the question, and let me say that I think that is why we are here. I think that is why we are here. This was just backbreaking. The idea of this body moving on as if it is just business as usual after the worst mass shooting in the history of this Nation, coming on the heels of the second and the third and the fourth worst mass shootings in the history of this country, was unacceptable.

I think the reason that I am here with Senator BLUMENTHAL, Senator BOOKER, Senator DURBIN, why you are here, why Senator MARKEY has now joined us, why Senator MANCHIN was here, why Senator SCHUMER was here, and why so many others will be coming to ask questions of me later today, is because there is no option other than action. The idea that we wouldn't even try, the idea that the leadership of this body wouldn't even schedule a debate this week to try to find common ground instead of just moving on as if it didn't happen, is the only thing that is truly unacceptable.

I thank the Senator.

I yield to the Senator from Massachusetts for a question without losing my right to the floor.

(Mr. CRUZ assumed the Chair.)

Mr. MARKEY. I thank the Senator from Connecticut for his leadership on this issue. It is the issue we should be debating this week and next week in the Senate. I thank him and Senator BLUMENTHAL from Connecticut, Senator DURBIN, Senator BOOKER, Senator CARDIN—everyone whose voices down here are saying the same thing.

We have learned a lot about this problem, but we still don't know all of the answers. The answers we do know we should be voting on this week. We should be putting those protections on the books.

There is some commonsense knowledge we each have—that the FBI should have the authority to block gun sales to potential terrorists. How hard is that? No gun sales to potential terrorists in the United States.

The NRA says no. The NRA said no last year. The NRA said no the year before. The NRA controls the agenda of the Senate. They control this body. They are the ones who decide whether guns can be sold to terrorists in the United States of America—the NRA.

The American people say that NRA should stand for ''not relevant anymore'' in American politics, but it is not so. The NRA controls whether we are going to be able to vote on banning terrorists from being able to purchase guns.

So a terrorist can be on a no-fly list and can't get on a plane. We don't want a terrorist in the passenger cabin of a plane in the United States, so they are banned from getting on that plane. But they can just walk across the street into a gun shop and buy an assault weapon that they can then use to kill people whom they hate in the United States. Does that really make any sense? Of course not. Why don't we have the vote? Because the NRA does not want a vote on the floor of the U.S. Senate. They don't want a debate on this issue.

So we are going to continue to stand up and fight for this vote, for this issue to be considered on the floor for as long as it takes because if the FBI believes there is a reasonable chance that someone is going to use a gun in a terrorist attack on our people, it should have the ability to block the sale of a gun to that person. That is only common sense. That is what the police chiefs want. It is what the FBI wants. Why are we being denied a vote on the floor of the Senate on that issue?

Historically, this goes all the way back to the incredible power of the NRA. From 2004 until 2014, people on the terrorist watch list legally purchased guns more than 2,000 times because the FBI had no authority to block those sales. Over a 10-year period, over 2,000 times, the FBI could not stop a terrorist—a potential terrorist—from buying a gun in the United States because the National Rifle Association does not want potential terrorists to be denied purchasing guns in the United States. What kind of crazy position—that potential terrorists should be allowed to buy guns in the United States—is that for the NRA to take?

Back in 1994, we were having a debate over the ban of assault weapons in our country, but it came to my attention that China was actually selling 1 million semiautomatic assault weapons per year for $80 apiece inside the United States—1 million guns a year—and we were negotiating a treaty with China at the same time. So I organized about 130 members of the House on a letter to President Clinton saying no support for any deal with China until China agrees that they will not be selling assault weapons for $80 apiece in our country. That was 22 years ago—1 million assault weapons a year being sold by China. That would be 22 million additional assault weapons in our country coming in from China. That is banned. However, the domestic ban here expired a couple years ago.

Now, here we have another case of a terrorist saying that he was inspired by ISIS—inspired by this so-called caliphate outside of our borders to buy a weapon to kill Americans. Like China, are we just going to allow the NRA to say: No, it is all part of free commerce; no, we don't have any rights to limit the sale of these weapons. Or are we going to say there has to be commerce with a conscience; that not everything can be sold to anyone in our country; that some people and some things are too dangerous to be allowed to be purchased within our country.

I support very strongly the bill which Senator FEINSTEIN has introduced to give the Attorney General the discretion to prevent someone from buying a firearm or explosives or obtaining a firearms dealer license if the Attorney General determines the individual is a known or suspected terrorist and has a reasonable belief that the individual may use the weapon in connection with terrorism.

Can it happen again? You know that it can happen again. This terrorist cited the two terrorists in Boston, the Tsarnaev brothers, as an inspiration to him. There is an online brainwashing recruitment which is going on all across our country. So that idea is out there.

The question is, How easy are we going to make it for them to be able to gain access to the instrumentality of their devastating acts against our society? Are we just going to allow them to walk into any gun store once they have been so radicalized that they are about to act on these dangerous activities? Well, Senate Republicans oppose that commonsense legislation.

Senate Republicans aren't allowing us to have a vote or a debate on this issue out on the Senate floor. One day after the tragic terrorist attack in San Bernardino last December, Senate Republicans voted against Senator FEINSTEIN's legislation to close the terrorists' gap in terms of their ability to be able to buy these assault weapons. Six months later, Omar Mateen, a terrorist investigated by the FBI, targeted the LGBTQ community and murdered 49 innocent people at the Pulse nightclub in Orlando. Yet Republicans continue to willingly follow the NRA and oppose this bill from becoming law in our country. The NRA has repeatedly opposed and worked to block that legislation, and apparently they think it is OK for someone like Omar Mateen to be able to buy an assault weapon with impunity in our country.

Mark Twain once remarked that common sense is very uncommon. He was surely talking about the Senate Republican caucus when it comes to having a terrorist be prohibited from buying an assault weapon in the United States of America. This mass shooting in Orlando has exposed the Senate Republicans and their common suffering from a commonsense deficit disorder. Today I call on them to stop their opposition. I call on them to have the courage to stand up for what is right for the American people and for the people of Orlando because I truly believe that a vote on that bill—if you hold hands with the NRA, the Americans will hold you accountable. I hope our Republican colleagues understand that and fear that because Americans are tired of living in fear that their community will be the next Orlando.

I ask another question: Wouldn't it be easier to develop effective solutions to gun violence in America if our Nation's top researchers could actually do research on gun violence? We are facing an epidemic of gun violence. More than 33,000 people are dying in our country each year from gun violence. It is a public health emergency, and we must treat it that way. So shouldn't we ask ourselves: Why is it happening and what can we do to stop it? When disease and illness bring widespread death, doctors, scientists, and public health researchers study the causes so that they can find solutions, and the Federal Government invests in those efforts. For diabetes, which kills almost 76,000 people in the United States each year, the Centers for Disease Control and Prevention receive $170 million. For planning and preparedness against the flu, which leads to 57,000 deaths each year, the CDC's budget is more than $187 million. For asthma, 3,600 people, the CDC receives $29 million. For gun violence, which kills more than 33,000 Americans a year, the CDC's budget is zero dollars—yes, zero dollars. That is because, beginning more than 20 years ago, an appropriations rider has prevented the Centers for Disease Control and Prevention from advocating or promoting gun control. Many interpreted this provision as a ban, and it has chilled any research into the causes of gun violence and how to prevent it. But in 2013, President Obama directed the CDC to conduct critical public health research, and the principal congressional author of the rider, former Republican Congressman Jay Dickey of Arkansas, has now disavowed it, recognizing it was a mistake and calling for Federal gun violence prevention to move forward.

Just yesterday, the American Medical Association—the Nation's largest association of physicians—voted for the first time in support of ending the so-called ban on CDC gun violence research. As AMA president Steven Stack said yesterday: With about 30,000 people dying each year at the barrel of a gun, an epidemiological analysis of gun violence is in fact necessary. So that is the question which I ask of Senator MURPHY, that is the question which I ask of Senator DURBIN, and

that is the question which I ask of the Senate president: Why can't we find a way to at least fund the research on the causes of gun violence? Why can't we find a way of just putting $10 million a year into that research? Why can't we do that?

I ask Senator MURPHY the question, but he knows the answer. The answer is that the NRA does not want a single nickel to be spent on that issue, and the NRA controls the agenda on the Senate floor with a vice-like grip, and it will not let it go. But we have reached a defining moment. The American people have seen in this one incident how tightly the NRA controls the agenda of the Republican Party in our country. We should already have voted on this ban. We should already have moved on to other gun control issues—but, no. Whether it be the terror watch list or it even be research at the CDC on gun violence, there is no action. We can study how to prevent children from operating pill bottles, from suffering from head injuries on bicycles, how to use a cigarette lighter so they don't hurt themselves, but shouldn't we study how to stop kids from firing guns that can hurt them?

Let's give the medical, scientific, and public health community the resources they need. Let's ensure that if someone is going to buy a gun, they have to get a background check completed before they are allowed to do it. Let's make sure that we put in place all of the protections that are going to be needed to protect ordinary Americans from this action.

So I say to Senators MURPHY and BLUMENTHAL from Connecticut, what you suffered in Newtown, CT, is sadly just a preview of coming attractions unless we change the laws in our country, unless we put the preventive measures on the books, so we can avoid the worst, most catastrophic consequences of this out-of-control gun epidemic in our country.

What the Senator is doing here today, along with Senator BOOKER, is forcing America to understand the cause of their problems and why we cannot ban a terrorist from buying a gun in the United States. All issues go through three phases: political education, political activation, political implementation. What the Senators are doing today is forcing this political education and forcing people to understand that this is not bipartisan. This is not the whole institution doesn't work; this is a deliberate decision made by the Republicans to abide only by what it is that the NRA—an outside party—wants to permit being debated on the Senate floor. But at 33,000 deaths a year, with terrorist activity after terrorist activity now occurring on our own shores—in Boston alone, we had Mohamed Atta and nine others who hijacked nine planes; we had the Tsarnaev brothers who detonated explosives on Patriots Day at the Boston Marathon.

It is time for us to just stop here. It is time for us to start to do the right thing so we can make it harder for these acts to take place. I don't think we should stop this discussion until that happens. That is why I thank Senator MURPHY for taking this time—Senator BOOKER, Senator BLUMENTHAL, and everyone who has participated. I am going to be with you every step of the way until we get the votes the American people expect from their elected Senators.

I thank the Senator for yielding for a question.

Mr. MURPHY. I thank Senator MARKEY very much. I think he has gotten to the root of why we are here. There are a lot of very important issues in this underlying bill.

As I said at outset, it is uncomfortable for those of us who began here at the beginning of this time to postpone amendments and to put off debate on the underlying bill, the very important bill, the CJS bill. We feel like enough is enough, that this is the moment when this body has to come together and find a path forward to try to address this epidemic of gun violence and admit that it is within our power to make the next attack less likely. This doesn't come easily, but at this point, many of us think it is our only hope to really force action.

I know Senator BOOKER has a question. Before yielding to Senator BOOKER, I want to thank Senator MARKEY for his incredible leadership on this issue of promoting research into gun violence. Unfortunately, science has become politicized, and Senator MARKEY is on the frontlines of trying to address climate change. But there is no reason this Congress should be deciding what researchers at the CDC pursue by means of lines of inquiry and what they do not pursue. That should be left up to scientists. That should be left up to people who are professionals in the field of deciding what is worthy of research and what is not. We are politicians. I don't cower from that term. I am proud of the fact that I and we have chosen to try to make this country better through the political process. But we aren't scientists. We don't have medical backgrounds. When we get into the field of deciding what is worthy of research and what is not, bad things happen routinely, whether it is on the question of climate change or on the question of gun violence research.

The private sector simply cannot pick up the slack. Why? Because when the Federal Government bans private research on a subject like gun violence research, it chills private dollars from going into those research proposals as well. There is a fear on behalf of the private sector that if they get intermingled with public funds, there could be a problem. That hasn't stopped some people in the private sector from pursuing this research because they know it is critical.

Avielle Richman was one of the little boys and girls who were killed at Sandy Hook. Avielle was a beautiful young girl. As has been the case with many of the parents following that tragedy, her parents have decided to set up a foundation in her name. Maybe over the course of the afternoon, we will be able to talk about some of the other good work that has been done by these foundations because we think that, as devastating as the tragedy was, Newtown and Sandy Hook are defined by the response. The Richman foundation is all about research. The Richman foundation is all about research trying to discover the linkages between mental illness and a predilection toward gun violence or toward violence in general. We know there is not an inherent connection. We know people who are mentally ill are much more likely to be the victims of gun violence than they are the perpetrators of gun violence. We know there is an intersection, but the only money that is going into that intersection right now is private dollars that are being raised by two parents of a girl who perished at Sandy Hook. They are not professional fundraisers. They have other jobs. They are trying to scrape together what they can to perform this research. They know it is worthy. They know it is worthwhile. But because of that ban Senator MARKEY is trying so hard to overturn, the public sector can't do research into that connection, or it becomes very hard for the public sector to justify it because they fear violating that law.

I thank Senator MARKEY for being so persistent on this question of research dollars. There are so many different angles of this problem. There are so many different ways to attack it. This is another example of a way in which we can come together. I think this is one of the ways in which Democrats and Republicans can come together.

I yield for a question from the Senator from Illinois.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MURPHY. I will.

Mr. DURBIN. I would like to thank the Senator from Connecticut, Mr. MURPHY.

You have been on the floor for a little over 3 hours in the process of raising an important issue about gun violence in America.

I think it is important for us from time to time to remind those who might be just joining this conversation why we are here. You are certainly a leader in this, as are Senator BLUMENTHAL, Senator BOOKER, and so many others, because we have each in our own ways been touched by gun violence—the terrible tragedy that occurred at Sandy Hook in Connecticut, the tragedies we see every weekend and every day in the city of Chicago, in Newark, and all across the United States. I thank the Senator for bringing this to our attention. Certainly, it is Orlando that our attention is focused on these days.

As I understood your earlier statement, you came to the floor because there was no indication from the Republican leadership that we will even

have a debate on the issue of guns, terrorists, and keeping America safe.

Senator MURPHY came to the floor saying that he would hold the floor in the hopes that we can move this to the point where there is an actual debate in the Senate. That would be historic—a real debate in the Senate about an issue that really means something. In Orlando, we found what really means something with these grieving families of 49 victims and 53 more who were seriously injured.

I want to make sure there is clarity as to what we are trying to seek with this group gathering in terms of the two proposals, the two amendments we are seeking. I ask the Senator to clarify. One relates to whether someone who is suspected of being a terrorist can buy a weapon, such as an assault weapon, which literally killed 49 people in that nightclub in Orlando and could have killed many more—more than 50 were injured. So if we suspect that a person is a terrorist and a threat to the United States, can we slow them down or stop them from purchasing a military-style weapon?

I think the Senator from Connecticut was very prescient in noting that we think of terrorists and bombs, terrorists and airplanes, not with automatic weapons and semiautomatic weapons. These terrorists have the capacity to kill dozens of people, if not more.

So the first question is, What can we do to stop those suspected of terrorism from buying assault weapons and threatening us? The second question is, If we cannot stop them through the ordinary process of going to a gun store, how are we going to stop them if they decide to buy a gun on the Internet or to buy a gun at a gun show where there is no background check?

I understand the Senator from Connecticut has suggested we need to close the loopholes so that the roughly 40 percent of firearms sold without a background check in the United States is reduced dramatically and so that we know who is buying a gun and we can guns out of the hands of those who misuse them.

So if the Senator would state with clarity what our goal and objective is in this now 3½-hour debate. I credit him with leading it, but I ask him to state with clarity—a question from me—what is our purpose, what is our goal and the reason we have taken the floor?

Mr. MURPHY. I thank the Senator. I am reclaiming my time. I thank the Senator for asking that question because I think it is important for us to be clear about why we are here. We are here not to hold the floor for holding the floor's sake but because we have had enough of condolences and thoughts and prayers without action from this body.

We think we have identified two commonsense measures that are supported by the vast majority of the American public: making sure that people who are suspected of being terrorists cannot purchase weapons and making sure that the background check system applies to all of the commercial venues in which guns are sold.

We think it is time for us to have a debate on those two measures on the floor of the Senate and to be able to get a vote—something this body used to do a lot of—on those two measures. We have selected measures that are not controversial to the American public. They are supported by 80 to 90 percent of Americans.

So we are holding the floor and we are standing on the floor today in anticipation of Republican and Democratic leadership coming to us and saying: We are ready to talk about how we can make this country safer by keeping guns away from suspected terrorists. If we can get an agreement to have a vote on expanding background checks and including people on the terrorist watch list on the list of those who are prohibited from having guns, then this debate we are having can stop and we can move forward to a vote.

I yield for a question.

Mr. DURBIN. If the Senator will yield for a question without yielding the floor, I know the answer to this, but I want to ask this question for the record. We have had votes on both of those measures. After San Bernadino, Senator DIANNE FEINSTEIN of California came forward and asked the Senate to vote on the simple proposition that if someone's name appears on a terrorist watch list, they would not able to buy firearms, and her effort failed. Similarly, a bipartisan measure by Senators MANCHIN and TOOMEY to close the loopholes so that there will be background checks failed as well.

I would ask the Senator from Connecticut—and I know his response—why would we revisit two issues that have already been voted on in the Senate?

Mr. MURPHY. These are measures that can save lives. Facts have changed. We have seen over and over again the carnage that comes by allowing these loopholes to persist. Yes, we have had debates on this floor, but we have had debates and taken votes on this floor before. But our hope is that our colleagues' eyes have been opened to the epidemic that persists in the absence of legislative action.

Our job is not to send condolences; our job is to debate legislation. My hope, through the Chair to Senator DURBIN, is that there are discussions happening right now on ways to bring the two parties together around moving these two issues forward. Our job is to debate and to vote, to go on the record, to show our constituents where we stand on these issues, and to find ways to achieve common ground. Our hope is that by holding up consideration of the CJS bill, we will prompt both sides to come together and find a path forward on these issues.

Mr. DURBIN. If the Senator will yield for one more question.

Mr. MURPHY. I yield for a question.

Mr. DURBIN. The CJS bill, incidentally, is a bill that includes the Department of Justice appropriations. We are raising this issue on a bill which has real relevance to the question of our national security and law enforcement in keeping America safe.

I would ask the Senator from Connecticut—we think of the tragedy that occurred in your State with those 20 beautiful children who were killed in their classroom at Sandy Hook. We think of what happened in San Bernardino and what has happened across America and now most recently in Orlando. But the point I tried to make earlier was that those are mass murders—more than four people killed in each instance—but for many of us, the urban violence that every day, every weekend is claiming even more lives should also be our concern.

I mentioned to the Senator earlier that when the Bureau of Alcohol, Tobacco, Firearms and Explosives took a look at the crime guns that were confiscated in the worst, deadliest sections of Chicago, 40 percent of them came from gun shows in northern Indiana, where people did not submit themselves to a background check; they just went in and bought guns in volume to come and sell them to gangbangers and thugs on the streets of Chicago.

Our intention is to focus clearly on mass murder but even more so on gun violence in America to protect innocent people who are losing their lives to those who would abuse the use of firearms and those who would turn to these assault weapons, which have no purpose for the legitimate hunter or sportsman. I have said that if you need an AK–47 or AR–15 to hunt a deer, you ought to stick to fishing because that is not the weapon of choice of real sportsmen in my State or those whom I know.

I ask the Senator, when it comes to this general issue of gun violence, even though we speak of terrorists as part of this, how will closing the loopholes have value to the overall issue of gun violence?

Mr. MURPHY. I thank Senator DURBIN for the question. Illinois and Connecticut have amongst the toughest background check laws in the Nation, but our laws are no good if the State next door to us has amongst the weakest laws in the Nation. Our Nation's system of State-based background check laws is only as strong as the weakest link. If we don't have a national commitment to ensure that individuals who are criminals or who are potential terrorists don't buy guns, then it really doesn't matter what each State does. That is why this background check proposal, which is a bipartisan proposal and which is supported by 90 percent of Americans and 85 percent of gun owners, is such a win-win, because it speaks to the very real fear that Americans have of continued terror attacks but also addresses this catastrophe of regular, everyday urban gun violence.

By the time we are done today, Senator DURBIN, probably 80 people—somewhere in that neighborhood—will be killed by guns, many of them in cities throughout this country. This is a means to both get at the question of terrorist violence and at the question of urban gun violence.

I thank the Senator for joining us on the floor.

Mr. President, I yield to the ranking member of the Judiciary Committee for a question.

Mr. LEAHY. Mr. President, without losing his right to the floor, I thank my distinguished neighbor in New England and ask through the Chair if he is aware that the Senate Judiciary Committee pushed for years to close the glaring loopholes in the background check system to try to prevent criminals from buying guns.

Is the Senator aware that today you could have three murder warrants and a conviction for armed robbery and walk to a gun show and buy any kind of weapon you want without having to go through a background check or have a license?

Mr. MURPHY. Mr. President, through the Chair, I am.

I yield to the Senator for another question.

Mr. LEAHY. Mr. President, if the Senator will yield for another question without losing his right to the floor, the Senator knows that three years ago the Judiciary Committee reported out these commonsense measures. We actually had broad support for measures to stop illegal gun trafficking, provide for universal background checks, and provide grants for schools to improve their security and ban assault weapons. The Senate Republicans filibustered our effort, which a majority of Americans supported, to make commonsense reforms that would make our country safer. I do not even want to think about how many Americans—although I do every day—have been killed since then.

I believe I speak for most Americans when I say we are tired of the status quo. Congress has to act to keep guns out of the hands of criminals and terrorists. My question to the distinguished Senator from Connecticut is, in order for background checks to keep guns out of the hands of criminals and terrorists, do we need to give law enforcement new tools—in other words, the tools we have now are not enough—to stop a suspected terrorist, or somebody who has recently been under investigation for terrorism, from buying a gun?

Mr. MURPHY. Mr. President, I thank the Senator for the question. We have given law enforcement new tools to find people who are contemplating political violence against American citizens; yet there is this gap in which law enforcement has information about an individual's potential or real ties to terrorist groups, and we are not able to prevent them from buying a weapon. They are prevented from flying, but they are not prevented from buying a weapon. It is an absolute necessity to give them those new tools and also to expand the reach of our background system so we can make sure protection exists that no matter where that individual goes to buy a gun—whether they walk into a gun store or a gun show—they will be prevented from buying a weapon. There is a large loophole that exists today.

Mr. President, I yield to the Senator for a question without losing my right to the floor.

Mr. LEAHY. Mr. President, if the Senator will yield for a question without losing his right to the floor, we know that a person can go to a gun show or go online and buy a gun without being subjected to a background or identification check.

One of our local newspapers had an article about a reporter who communicated with an individual online—they had never met before—and then met that person in a parking lot and bought an assault weapon for cash. The person selling the weapon insisted on cash. When the reporter was asked if he had any identification, he said that he preferred not to give him any. The seller of the weapon said: OK. You look old enough. The seller sold the weapon to him for $500 from the trunk of a car.

I ask the Senator from Connecticut, through the Chair, if we made universal background checks mandatory and made it illegal to sell guns without a universal background check, might that make a difference?

Mr. MURPHY. Mr. President, I say through the Chair to the ranking member of the Judiciary Committee that of course it would make a difference. What the Manchin-Toomey bill has always contemplated is that sales that were advertised would be covered by background checks. There would be limitations on relative-to-relative transactions, but if you are engaged in any sort of commercial business where you are selling a firearm, whether it is at a gun show, gun store, or out of a trunk, you would have to go through a background check before selling a weapon.

Mr. LEAHY. Mr. President, I again ask through the Chair if the Senator will yield further without losing the floor.

Mr. MURPHY. Mr. President, I yield for a question.

Mr. LEAHY. Mr. President, I consider myself a responsible gun owner. I think common sense tells us that if we have assault weapons that are designed for the battlefield, they really have no place on our streets, in our schools, in our churches, or in our communities. I move to support an assault weapons ban. We do not even allow them for hunting in Vermont.

Does the Senator agree with me?

Mr. MURPHY. Mr. President, I do agree with the Senator. We are both members of New England States. We are both members of States where people enjoy hunting. I run into very few hunters who believe they need an AR–15-style weapon in order to enjoy their pastime.

Mr. LEAHY. Mr. President, if the Senator will yield for a question.

Mr. MURPHY. Mr. President, I will yield for a question.

Mr. LEAHY. Mr. President, I know that Vermont has very few gun laws, but we at least restrict the number of rounds that one can put in a semiautomatic gun during deer season. I would like to see as much restriction and protection for the children who are walking our streets, the people in our churches or our synagogues, and the people gathering for social reasons as we do to protect the deer herd.

My final question is one that I get from Vermonters all the time. These Vermonters—many are gun owners and many are not—are all repulsed and saddened not just by what they saw this past weekend in Florida but by what they see with numbing consistency on our news. Day after day after day they see people being gunned down in the streets of America. They ask me: What is Congress doing? They ask me why Congress is not responding by giving law enforcement the tools they need. Certainly law enforcement wants to stop this. I suspect the questions I get asked in Vermont are similar to the questions that my friend from Connecticut gets.

How do we respond to these Americans—thousands in Vermont and millions throughout this country—who say: What in heaven's name are you doing in Washington to make life safer for us?

Mr. MURPHY. Mr. President, I thank Senator LEAHY for being such an amazing champion and the author of many of the underlying protections that we are talking about expanding and making more effective today. He is an absolute giant on the issue of protecting Americans from gun violence.

We don't have to dig deep to understand why this body has an approval rating that rivals venereal disease. They think we spend all of our time fighting, and they see big problems in this Nation, and this Congress is doing nothing to even attempt to solve it. This is a paramount example.

Mr. TOOMEY. Mr. President, will the Senator yield without yielding the floor?

Mr. MURPHY. I ask through the Chair if the Senator from Pennsylvania will wait.

Mr. TOOMEY. Mr. President, my only problem is that I will be in the Chair at 3 p.m., at which point I will not be able to participate in the discussion.

Mr. MURPHY. Mr. President, I yield to the Senator from Pennsylvania without losing my right to the floor.

Mr. TOOMEY. Mr. President, I will be very brief. I know and fully respect the passion that both Senators from Connecticut, as well as many others, have about this issue.

I am of the view that it is time to get something done. We have been doing a

lot of talking. We have two alternatives to this issue about what to do with people we have very good reason to believe are terrorists and what to do when they attempt to buy a gun.

We had a vote on a version that I think was badly flawed. It was badly flawed because it provided no meaningful process for someone who is wrongly on the list. Errors happen. Actually, they happen all the time. One thing is for sure; innocent people and law-abiding citizens will eventually be on a terrorist watch list.

What I think we need to do is everything we can to make sure that terrorists are not able to buy guns—at least not legally—and we also need to have a meaningful mechanism for people to challenge their status of being on that list, and that is what we haven't put together here.

I think the Feinstein approach doesn't provide any meaningful opportunity to appeal one's being put on this list erroneously, and, frankly, I think the Cornyn approach doesn't give the AG the opportunity that an AG needs to make a case against someone who is actually a terrorist.

There is an obvious opportunity to work together and find a solution. I have been speaking with some of my colleagues on both sides of the aisle, and I think there is an interest in doing this. What I am suggesting is that we get to work. Let's sit down together and figure out how to achieve this. I think everybody ought to be in agreement in principle. We don't want terrorists to be able to walk into a gun store and buy a gun, and we don't want an innocent, law-abiding citizen to be denied his Second Amendment rights because he is wrongly on the list with a bunch of terrorists. This is not rocket science.

I thank the Senator for yielding the floor. I will take my turn in the chair, but I would love to continue this conversation.

I thank my colleagues on the other side of the aisle for giving me this moment.

Mr. MURPHY. Mr. President, reclaiming the floor, I thank the Senator for his comments. We are here for the explicit purpose of trying to bring this body together in a way that can advance both of these issues—stopping terrorists from being able to buy guns and them making sure that the law covers as many forms as possible to make sure that that prohibition is effective.

The frustration for us is that we have had 6 months since we last debated that provision. If there were ways to come together, then we have had 6 months to find that common ground. I take the Senator's offer very sincerely, but my hope is that by taking the floor today and not moving on the CJS bill until we resolve these issues, we will provide the impetus for our sides to come together and find that common ground.

I thank the Senator for his participation and his question.

Mr. President, I yield to the Senator from Minnesota for a question without losing my right to the floor.

Mr. FRANKEN. Mr. President, I thank the Senator from Connecticut for everything he is doing today on the floor.

My question for the Senator is whether he is aware that a GAO report requested by Senator FEINSTEIN was released yesterday and provides updated data on background checks involving terrorist watch list records.

Mr. MURPHY. Mr. President, I am familiar with that report.

Mr. President, I yield to the Senator for another question.

Mr. FRANKEN. Mr. President, allow me to briefly share some of the key data points from this, and then I will pose another question. The report provides that during the calendar year of 2015, the FBI's data demonstrates that individuals on the terrorist watch list were involved in firearm-related background checks 244 times. The report further provides that of those 244 times, 233 of the transactions were allowed to proceed and only 21 were denied. GAO helpfully points out that this means that potential terrorists were permitted to buy guns 91 percent of the time in 2015. Further, GAO provides that since the FBI began checking background checks against terrorist watch lists in 2004, individuals on such watch lists were permitted to purchase weapons 2,265 times out of 2,477 requests or, again, 91 percent of the time.

I ask my friend from Connecticut: If we are allowing over 90 percent of people on the terrorist watch list to purchase deadly weapons here at home, does that not suggest that we aren't even coming close to doing everything in our power to combat terrorism and address gun violence?

Mr. MURPHY. Mr. President, I thank the Senator for the question and for specifically referring to the GAO report.

Over 10 years, 91 percent of people who were on the terrorist watch list who tried to buy a gun was successful in buying a gun—9 out of 10 times. The reason this is such an important issue that the Senator brings up is because, as he knows, people who are trying to commit political crimes against Americans, people who are trying to commit acts of terror against Americans, are increasingly turning to the firearm—to the assault weapon rather than to the IED or the explosive—in order to perpetuate their terror attack. So as studies have shown us—studies I referred to earlier today—the weapon of choice in homegrown domestic terror attacks is the firearm. Why wouldn't we do everything in our power to take that weapon of choice away from those individuals? We are making this country less safe every day that we allow for 9 out of 10 individuals who are on the terrorist watch list who seek to buy guns to buy them.

By the way, as the Senator knows, that 1 out of 10 isn't denied a gun because he is on the terrorist watch list, that 1 out of 10 is denied a gun because he is on another list, because that individual has committed a crime that has caused him to be prohibited from buying a weapon.

I yield to the Senator for a question.

(Mr. TOOMEY assumed the Chair.)

Mr. FRANKEN. My last question for Senator MURPHY concerns Senator FEINSTEIN's legislation.

As has been discussed, Senator FEINSTEIN's terror gap legislation would give the Attorney General the discretion necessary to deny known or suspected terrorists from purchasing firearms or explosives so long as there is a reasonable belief that such a purchase would be used in terrorist-related activities. I am a strong supporter of this legislation as a commonsense measure to keep guns out of the hands of potential terrorists and to take a significant step toward keeping our communities safer.

So my last question is whether the Senator believes this legislation would be likely to make a real and significant difference in preventing those on the terrorist watch list from getting guns they could use in acts of mass violence?

Mr. MURPHY. Mr. President, I thank my friend for coming to the floor and asking these questions and making these important points. Yes, this would make a difference. It would make a difference because we know every month there are people on the terrorist watch list who are trying to buy weapons. Not all of them are buying weapons for malevolent purposes, but we know individuals from the Boston bombers to the Orlando shooter were in the network of those who were being watched and monitored by the FBI, and they were able to buy weapons despite that. This would make a difference. If we were able to pair it, as we are requesting, with an examination of background checks, that would also make a difference for the thousands of people every month who are dying on the streets of America due to our inability to stop illegal weapons from flowing into our communities. So I thank the Senator for his questions.

I yield to the Senator from Connecticut who has been with me since the very beginning. I yield to him for a question.

Mr. BLUMENTHAL. And proudly so, along with our colleague from New Jersey standing with you as a team here, joined by so many colleagues. I thank the Senator from Minnesota. I see that Senator MURRAY of Washington State has joined us. Thank you so much.

I am going to ask a quick question, and then I have other questions I am going to ask afterward, but I want to pursue a point our distinguished colleague from Vermont raised about the perception of Americans who can't get that we can't get things done here. There are many issues and problems beyond our control. There are many issues and problems we cannot affect.

The state of the economy, perhaps, we can impact. World problems seem intractable a lot of the time.

Here are commonsense, straightforward measures where the Senate of the United States and the Congress can get the job done—at least save lives. It is really that important. We can save lives if we do the right thing. The Senate has been complicit by its inaction in the loss of those lives—30,000 every year. Some of them at least could be saved by saying and putting into law the very simple proposition that if somebody is too dangerous to fly, if that person is on a watch list under an investigation, then they should be deemed too dangerous to buy a gun. They are at least as dangerous as a convicted felon who is now barred from buying a gun.

I wish to ask my colleague from Connecticut—the two of us have spoken to so many people across the country, some of them survivors of gun violence, families who have lost loved ones to gun violence, and others who are simply citizens who watch this carnage, not only in Sandy Hook and Orlando but on the streets of Hartford, moms and dads who have lost children and brothers and sisters. Isn't this issue of gun violence and terrorist attacks one of the signature issues of our time in showing the American people our government can work? We have talked about the message it sends to our allies. I asked a question about that point. We have talked about the message it sends to law enforcement, such as the FBI, but to the American people the failure to act not only makes the Senate complicit in a moral sense in those lives lost but undermines the credibility and trust of the American people in their government to protect them, to achieve the most basic assignment they give us, to make America safe and secure—safe and secure from the bad men like Adam Lanza, who killed 20 innocent children and sixth-grade educators, or the homegrown terrorist inspired and supported by ISIS or sent here by some foreign terrorist organization, or the twisted haters who are bigoted against LGBT or some other group. This signature issue is about keeping America safe and giving our law enforcement authorities and our protectors the powers they need to do their job.

So I ask my colleague from Connecticut—we have joined today in this effort—is there a message to the American people here, that we are sending the message that enough is enough but also enough killing is enough, enough inaction is enough, we have seen enough, the time for action is now?

Mr. MURPHY. I thank the Senator. I think the question is simply: Why are you here—you asked for this job—if you didn't want to confront the big questions and the big problems?

Nobody denies that this is an epidemic of criminal proportions. Nobody denies that this is happening only in the United States and nowhere else in the industrialized world. Nobody denies that crippling, never-ending grief that comes with a loved one being lost. Yet we do nothing. We just persist this week as if it is business as usual. Why did you sign up for this job if you are not prepared to use it to try to solve big problems?

I appreciate the hope of my friend from Pennsylvania that we can find common ground. We have had a long time to find common ground. We have had 4 years since those kids were slaughtered in Sandy Hook to find common ground, but we haven't, which is why we are here today—to demand that we are not going to go along with business as usual any longer until we come together on at least two of the proposals that 90 percent of the American public supports.

I yield to the Senator from Washington for a question without losing my right to the floor.

Mrs. MURRAY. Mr. President, if the Senator will yield for a question, first of all, I thank the Senator for bringing attention to this critical issue and for everything that he is doing to fight for more than just thoughts and prayers but actually for action. Few Senators have a better firsthand understanding of this issue and the impact it has on our families and our communities and the urgent need to address it.

As we mourn for the victims and families who were impacted by the horrific violence and terror against LGBT and Latino Americans in Orlando on Sunday, we are once again reminded that no one is safe from the horrific epidemic of gun violence in our country—not even in our schools, which should be safe havens for our students.

I know the Senator knows this all too well. My home State of Washington is no stranger to this as well. In 2014, a man walked into an academic hall at Seattle Pacific University in Seattle, shooting three students and taking the life of a freshman. Later that very same year, a 15-year-old boy shot five other students, killing four, at Marysville Pilchuck High School in Marysville, with his dad's gun. Those shootings were devastating to parents, siblings, friends, and teachers—to our entire community. Those are just two examples in my home State.

In Newtown, and across the country, there are too many shootings in schools to even name. According to a report from Everytown, from 2013 to 2016, we had 188 shootings at schools across the country. Not all were mass murders; some just a gun going off in the air, other students were wounded, others were attempts at self-harm. That is terrifying in a school when a shotgun goes off; that noise, what happens to the kids around it, and it is frightening to me that this is not letting up.

It sickens me actually that in America today parents have to wonder if their children will be safe when they send them off to school or when they go to a movie theater or a mall or even on a street in their own neighborhood. Every time there is a new mass shooting, I get the same question from the people I represent in Washington State: What is Congress going to do to stop this?

It is frustrating to me that every time I come back with the same answer, ''We have been blocked from doing anything,'' in response to my constituents and the people across the country. People are asking and begging for us to do something—anything—to stop this scourge of gun violence that has once again been splashed across the front pages of our newspapers and on our TV screens.

I say to Senator MURPHY, I know you are talking about a number of issues around gun violence today. We all so appreciate it, but I wanted to come here today to specifically ask you: Can you talk a little bit—because you have seen it firsthand—about how this impacts our students in particular?

Mr. MURPHY. I thank the Senator for that question in particular. I think back to where I was—and I think we all can remember with specificity where we were when we first heard about Sandy Hook, when we first heard that there were 20 dead children lying on the floor of their first-grade classrooms. I was with my little kids. I was with my then-1-year-old and 4-year-old on a train platform in Bridgeport, CT, getting ready to go down to New York to see the Christmas tree displays. They were so excited about that to go down. I remember having to tell them I had to go to work, and I left them and my wife on that train platform as we told them the trip was off.

I am here today, as I think all of us are, because this is personal to us. My oldest, who was 4 years old then, is this week in his final week of first grade—first grade—the same year as those kids who were killed in Sandy Hook. And so, I think in deeply personal terms about what Sandy Hook means to the kids who survived in addition to the families who lost loved ones. There is no recovery for that community. It is still a community in crisis. There are waves and ripples of trauma that never end. I think about the reality of what it is to be a kid in school today, being increasingly in an environment that seems more like a prison than it does a place of learning, going through metal detectors, performing active shooter drills, and having to live in a perpetual state of fear that somebody is going to walk into your school with a gun or there is going to be a gunfight that breaks out between students. That is no way to learn and that is no way to live.

So I think almost all of us on this floor, Republicans and Democrats, are either parents or grandparents, and we know what a horrific reality it must be to live with that fear as a child, and how little solace we give parents when we do nothing. At least, as a parent, if Congress were acting to try to make the next mass shooting less likely, you

could maybe hold your head a little higher and your back a little straighter when you are telling your kids it is going to be all right, but there are a lot of parents who are so angry with us because they don't think we are keeping their kids safe.

Senator MURRAY, I thank you for framing it in the eyes of kids because we think about it in terms of stopping someone from committing a crime or about how a background check system works, but when we stop these shootings, it is really about protecting those kids.

I yield to the Senator for a question.

Mrs. MURRAY. I appreciate the Senator's response because, to me, there are multiple layers, but certainly if we are not doing anything to provide that safety for our young kids in this country, we are not living up to our responsibility as adults today. It is horrific for a parent to get that text home saying there has been a school lockdown. It is even worse if the consequences are real. It seems to me, the Senator is right to be out here today discussing and bringing attention to it and doing more than just saying, ''Let's do something,'' but really forcing us to make sure we are doing something, and I thank the Senator.

Mr. MURPHY. I thank the Senator from Washington.

Before yielding to the Senator from Michigan, let me note there are a number of House Members who have joined us on the floor. I thank them for their support in our effort to force a debate and discussion on the floor of the Senate today. I would note that of the House Members who have joined today, there have been a number from different States who have joined us. Representative LANGEVIN was on the floor. I am particularly proud of all five Members from Connecticut who have stopped by on the floor for these proceedings, and I know we will expect more with that.

I yield to Senator PETERS for a question without losing my right to the floor.

Mr. PETERS. I would like to thank my colleague from Connecticut for yielding the floor for a question.

While I intend to ask my colleague from Connecticut shortly about the interaction between closing the terror gap for gun purchasers and expanding background checks, I would first like to take a moment to mourn the loss of the 49 people who were killed and recognize the dozens more who were wounded in the worst mass shooting our Nation has ever seen.

While my heart goes out to all the families and friends of the victims, today I would like to honor two Michigan men who lost their lives that night. Tevin Crosby and Christopher Andrew Leinonen, who went by the name of Drew.

Tevin was only 25. He was born in North Carolina, and he came to call Michigan home after finishing school and starting his own marketing business in Saginaw. Total Entrepreneurs Concepts is the name of the company. Founded just last year, his business already employs about 20 people and handles marketing for Fortune 500 companies. Tevin had recently visited family in North Carolina to watch several nieces and nephews graduate before traveling to Florida to see friends and colleagues.

Drew was 32, and grew up in metro Detroit before moving to Orlando with his mother. He became a civically minded activist early in life, starting a gay-straight alliance in high school before studying psychology and becoming a licensed mental health counselor. He recently won the Anne Frank Humanitarian Award for his work in the gay community.

Drew was at Pulse with his partner, Juan Guerrero, who also lost his life that night. Now, instead of potentially helping them plan a wedding one day, their loving families are planning a joint funeral. They want their sons to be side-by-side as their friends and family pay their respects and bid them farewell.

Orlando's events serve as a stark reminder that the fight for equality in this Nation for LGBT Americans must not end with marriage equality. We still live in a nation where Americans can face discrimination and even be killed simply because of whom they love. We cannot tolerate violence that targets any individual based on their gender, sexuality, race, or religion.

This horrific incident raises a number of questions. Was it a hate crime, an act of terrorism, an outgrowth of ease in which individuals in this country can purchase deadly weapons with high-capacity magazines or the heinous actions of a self-radicalized young man inspired by and swearing allegiance to ISIS? The answer to all these questions is yes.

I urge my colleagues and Americans across the country to resist painting this tragedy in simple, reductive terms. This attack was a hate crime. This attack was an act of terrorism. Yes, this attack speaks to the disturbing ease with which dangerous firearms can be acquired in our Nation. The problems that led to this tragedy are complex, but complexity is not an argument for inaction.

We need to start somewhere. Thoughts and prayers can be meaningful and are certainly powerful, but we need to do more than just offer our thoughts and prayers. Now is the time for action. As Senators, we have no higher duty than keeping the American people safe. This includes taking the fight to ISIS overseas with our allies and vigilant law enforcement here at home. My colleague from Connecticut has been discussing two simple critical changes we can make to help prevent gun violence in our Nation, including the acts of terror like we have seen in Orlando. We need to keep guns away from those who shouldn't have them. This includes individuals who have been convicted of domestic violence offenses, people with court orders related to stalking, and convicted felons. These groups are already barred under Federal law from purchasing or otherwise possessing firearms, and this is enforced through background checks.

It is also painfully clear that we need to keep guns out of the hands of terrorists. This is why we need to close the terror gap and prevent individuals on terrorist watch lists from purchasing firearms. Unfortunately, however, closing the terror gap and enforcing gun safety laws cannot be effective without universal background checks. It doesn't matter if we ban selling guns to people on the terror watch list if large percentages of purchasers avoid background checks by buying a gun at a gun show or over the Internet.

A story from our neighboring State, Wisconsin, haunts me as an example of violence that could have been stopped. Recently, a Wisconsin man subject to a restraining order from his estranged wife—a man who was barred under current law from purchasing a gun—was able to take advantage of the private seller loophole and purchase a weapon without a background check. He then confronted his wife at the spa where she worked. He killed her and two others, injured four more people, before turning the gun on himself.

Just like our current law bans gun sales to those convicted of domestic violence or with restraining orders in place against them, closing the terror gap will only be fully effective if we have universal background checks.

My question to the Senator from Connecticut is, Will closing the terror gap alone prevent the sale of weapons to potential terrorists in the United States or will we need universal background checks to ensure that these individuals are not able to exploit the loopholes in the current law?

Mr. MURPHY. I thank the Senator from Michigan for asking the question that is the crux of this debate. It is our responsibility to do everything within our power to protect Americans from terrorist attacks. The reality is, terrorist attacks can come in many different forms, but recently it has been coming through one form; that is, firearms, and often very lethal, military-style firearms. So it is our duty to do everything possible to protect Americans from that new trend in terrorist attacks. The Senator is right. The answer to the question is, simply putting suspected terrorists on the list of those prohibited from buying weapons is not enough because 40 percent of gun sales today are not happening in places where background checks are conducted. We have to do both.

It is not a secret that someone can go online to arms lists and easily get a weapon in minutes without having to go through a background check. It is full of holes like Swiss cheese. There is limited utility in passing an inclusion for people on the terrorist watch list for those prohibited from buying weapons unless we do the secondary bill we

are asking for. As Senator DURBIN and I have talked about a number of times this afternoon, expanding background checks also has a double benefit of addressing this secondary epidemic of urban gun violence, which is often perpetrated by individuals who have illegal weapons. Law enforcement, police chiefs, and guys on the frontlines in our cities will state that if we force every gun sale through a background check or virtually every commercial sale through a background check, we will have fewer firearms on our street, and there will be less carnage on the streets of Chicago, New Orleans, and Baltimore.

The answer to the question is, yes, we have to do more to protect Americans from terrorist attacks, but we also have to address this ongoing slaughter that often doesn't rise to the level of getting on national news but is a reality in our cities.

I yield to the Senator from Michigan for a question, if he has a question.

Mr. PETERS. I don't, but I think that sums it up. I hope this body will come together to take up this important legislation, this amendment. If these two measures are separated into two potential votes, as we hear may happen, I hope we all understand that we can't vote for one and not the other and think we are really dealing with this issue. If we only block someone on a terrorist list but do not require universal background checks, it is basically a vote that may sound good but is simply not going to be effective in dealing with this horrible situation and dealing with the incident I mentioned from Wisconsin. These stories happen every day. It may not capture the national media like the horrible, tragic event we saw in Orlando, but the devastation to the families is every bit as real every single day. It is the obligation of this body to step up. I appreciate that answer. I appreciate my colleague from Connecticut for standing up on this issue, and I look forward to working closely with you to address this.

Mr. MURPHY. The Senator from Pennsylvania is on the floor with an incredibly important and tragically on-point piece of legislation.

I yield to the Senator from Pennsylvania for a question without losing my right to the floor.

Mr. CASEY. I thank the Senator from Connecticut who has taken the floor to take a stand for those who lost their lives in Orlando and so many other places. I know he has lived through that horror, representing folks in Connecticut, who went through the horror in 2012.

I have a question about why we have to take action. I want to set forth a predicate first. The numbers here are just startling when you consider in the context of just the last couple of days—49 dead and so many others—so many others are grievously, and I hope not permanently, injured and all the devastation that means.

Another number that we probably don't talk about enough and it is a much larger number. It is a number above 33,000—33,000 Americans lose their lives to gun violence every year. That is hard to comprehend. We have lost numbers like that in wars that go over multiple years. So 33,000 is the number. We have to ask ourselves why in the face of that whether it is Orlando or Newtown or Aurora or Tucson or go down the list of mass shootings. By the way, mass shootings were not a part of American life when I was growing up in 1960s, 1970s, and 1980s. This is a rather new phenomenon—a very recent vintage. But when a tragedy and a crime like this happens and the scale of it is so immense, we have to ask ourselves, is there something we can do?

The answer by a lot of Democrats has been, yes, we can do a number of things. We can say finally that we can ban military-style weapons so we don't have to have them on our streets. We can take action instead of just debating and expressing solidarity and sympathy and mourning. That is appropriate, but in addition to that, we can take action. We can take action on military-style weapons. We can take action on limiting the amount of clips and the amount of bullets any one person can fire at any one time.

I am convinced, for example, based on the evidence we saw in Newtown at Sandy Hook Elementary School that the Senator from Connecticut talked about—the most horrific way those children died—based upon the evidence, I am convinced that the killer, if he had more time, would have killed hundreds of children and that number would have gone far above the horrific number of 20. So we can take action on that and make sure that at least maybe that criminal, maybe that killer won't have a military-style weapon and won't have an unlimited supply of ammunition.

We can also take action on background checks. We tried that. We got the most votes of any of the three votes we took in 2013. But we should certainly vote on that again and take action. That is a third way of taking action. We have had bipartisan consensus on that but not enough. Frankly, there were not enough Republican votes to pass background checks, which 90 percent of the American people support. It is hard to comprehend why 90 percent support it and not enough Members of our Senate.

We can also take action on mental health reforms. That, too, has been bipartisan, but that hasn't happened. That is another way to take action.

What I am trying to do is to focus on the other aspect or at least the additional aspect of this tragedy in Orlando, which is, as the President said, I said, and a lot of people said, this was an act of terrorism, but it was also an act of hate. Unless we begin to do something about the problem of hate in America, which infuses the horrific actions killers take, unless we take action against that in some fashion, we are not going to solve this problem.

One of the things we could do—again, we have a long list of things to do to deal with gun violence, to reduce that number of 33,000 Americans dying every year because the Congress of the United States refuses to take any action at all. But this is what my bill would do, and it is very simple. It would say: If you have been convicted of a misdemeanor hate crime, in order to meet the requirements of this law, there is a two-part test. It would have to be a misdemeanor hate crime that fit this two-part test.

First, it would have to be either an act of violence that was part of a conviction or an attempt to use violence or an action directed at either the attempt, the use, or the actual use of force or violence.

Second, in addition to that, the crime and the conviction would have to be a hate crime motivated by hate or bias against eight groups of Americans who are in what we call the law-protected class.

First, if someone committed a hate crime against someone because of their race—and that is on the rise. We are told by the experts that there are over 890—the number they put is 892—there are 892 hate groups in the United States of America. Over 190 of them are the Ku Klux Klan. All of that is part of this problem, the rise of hate crimes, the rise of hate groups. Hate groups who are directing violence and other actions against African Americans—that is on the rise. Hate groups who are targeting Muslims—that is on the rise. Hate groups who are targeting people with disabilities—that is on the rise. And of course, as we saw horrifically in Orlando, hate crimes—in this case, there were 49 people killed because of animosity toward LGBT Americans.

So you are engaged in hateful actions that rise to the level of the definition of this bill, and you are directing that at someone because of their race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. So if you are directing hateful actions against Americans who are in those classes, that would meet the definition of a misdemeanor hate crime. The consequence of that, the consequence of a conviction or the consequence of a sentence enhancement because of a hate crime, would be that you would be denied a firearm. That is just one of many ways that we can make sure someone's hate is checked at a much lower level. I don't want to wait until that hate manifests itself in a felony conviction where there is a much graver crime that has been perpetrated because of hate, because you are directing your hate through violence against individuals because of their race or because of whom they love or because of some other reason. So this is one of several ways I think we can act.

The list gets longer. Obviously we are at a point now where we might be able

to vote on finally taking action on the terrorist watch list. Why is it that if you are too dangerous to be on an airplane, you are not too dangerous to have a weapon or to have a high-powered weapon, a military-style weapon, with unlimited ammunition to shoot at anyone you want?

There are a lot of things we can do, and that is why I pose the question to the Senator from Connecticut about what we can do and what we should do.

I wanted to make a point as well before I pose the exact question. We know that in Orlando three of the victims were from Philadelphia, my home State. They were in that nightclub in Orlando when the gunman opened fire.

Eighteen-year-old Akyra Murray's family took her and two friends, Patience Carter and Tiara Parker, on vacation from Philadelphia to Orlando to celebrate Akyra Murray's graduation from West Catholic Prep High School. The Presiding Officer, my colleague from Pennsylvania, knows where that high school is, as I do. She had a full basketball scholarship to Mercyhurst University, which is at the other end of our State in northwestern Pennsylvania. She was third in her class. She just happened to be in Orlando and happened to be in that club when her life was ended. They were there that night to dance and to laugh. She was 18 years old and not even a resident of that area. Both Parker and Carter were injured in the attack, but Akyra Murray lost her life.

Our hearts break—everyone in this Chamber, I know—our hearts break for her family. Our prayers are with Patience Carter and Tiara Parker as they recover.

Sadly, the LGBT community isn't alone in experiencing this hate that I spoke of a moment ago. One year ago this Friday marks the 1-year anniversary of the massacre at Emanuel AME Church in Charleston, SC. At this historically African-American church—the oldest AME church in the South, often referred to as ''Mother Emanuel''—a racist young man with hate in his heart opened fire and took nine shots.

We all know the very moving speech the President gave that day or in the days after. One of the things the President said was that we have to recognize the uncomfortable truth of that tragedy, and that truth is staring us in the face today. It still stares us in the face.

I think we must act. When we consider the 33,000 people who are killed every year by gun violence, the 43,000 hate crimes committed with a firearm over the course of just 4 years—43,000 hate crimes over 4 years with a firearm—when we consider those numbers, we have a long way to go.

I ask my colleague from Connecticut a two-part question. Why is it that when these things happen, these horrific events, we have some people—and this is part of the debate—when we say we need to take action or ask ''Will you join us in taking action?'' their answer is ''We just have to enforce existing laws, and that is as far as we can go. We can't do anything more than that. We just have to enforce existing laws.'' So I would ask that part of the question. The second part is, if we believe the answer to that question is ''No, we can do more,'' what is it we should be doing?

I pose this because I have to only wonder and imagine, really imagine in horror, what if that was our answer? What if that was our answer on September 12, 2001, and the days after that? What if we said at the time ''You know what. This is a horrific event, what happened on 9/11. Three thousand people were killed, and the country was shaken to its core. But terrorism is a difficult problem to solve. We will always be dealing with it. We should just enforce existing laws.'' No, we didn't do that. We said ''No, we are going to stop this from happening. We are going to take action so that planes won't be flying into buildings and killing thousands of people. We are going to take action to stop that.''

Guess what. People came together in this country, from one end of the country to the other, and we solved that problem. It hasn't happened. Now, we have had other terrorist attacks. We know that. We know we will continue to fight terrorism. But we solved part of the problem because we came together. We even opened up a new Federal Government agency, for goodness' sake, the Department of Homeland Security, which has made our country safer.

We have a long way to go on this issue, but I am pleased that we answered that question with a determined effort and with a consensus across this city, this center of government, and across the country that, no, we are not going to surrender to the terrorists. We are going to take action to stop them from getting on airplanes. Why is it that we are not taking the same approach to gun violence? It is complicated, and it is difficult to solve this problem, but why not take a series of actions that in and of themselves will not solve the problem, but we can at least take action?

I ask the Senator from Connecticut, why is it that the answer by so many people who serve in Congress is that there is not much we can do except enforce the law? And if we can take these actions, which I believe we can, what is it we can do?

Mr. MURPHY. I thank the Senator for his question, for his passion, and for his ability to articulate how complicated this issue is and the complicated nature of the motivations that led to the shooting in Orlando, which is why the Senator's legislation that would elevate the treatment of hate crimes with respect to the prohibitions on gun sales is so critically important. I hope we have time to debate that as well.

It is imperative that we act right now, and it is within our power to change the reality that exists every day on the streets of America and with respect to these mass shootings. What we have is loads and reams of data from State experiences to tell us that when you take these commonsense steps—such as applying background checks to a broader range of gun sales—you have a dramatic reduction in the number of homicides that are committed, you have a dramatic reduction in the number of people who are killed.

There is no doubt that we have the ability to do something. You are right that there is a panoply of measures we need to consider. We have suggested starting with the two that are the least controversial. Start with the two that have broad support of the American public. Start with an expansion of background checks to gun shows and internet sales and the inclusion of people on the terrorist watch list, of those who are prohibited from buying guns.

There are the two on which there is no controversy outside of this body, so that would be a nice start. Then we can get to working on all of those other measures that will truly end up in substantial change—a change in reality for people who have lived with this epidemic every day.

I thank the Senator for his questions and for his passion on this issue.

Mr. WYDEN. Will the Senator yield for a question?

Mr. MURPHY. I yield to the Senator from Oregon for a question without yielding control of the floor.

Mr. WYDEN. I thank my colleague, Senator MURPHY. I thank him, Senator BOOKER, and Senator BLUMENTHAL for what they have done today.

Here is the bottom line for me, Senator MURPHY and colleagues. Mass shootings are now happening like clockwork in America: Thurston, Columbine, Blacksburg, Tucson, Newtown, Aurora, Charleston, Roseburg, and Orlando. Communities are being torn apart like clockwork by unspeakable gun violence. In this building we come together now for moments of silence honoring the victims of these shootings like clockwork, and, like clockwork, this Congress does nothing about it.

When I was home last month, I visited Umpqua Community College, just outside of Roseburg, which was the site of a horrendous shooting 8 months ago—one of the deadliest school shootings in our Nation's history. What I saw at Umpqua Community College, what I heard from those at the school and the families in the community is, I am sure, a lot like what my friend from Connecticut hears about how the suffering doesn't go away.

The 1-year anniversary of the shooting in Charleston, SC, is coming up soon. I am quite sure it is the same way for people in South Carolina. The trauma, the process of mourning, rebuilding, and then trying to find a way somehow, some way to move forward

from the enveloping grief is a horrendous experience and a common experience now that so many of our communities share. The reality is the trauma doesn't just vanish into the vapor. The news cameras are eventually going to leave Orlando, just like they left Roseburg. The bullet holes in the nightclub will get patched up. The families and the friends of the victims will try to live their lives the best they can, but it is going to be such a difficult, difficult task for the LGBTQ community in Orlando. But the trauma—the trauma—isn't vanishing.

So there is no perfect solution, but trauma ought to be followed up in a very concrete way with some specific constructive steps that begin to lay out an answer. It just seems to me that in the Senate and the Congress, the idea of following up with more moments of silence, with more inaction, just isn't enough. There are common steps, practical steps the Congress can take now.

Those who have argued that the only possible response to the shooting in Orlando can come in a war zone thousands of miles away are looking for excuses not to do something—not to do something meaningful here at home. There are steps that can be taken now to curb this violence. It won't stop every crime—a number of the ideas have been discussed before—but the victims of the shootings are owed a response.

First, I know my colleagues have mentioned this already this afternoon, but Senator FEINSTEIN has put forward a proposal to close the dangerous terrorist gun loophole. I thought that was a sensible step—common sense. People shouldn't look at that as a partisan issue. Americans want to know why anyone would vote to allow individuals suspected of terrorist ties and motivations to purchase regulated firearms.

Next, close the loopholes. Close the loopholes in the background check. It is way past time to do that and to stop allowing the purchase of a gun online or at a gun show without a background check. Certainly, the background checks themselves have to be substantially improved. There are holes that ought to be plugged, including those that keep guns in the hands of somebody who has been a convicted domestic abuser. I am not talking about being charged or something that is speculative. We are talking about a convicted domestic abuser.

Once and for all the Congress ought to close the pipeline for illegal guns, straw purchases, and gun trafficking. These ought to be Federal crimes.

The Senator from Connecticut and I have also been strong advocates of beefing up the research into gun violence. There has been a prohibition on doing that. Say that one to yourself—a prohibition on doing research into gun violence. It just defies common sense. It makes no sense at all to block the Centers for Disease Control from gathering information that can help our communities and our families be safe.

I am just going to wrap up by getting personal for a moment. My late brother suffered from serious mental illness. Senator MURPHY, not a day went by—not a day went by—when I wasn't worried that my brother, who was a schizophrenic, would be out on the streets and would either hurt himself or would hurt somebody else. That was the case with my family. It is time to establish once and for all a system through which individuals who are found to be a potential threat to themselves or others can get the treatment they need. I see my colleague from Michigan here. She has championed this effort year after year after year.

I am not going to recap the proposals. Some of them have been discussed at length here on the floor. But a majority of Americans finds these kinds of commonsense gun safety measures not to be ones that infringe on the rights of responsible gun owners or violate the Second Amendment or even come close to it. A majority of gun owners think these proposals make sense.

So this is what I would like to ask my colleague from Connecticut, in terms of an update, because my colleague from Connecticut has been a leader in this effort. Senator FEINSTEIN's proposal, of course, is designed to prevent those on the watch list from buying guns. Numbers have been thrown around repeatedly about the number of people this would actually impact. I know the General Accounting Office has looked into this. Can the Senator tell me how many people on this watch list have been able to buy a gun?

Mr. MURPHY. I thank Senator WYDEN for his question. It is a really important one because the number is certainly shocking for how high it is and how low it is at the same time. Let us take 2015. In 2015, there were 244 individuals who were on the terrorist watch list who attempted to buy weapons, and 223 of those were successful in buying the weapon. So in 90 percent of the occasions in which someone on the terrorist watch list attempted to buy a weapon, they walked out of that store with the weapon.

Now, it gives you, A, a sense of the scope of this. There are only 224 people over the course of the whole year who were on the terrorist watch list and who attempted to buy a weapon. But what we know from this weekend is it only takes one with malevolent intentions to create a path of death and destruction that is almost impossible to calculate. It is just impossible for the American public to understand how that number persists—how we allow for 90 percent of the people on that watch list to walk into a store and to successfully buy a weapon.

That is the number from 2015—223 out of 244 were successful.

I yield to the Senator for a question.

Mr. WYDEN. I thank my colleague, and I will just wrap up by way of saying that it seems to me that what has been learned here is that while the investigation goes on, there may have been a terrorist attack, there may have been a hate-inspired attack. My question is this: Aren't the steps I have outlined here today commonsense, practical steps, whether it is a hate-inspired attack? We have seen the human toll that discrimination takes against those who are targeted on the basis of hate. We have seen what it means to families who have been struck by terror. But aren't the steps that have been outlined here by you and colleagues on the floor—Senator CASEY, with his very valuable proposal—commonsense legislative efforts that make sense whether this has been primarily a terror attack or a hate-inspired attack?

Mr. MURPHY. I thank the Senator for his question. Of course they are commonsense measures, and, importantly, they are measures that are supported by the broad cross-section of the American public. What my colleague is proposing is only controversial here in the Senate. It is controversial nowhere else in this country.

Mr. WYDEN. I see colleagues waiting, and I thank the Senator.

Mr. MURPHY. I yield to the Senator from Massachusetts for a question, through the Chair, without losing my right to the floor.

Ms. WARREN. I thank my colleague.

Last Saturday, I was in Boston for our annual Pride Parade. They are practically an institution in Boston, and this marked our 46th annual march. I have gone to Pride for years, and when I go, I don't march, I dance. I dance with people—young people and old people, Black people and White people, Asian people and Latino people, gay people and straight people, bisexual people, transgender people, queer people. The parade has everything. It has intricate floats, marching bands, elaborate costumes, and tons of onlookers.

One Boston reporter called our parade pure joy, and he is right. I love Boston's Pride Parade. I love it as much as anything I have done as a Senator. For me, this parade is the tangible demonstration of what happens when we turn away from darkness and division and turn toward our best selves, when we turn toward each other. It shows us what this Nation looks like when we are at our best—inclusive, strong, united, optimistic, and proud. It shows us what this Nation looks like when we beat back hate and embrace each other.

Early Sunday morning, at around 2 a.m., someone tried to take that away from us. It wasn't the first time. It was the most recent. It was extreme and horrible and shocking. Dozens of lives were lost, and dozens more were injured. All across our country we grieve for those lost and for their families and for their loved ones.

This is especially true in Massachusetts. Three years ago, the people of Boston came face-to-face with terror at

the finish line of the Boston Marathon. The cowardly attack and its aftermath took lives, injured people, and forever changed a beloved tradition. This week, two people with Massachusetts roots were killed in Orlando and at least two more were wounded.

Thirty-seven-year-old Kimberly ''KJ'' Morris, who was working the door at Pulse, had lived in Northampton, MA, for more than a decade, performing in nightclubs and working at Amherst College and Smith College. She had recently moved to Florida to help take care of her mother and grandmother.

Twenty-three-year-old Stanley Almodovar, a pharmacy tech, spent his childhood in Springfield, MA. He came out of the bathroom at Pulse just as the bullets were flying. He pushed people out of harm's way as he was shot three times.

A third Massachusetts native who survived the massacre was also shot three times. Angel Colon of Framingham, MA, was shot in the leg, the hand, and the hip. He is alive today, according to Colon, only because the gunman missed his head as he shot those who were lying on the floor to make sure they were dead.

Thirty-seven-year-old Geoffrey Rodriguez, raised in Leominster, remains in critical condition now. Rodriguez was shot three times. As of Tuesday, he had undergone three surgeries. His family is optimistic he will pull through, and all of us from Massachusetts and all across the Nation are rooting for him.

Now, there are still things we don't know about the shooter. We don't know about his planning, his motives—things we may never know. But here is what we do know. We know the shooter called 911 and pledged allegiance to ISIS, declaring his intention to be known in history as a terrorist. We know he carried an assault-style weapon that was designed for soldiers to carry in war. We also know that hundreds of people in Orlando went to the Pulse nightclub to continue their celebration of Pride and that the shooter targeted them to die.

I woke up on Sunday morning still in the glow of the Boston Pride Parade. That ended fast. But I thought about the history of Pride. In the 1960s, the mere act of publicly associating with the LGBT community was considered radical. That was true even in places where the community came together to seek strength and protection, like New York's Greenwich Village. Greenwich Village's Stonewall Inn was one of the popular gay bars in New York, and it was regularly raided by police officers who arrested patrons for any number of bureaucratic violations, obviously designed to harass, embarrass, and abuse people whose only crime was to want a place to be together. One night, in late June of 1969, the bar's patrons fought back. The rioting continued intermittently for five nights, and it wasn't pretty. It reflected the demands of the group for equality, for the same chances that other Americans have to be themselves. A few months after that, LGBT activists began planning for the first Pride march. It was set for the following June to commemorate the Stonewall uprising. The idea was to use that anniversary as an opportunity for the community to remind us all that they, too, are citizens, they, too, get to have some fun, and they, too, are entitled to the same dignity and respect as every other American. Over the years, the tradition expanded across this great Nation, just as tolerance and acceptance expanded across this great Nation. Pride both helped us move forward and showed us how far we have moved together.

When terrible things like the Orlando shooting happen, we face important choices, as a country, as individuals, and as a community. When terrible things happen, we have to choose how we respond, and all of us will decide whether we are going to come together or splinter apart. We have become a country that is defined by fear and hate—fear of each other and hatred for anyone who is different from ourselves. In the America of fear and hate, we will alienate and isolate entire communities, creating even more fear and hate, and threatening further violence. We will fracture as a people, splintering off into separate groups, each fearing others and each seeking to serve only themselves. Or we can make the choice to come together. We can choose that no community—no community of immigrants, no community of Muslims, no community of young men—is isolated in this country. We can do this knowing that when we embrace each other and build one people out of many, we become a stronger country—stronger because the bonds of community prevent alienation, stronger because the bonds of community make it harder to turn us against each other and break us apart, stronger because the bonds of community mean people can get help before it is too late.

We cannot ignore the fact that this massacre targeted an LGBT club, and we should learn from that and from the message of Pride. In Orlando, an act of terrorism was also an act of hate visited upon people who came together in friendship and celebration. But the patriots at Stonewall showed us the way. They gave birth to a movement that changed our Nation. They beat back hate. They showed us that change is possible—that change for the better is possible. They showed everyone that love can triumph over fear and hate, that we can all come together. But, boy, they showed us that you have to work for it.

This is not an abstract idea. When it comes to our response to the tragedy in Orlando, we are already beginning to see the splintering of America. One side shouts: It was a gun that killed all those people. The other side shouts: It wasn't a gun; it was a terrorist that killed all those people. Through all of the shouting, we miss what should be obvious: It was a terrorist with a gun who killed all those people—a terrorist with hate in his heart and a gun in his hand who killed all those people. It is time for us to acknowledge all of these truths and to come together to address them.

First, we must take the threat of terrorism seriously. We must continue to stop the flow of money to terrorist groups and to work with our allies to stop the movement of terrorists and disrupt hubs of radicalization abroad. Here at home, we need to make sure that our law enforcement agencies have the resources they need—funding, training, equipment. But we also need to make sure we have the resources to analyze and counter radical propaganda. The war on terror is now fought online, and we need to put our best forces online to fight back. We need to work with people in our local communities—not isolate or demonize them—to stop radicalization before it starts and to prevent tragedies before they occur and to show that nobody is kept out of the American family because of how they look or talk or pray.

Second, we must take the threat from guns seriously. Our Nation is awash in the weapons of murder, and there are many things we can do to address that. We can ban Rambo-style assault weapons. We can take these weapons of war off our streets. We can also close the terror gap.

The FBI should have the authority to block gun sales to anyone they believe is a terrorist. If someone cannot get on an airplane because the FBI is concerned that they might be plotting to do harm against Americans, then they shouldn't be able to walk into a store and buy a Rambo-style assault weapon. We believe we can close the background checks loophole. Anyone who cannot buy a gun because of a felony conviction or mental illness should not be able to go to a gun show or go online and buy that same gun. We can act to make the next shooting less likely. We can act to reduce the likelihood that a disturbed individual, a criminal, or a terrorist is again able to kill dozens with a gun. If we fail to act, the next time someone uses a gun to kill one of us—a gun that we could have kept out of the hands of a terrorist—then Members of this Congress will have blood on our hands.

But the truth is this is not just about Congress. It is about all of us. We all have choices. We have choices about how we are going to treat our neighbors and our fellow citizens; choices about what we do when someone is targeted at a coffee shop because of their background or their looks or their race; choices about how we react when a friend or a coworker, a son or a daughter, tells us the truth about who they love; and choices about how we treat our neighbors and fellow citizens who don't look or talk or pray like we do. It is a scary world out there. We all know that. Terrorism mutates into

new and more dangerous forms. Terrorists have easy access to assault weapons that put us all at risk. And hate—plain, old-fashioned, naked, ugly hate—still lurks in dark corners. It is a scary world. But America is strongest when we work together, and all of us will decide whether we come together or splinter apart.

We can keep weapons from those who would do us harm. We can make it harder for terrorism to take root in this country. We can drive the forces of hate out of our Nation. We can build a stronger, more united America, and we can begin right here in the Senate. We can begin right now.

With that, my question for the Senator from Connecticut is this: Do you believe it is time for the Senate to act in the interest of the American people and finally pass these commonsense, widely supported proposals to keep guns out of the hands of dangerous people?

Mr. MURPHY. I thank the Senator from Massachusetts for those incredibly powerful words making clear what our moral obligation is. Our moral obligation is to witness a crisis happening at our feet and do something about it. Why have this job—one of the most powerful jobs in the world—if we are not going to exercise it to try to protect Americans from harm?

So our choice—my choice, the choice of Senator BLUMENTHAL, Senator BOOKER—is to say enough—enough of treating these mass shootings as if they are just part of the American fabric and landscape, enough of accepting that 80 people will die every single day when there is no other country in the world in which this happens, enough of pretending like there isn't anything we can do about it.

Senator WARREN has outlined some basic commonsense bipartisan steps that we can take to make this better, and the Senator is so right. This is our choice. There are only 100 of us. There are only 100 of us. We can make the collective decision to do something about it.

I thank the Senator from Massachusetts.

I yield to the Senator from Oregon for a question without losing my right to the floor.

(Mr. GARDNER assumed the Chair.)

Mr. MERKLEY. Mr. President, I begin by noting that the Senator from Connecticut and the Senator from Oregon have a common thread that runs between our two States. That common thread that runs between Connecticut and Oregon is that our two States have been the sites of two very deadly school shootings. At Sandy Hook in Connecticut, it was in mid-December 2012 when a madman armed for a war zone stormed into Sandy Hook Elementary School and began a murderous rampage—a rampage that ended with the death of 6 school staff and 20 little boys and girls.

Not even 3 years later, a nightmare came to Roseburg, OR. Roseburg is a quiet little town in southern Oregon. It is the town where I spent part of my childhood. It is a town where I went to first grade. It is a town where I learned to swim in the Umpqua River. As I said last October, if this can happen in Roseburg, it can happen anywhere. But happen in Roseburg it did. It was October 1, 2015. It was a beautiful autumn morning in the small town. There on the college campus we heard the sound of gunfire. A disturbed individual charged into a classroom at Umpqua Community College with six guns, and within the space of just a couple of minutes, he took nine lives, including his own. One of the lives he took was a cousin of mine, Rebecka Ann Carnes. Eighteen years old, she had just graduated from South Umpqua High School the previous June. She was an avid hunter. She was a lover of four-wheeling. In the picture she posted online for graduation, she was holding her graduation cap, which said on it: ''And so the adventure begins.'' She was ready for the adventure of adulthood. She was ready for the adventure of going off to college. She was ready to explore the world. She was excited. She was a beautiful spirit. But her adventure ended so shortly after graduating from high school, before she could really get started on the journey of the balance of life.

Our hearts break for Sandy Hook, our hearts break for Roseburg, and our hearts break for all those who are afflicted day after day after day all across this country as victims of gun violence. Now our hearts break for Orlando, the latest name to be added to a list that no town or city ever wants to join. In that occasion, 49 innocent were lives taken—49 young Americans full of hope and promise—and 49 individuals, each with their own story, were cut down simply because of who they are, whom they loved, or whom they associated with.

A hate-filled individual targeted a place that was a sanctuary for the LGBT community. He turned this place of solidarity, togetherness, and love into a place of fear, divisiveness, hatred, and bloodshed.

This unthinkable carnage leaves Congress—all of us here, all of us here in the Senate—with a choice. It is a simple choice. We have two basic options. One option is to take some action that might diminish the odds of the next Sandy Hook or the next Umpqua or the next Orlando or the next assault—the type of assault that takes place day in and day out across this Nation. The second option is to do nothing. That is where we are. Option one is take some action—take some reasonable action. There is no perfect answer. But there are substantial things that could make a difference. It will not make a difference in every case; it will make a difference in some cases. Isn't that the case with every law we consider? It will make a difference, at least part of the time, to avert a tragedy.

I come from a gun State. I come from the beautiful State of Oregon, the best State in the United States of America, where people love to hunt. They love to target practice. They believe powerfully in the individual rights of the Second Amendment. But Oregon is also a State where the citizens believe that we should not put guns into the hands of felons or those who are deeply mentally disturbed.

It was in the year 2000 that Measure 5 was put on the ballot as a citizen initiative—and it passed overwhelmingly in the State of Oregon—to expand background checks to gun shows. The citizens did that in an initiative at the ballot. It is a State where our legislature took action just last year in Senate bill 941, the Oregon Firearms Safety Act, to close the Craigslist loophole.

Why does this make so much sense? If you keep a terrorist from buying a gun at a gun shop, shouldn't you also keep that terrorist from buying a gun at a gun show? Shouldn't you also keep that terrorist from buying a gun out of the classifieds or the online classifieds, the Craigslist classifieds? Yes, of course. Each piece of this makes sense to keep guns out of the hands of felons or those who are deeply mentally disturbed.

In Oregon, folks believe that people should buy their guns legally with a background check and that process shouldn't be averted through straw purchasers subverting the law by putting a different name than the name of the person who is actually acquiring the weapon.

Hunters and target shooters in Oregon know you don't need a military-grade, super-sized magazine to go hunting, and smaller magazine sizes may give an opportunity to interrupt a killer during his shooting spree. When you hunt for ducks, you are allowed three shells in the gun—one in the chamber and two in the magazine.

My question for the Senator from Connecticut is this: When will Congress finally say enough is enough? How many lives have to be lost in one shooting for Congress to act? When will Congress join with responsible gun owners across this country and support commonsense steps to prevent horrific tragedies? When will we close the terrorist gun loophole? When will we close the gun show loophole? When will we close the Craigslist loophole?

As we have seen in Sandy Hook and as we have seen in Roseburg, and now as we have seen with Orlando, all too much tragedy has taken place.

Mr. MURPHY. I thank the Senator.

At this point, I yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. I want to thank all of our colleagues who have come today and thank Senator MURPHY, my friend and teammate in this cause and in so many other causes, and just bring us back to the issue of why we are here today. Senator MURPHY, Senator BOOKER of New Jersey, and I have come to the floor to make three essential points. I am going to ask my colleague

from Connecticut whether I have hit these points—the reasons that have brought us here today, along with so many eloquent colleagues, I might add. I am deeply grateful to them. We are here debating an appropriations bill for Commerce, Justice, and Science. But we are here on a much larger issue.

Why is this debate different? Why is this day different? Orlando has hopefully brought us to a tipping point, changed the dynamic, and enabled us to break through the paralysis and the complicity by inaction that has characterized the U.S. Senate on the issue of stopping acts of terror and hatred in our country. Those acts may emanate from abroad. We have to fight the terrorism that is inspired or supported by our enemies abroad, as well as people who are motivated by the twisted, insidious ideology that may be inspired or supported abroad, the pernicious hatred and bigotry that may be exemplified by Orlando and mental illness or whatever the cause.

There are three simple points, are there not? There will be no business as usual until there is action. Enough is enough. We are here to say the time for business as usual on a routine appropriations bill, CJS appropriations—that time is done. We are here to make a historic point and seek to change the dynamic and seize this moment of national tragedy and demand action. That is what the American people want, and that is the second point.

There is a national consensus that it is not only our opportunity but our obligation to protect the American people, to make our Nation safer, to assure that whether it is twisted ideology, pernicious bigotry and hatred, mental illness, or any other cause, we can and we will take steps to stop it.

Third, closing the terrorist loophole must be accompanied by universal background checks. For someone to be too dangerous to board a plane and still be able to buy a gun makes no sense. But beyond the intellectual, nonsensical quality of it, there are real, practical safety implications. Somebody who is too dangerous to board a plane, to travel by air, should be deemed too dangerous to buy a gun and as dangerous as a convicted felon already precluded by law from buying a gun. But that terrorist now, even if he were barred from buying a gun, could easily go to a gun show and buy a gun because there is no check whatsoever at those gun shows, not on the NICS system, let alone on the terrorist watch list. The two measures—closing the gun show loophole or the background check gap and closing the terrorist gap or loophole—go hand in hand. They are a start. They are not a panacea. They are not a complete solution.

We are going to be talking throughout the evening about other measures that can be taken. Those three points are essential: No business as usual—enough is enough; a national consensus in favor of commonsense, sensible measures to make our Nation safer from gun violence and from acts of terror and hate, inspired and supported by forces of evil abroad and at home; and, finally, combining these two measures, closing the terrorist gap loophole and also making sure there are background checks on all gun sales in the country.

Are those not our essential points, I ask Senator MURPHY?

Mr. MURPHY. I thank the Senator for distilling the reasons for our presence on the floor down to those points.

We see this as possible. We see it as possible to get a concensus between the Democrats and Republicans to bring these two measures—closing the terrorist gap and expanding background checks—before the Senate floor this afternoon or tonight. We think that is possible, and we intend to hold the floor until we make significant progress on that front.

I yield to the Senator for a question.

Mr. BLUMENTHAL. Those points really should be bipartisan. They should attract support from both sides of the aisle. There is nothing Republican or Democratic about any of these points, is there?

Mr. MURPHY. There is not, Senator BLUMENTHAL, through the Chair. That is the reason we posited these two proposals as a means forward on this bill. We know they are noncontroversial in the American public. They enjoy broad bipartisan support.

I yield to the Senator from New Jersey, Senator MENENDEZ, for a question without losing my right to the floor.

Mr. MENENDEZ. I thank my colleague for yielding for a question. I thank him and my colleague from New Jersey, Senator BOOKER, and also Senator BLUMENTHAL for galvanizing the sentiment that has existed for some time among many of us that enough is enough. It is outrageous that it took another mass shooting to bring us to this moment in the U.S. Senate.

On Sunday morning, I woke up, as did the Nation, heartbroken by the news that 49 human beings were killed in another senseless act of violence—49 people who were at a dance club, celebrating Pride Week. By the way, most of them overwhelmingly were Latino. Forty-nine Americans were celebrating in an environment that they felt was safe, and in an instant their lives were shattered, and families were broken.

I believe this was an attack on all of us, and we need more than another moment of silence. Although we take a moment of silence to remember those lives that were lost, we need more than another moment of silence. We need more.

I am tired of saying that our hearts and prayers go out to the families of those who lost a loved one or who were injured. We need more than a vigil and a bouquet. We need action. We need commonsense gun safety laws. We need to stand together with one voice. I hope that we can prick the conscience of the Senate to finally act.

I deeply appreciate my colleague from New Jersey, Senator BOOKER, who has passionately described the ongoing threat of gun violence in our communities. We are galvanizing this moment because we had such a horrific act, but, in many ways, those horrific acts take place every day in the streets and neighborhoods of our communities across the country. While they may not add to so many lives lost at a single event, they add up to many lives lost, and they seem to go largely unreported. We have become desensitized to that reality. And he has seen the havoc that is wreaked by the Nation's lax gun laws when he was the mayor of Newark, and I have seen it in the streets of our communities in New Jersey.

The threat of those who are prone to violence, those looking to vent their anger or their prejudices, those who would act on their own worst instincts toward others, for whatever reason, have easy access to weapons of war. It isn't limited to Orlando. It isn't limited to Aurora. It isn't limited to Newtown. It isn't limited to any State or any city. People travel. Guns are trafficked. The violence and the carnage they create in the wrong hands know no borders. We need to act and say: No more, no more.

It is inexcusable in the midst of America's nonstop gun violence epidemic to not come together, hold commonsense center, and pass gun safety measures that we know are supported by a vast majority of the American people.

How in God's Name can a person on the terrorist watch list, unable to board a plane—so dangerous that they cannot fly, so dangerous that they are known to the FBI—how can they walk into a gun store and walk out with a semi-automatic weapon and hundreds of rounds of ammunition, and nothing is flagged?

What does it say when our Nation's laws are so wildly misguided that a potential terrorist doesn't even have to go to a gun store? They can simply open up their computer and click with a mouse on a Web site, or they can go to a gun show and buy a deadly weapon or two or three or four deadly weapons—military-style and designed for war—without even a cursory background check. That is unbelievable. It defies logic, and it is time to do something about it.

I don't believe these are controversial proposals. A majority of Americans agree with universal background checks. If you have nothing to hide, you can still have access to a weapon if you can pass those background checks. Even a majority of NRA members agree with universal background checks. It makes sense. It is a position upon which we should all be able to agree. It is a position that holds the center and can be a starting point for a larger discussion. The fact that we haven't done this yet is, in my mind, a national disgrace. Frankly, it needed to have happened already. It should have happened after Aurora when a madman ruined movie theaters for the

rest of us. It should have happened after Virginia Tech when gun violence invaded our colleges. It should have happened after Sandy Hook when gun violence came to our elementary schools. I am reminded of that old Chinese proverb that says: ''The best time to plant a tree was 20 years ago. The second best time is now.'' Let's at least have the will and resolve to do what is right now.

Do you know how long it takes to get an AR–15, the weapon used in this horrific attack? Well, a Philadelphia Inquirer Daily News reporter decided to find out. The answer is 7 minutes. It took 7 minutes. That is all the time it took to get a weapon that has a frightening number of similarities to the M–16 rifle used by the military. It was pointed out in that article that it could take more time to read the names of the more than 100 people who were either killed or injured in Orlando than to buy the AR–15. Of course, that model was just the base model. If you go to a gun store, you can buy a variety of add-ons to make the weapon kill that much more—yes, kill. This isn't about hunting. If you need something that has hundreds of rounds in it to hunt a deer, my God, you are in trouble.

The prime example is the bump fire stock, which increases the gun rate of fire up to 800 rounds per minute. That is more than 13 per second. Maybe the NRA will claim these are cosmetic. It insults intelligence—if it is not completely absurd—to claim that modification that allows a gun to fire 800 rounds per minute is merely cosmetic, but apparently to the NRA, 800 rounds a minute is normal and covered by the Founders' language in the Second Amendment, when no one could even imagine at the time the Second Amendment was being written that there could be an instrument that could fire 800 rounds a minute.

We have seen how our Nation's laws have hurt our families and communities again and again. Every day, there are shootings that don't make front pages of the newspapers, but they ruin lives, tear families apart, and test the very fabric of our society. The Orlando shooting was 1 of 43 shootings on Sunday that resulted in 18 deaths, including 5 children.

We can honor the Constitution, and we can honor the intent of our Founders, but I don't think I am alone in believing that we can enact commonsense, realistic gun safety laws that respect the Constitution and also protect the lives of Americans.

I have heard my colleagues say many times that the government's No. 1 responsibility is the safety and security of its citizens. Well, you have abdicated that part in this regard.

In the case of Orlando, those in the LGBT community have always had to live with the threat of violence hanging. And 90 percent of the victims were Hispanic. This is a horrible reminder that bigotry and hate are not dead and that the forces of evil have no compulsion about using our Nation's lax gun laws against us.

Again, we need to come together and say: No more. We need to hold the commonsense center and pass realistic gun safety measures that can respect the Second Amendment and that can fully protect Americans from a Second Amendment that has no limits, no common sense, and no realistic restrictions.

Mr. President, I ask my colleague from connect, through the Chair, as he has helped us galvanize in this moment, isn't it possible to preserve those constitutional rights as were originally envisioned by the Framers and protect our fellow Americans, which many of our colleagues have said is the No. 1 responsibility of the government?

Mr. MURPHY. Mr. President, I thank the Senator for his passionate words and advocacy on this issue. I refer the Senator to a conversation Senator MANCHIN and I had earlier today when we talked about the gun culture in West Virginia and how Senator MANCHIN hasn't run into anyone who was passionate about gun ownership who believes that people on the terrorist watch list should be able to buy guns and believes that terrorists should be able to buy guns. The Senator from West Virginia argued passionately for the notion that my friend has proffered that there is no choice to be made between upholding the Second Amendment and protecting our citizens from attack.

Justice Scalia himself said in a very controversial decision that not everyone agrees with that the Second Amendment is not absolute; that the Second Amendment, even in the minds of those who hold that it has a private right of gun ownership inherent in it, believe that all the things we are talking about—denying terrorists from getting guns, keeping dangerous assault weapons off the streets, recognizing that there is no place in civilized society for 100-round drums of with ammunition—all of those restrictions are wholly in keeping with the Second Amendment.

Mr. President, I yield to the Senator from New Hampshire for a question without losing my right to the floor.

Mrs. SHAHEEN. Mr. President, I thank my colleague from Connecticut.

I am here, like everyone else on the floor, in the wake of horrific mass shootings, from Sandy to Orlando. Americans have come together united as a family to grieve for the dead and comfort those left behind. But we haven't come together to do anything to stop the next shooting, prevent the next series of funerals, and prevent future devastation. That is why I want to thank Senators MURPHY and BLUMENTHAL, the Senators from Connecticut, and Senator BOOKER from New Jersey, for leading us here today to demand action.

Let's be clear. Tears are not enough and expressions of outrage are not enough. After Columbine, Virginia Tech, Aurora, Newtown, Charleston, San Bernardino, and so many shootings that have happened with numbing regulatory, moments of silence and expressions of sympathy are just not enough. This Senate, this Congress, needs to pass commonsense gun safety legislation—legislation supported by 9 out of 10 Americans.

It is inconceivable that Congress would fail to act in the wake of the Orlando tragedy. To do nothing would be an affront to all of those Americans who have lost loved ones to senseless gun violence.

The distinguished Senators from Connecticut and the distinguished Senator from New Jersey have been outspoken advocates of commonsense gun safety legislation. Senators MURPHY and BLUMENTHAL have wept with the families of the 20 schoolchildren massacred at Sandy Hook Elementary. In the subsequent 3½ years, working with the Sandy Hook families, they have advocated for legislation to address the menace of widely available automatic assault weapons—weapons that have only one purpose, and that purpose is to kill large numbers of people.

We are here today to demand action on commonsense measures to address gun violence. The first would be to deny guns to people on the FBI's no-fly list. Those people who are on the no-fly list because of suspected ties to extremist organizations or ideologies should not be allowed to fly and they should not be allowed to buy a gun. It doesn't get more common sense than that. If a person is considered too dangerous to board an airplane, then that person is too dangerous to purchase a military-style assault weapon. Second, ensure universal background checks for gun buyers so we can keep dangerous weapons out of the hands of dangerous people. At least 9 out of 10 Americans support these measures. It is a no-brainer.

Enough is enough. It is time for us to say enough is enough. We get a second chance to vote on this legislation, and this time we must come together on a bipartisan basis to pass commonsense gun safety legislation to end the violence.

As we contemplate this legislation, let's remember the photographs. We have all seen them on television and in the newspapers. These are photographs of so many wonderful young people—this time from Orlando—who were killed by gun violence. The Orlando shooting was both a crime of terror and a crime of hate, and now it is time for us to honor those who died, honor our friends in the LGBT community who are hurting, honor our friends in the Latino community, and honor all of those Americans whom we lost to senseless gun violence.

To my friend from Connecticut, I ask, isn't the best way to honor all of those people we lost to gun violence to act now to prevent future tragedies?

Mr. MURPHY. Mr. President, I thank the Senator for her question. I think

about the survivors. I think about the parents of those who were lost in Newtown, and I think about the additional layer of grief we intentionally place upon their shoulders by our inaction. There is some solace—a small measure of solace—in knowing that the people for whom you voted to run your country care so deeply about your dead child that they are going to do something about it, but there is a next level of grief when you realize they don't actually care enough to even have a debate to protect other children like them.

This is our choice, I say to Senator SHAHEEN.

And my friend is very articulate in her challenge to us. I hope we respond to it.

Mr. President, I yield to the Senator from New York for a question without losing my right to the floor.

Mrs. GILLIBRAND. Mr. President, I rise to join my colleagues in questioning why this body, after so many horrific tragedies over the years, still refuses to pass laws that would make us safer from massacres like what happened in Orlando.

I thank my colleague from Connecticut for leading this charge on the Senate floor. He knows too well what it is like to have his State fall victim to a mass murder. He knows what it is like to have happy, innocent lives cut short by gun violence. The massacre at the elementary school in Newtown took place more than 3 years ago, but it still feels like it was yesterday. Sweet, smiling children were slaughtered by someone so evil and so hateful and who was allowed to have easy access to an assault weapon, a weapon of war.

It happened again last year in Charleston. Churchgoers who were praying were slaughtered by someone so evil and hateful and who was allowed to have easy access to a deadly, powerful weapon.

It happened again in San Bernardino. Colleagues were in an office and celebrating at the end of the year. They were slaughtered by two people so evil and hateful and who were allowed to have easy access to an assault weapon, a weapon of war.

The list goes on and on.

After all of these mass shootings, Congress must do something, right? They must respond, right? No. Why didn't the Congress do anything? Why do they stand silent? Why do they not look those parents in the eye and say: This will not happen again.

After all of these mass shootings, in each and every case, someone with no business handling a powerful deadly weapon has had easy access to that weapon and used it to kill people quickly, and now we have a new tragedy to add to this book.

Like all of my colleagues here, I was devastated when I heard about the attack this past weekend in Orlando, and my heart goes out to everyone who was affected by this awful, hateful crime—the family and friends of 49 victims, the entire LGBT community, the entire Latino community. These were 49 happy people dancing together, laughing, celebrating who they are, in the middle of Pride Month, in a club that has always been a safe haven for them. But, once again, an evil and hateful person, a citizen of this country who was angry, hateful, and radicalized, was allowed by this Congress to have easy access to a deadly weapon of war.

Let's be very clear about the kind of weapon this man used. The weapon is an AR–15. It was not designed to hunt deer. It was not designed for target practice. It was designed to kill large numbers of people quickly, at war. This is not a weapon used in hunting.

Why are we allowing private citizens to have access—such easy access—to these weapons of war?

Something has to change. No one outside of our military, which is trained to use these weapons, needs to have access to a weapon that can fire hundreds of bullets in a minute—hundreds of bullets in a minute.

The only people with the power to change this are the men and women who serve in this Chamber—who serve in the Senate and House of Representatives. Is this slaughter not a wake-up call? Is it not enough to convince us to act? Where is our spine?

The gun industry is a rich and powerful lobby in this country, but we weren't elected to protect the gun industry's profits. We were elected to protect America and its safety.

We have to make it harder for hateful, angry, violent people to get their hands on a weapon—a weapon of war that is designed to kill as many people as possible as quickly as possible. The only way we change it—the only way—is if Congress fulfills its responsibility to protect the American people and passes new laws that keep us safe.

The people of Orlando, San Bernardino, Charleston, Newtown, New York—the entire Nation—none of them should have to go through their daily lives in fear of violence, in fear that an angry, radicalized citizen can buy and use a weapon of war against innocent Americans.

We already have bipartisan reforms that are ready to go that are overwhelmingly supported by the American people—obviously, background checks that are more effective so would-be terrorists could not buy a weapon of war. They won't be able to do that. The American people support that.

Let's stop allowing would-be murderers to legally buy weapons of war like the AR–15 without scrutiny. Let's lift our irrational hold on the CDC and allow them to actually study the issue of gun deaths the way we are allowed to study any other cause of death in this country. The American people support this as well. Let's stop the people who have been deemed too dangerous to fly an airplane from being allowed to buy guns. Let's stop tying the hands of law enforcement and preventing them from sharing crime data. Let's stop preventing ATF from requiring gun stores to conduct inventory and report any guns that have been lost or stolen, and let's stop blocking the ATF from preventing the dumping of nonsporting weapons into the American market from abroad. Let's finally crack down on gun trafficking and straw purchasing. These are all measures the American people strongly support.

My State of New York suffers deeply from gun violence. Our biggest problem is the amount of illegal weapons that flow into our State every single day from other States. The amount of guns—90 percent—used in crimes come from out of State, and 85 percent of them are illegal. These are weapons literally sold out of the back of a truck from someone in another State to a gang member. And how many innocent lives do we have to lose because a stray bullet hits them while they are out with friends? It is unconscionable that this Congress stands and does nothing.

I thank my friend from Connecticut for yielding the floor, and I will ask him this final question: What do you propose we should do to protect Americans from this type of senseless violence? What should we do now as Senators and as Members of this body?

Mr. MURPHY. I thank the Senator for her passion. It is not a coincidence that sitting in this front row, in this section of the Senate, are three parents of young kids. We are friends, but we are also involved in a common cause, and maybe we bring a little bit more of our gut to this question of what we do to protect children and adults because we think of our own children and we think of how at risk they are.

To Senator GILLIBRAND through the Chair, we have proposed two simple measures to begin with. Let's bring to the floor a background checks bill that expands background checks to gun shows and Internet sales where the majority or the lion's share of sales have migrated to, and let's make sure the terrorists can't buy guns; those that are on the terrorist watch list and no-fly list. Let's start there.

If we could get an agreement to bring those two pieces before the Senate in a bipartisan way, then we would gladly pack up our stuff and go home, but we need to have bipartisan consensus on those two votes to move forward and that is our hope and that is the reason we are holding the floor here today.

With that, I yield to the Senator from Missouri, a great leader on this issue, for a question without losing my right to the floor.

Mrs. MCCASKILL. I wish to read out loud verbatim a voice mail that was left on my office phone this morning. I wish I could play it because if my colleagues hear the voice, they will understand more completely why I believe this particular voice mail was compelling:

I am 14 years old from St. Louis, 63011, and I've been really looking a lot into the Orlando shootings and just really gun control

in general, and I was kind of thinking, and I thought, like, I'll be a freshman this year, and I want to go to high school, and I want to drive a car, and I want to go to prom, and I want to graduate high school, and I want to go to college, and I want to graduate college, and I want to get a job, and I want to get married, and I want to have kids.

But since Missouri voted that those on terrorist watch list can purchase guns, I'm scared that I won't be able to do those things.

And I know that I'm young and I don't really know what plays into your job at all, and I don't know all the arguments and all the factors, but at this point I'm just really scared and people are dying and I think something needs to change.

And so, whatever that may take, please just take my feelings into consideration and I would really, really, appreciate it. So, thank you so much. Bye.

A little 14-year-old girl from St. Louis.

Now, she is a little confused about who has decided that people on the terrorist watch list can buy guns. It is, in fact, the U.S. Senate that made the decision in December on a vote that has been recounted over and over again, basically a party-line vote that we were not going to take the commonsense step of saying that if the most trusted law enforcement professionals in the world—the most professional and highly trained—have put an individual on the terrorist watch list, that we should not let them buy guns in this country. Pretty common sense, and a 14-year-old knows it, and she is scared.

One of the pieces of legislation that Senator MURPHY is asking for bipartisan support for is the one that closes the gun show loophole and the online loophole when it comes to background checks. What are we afraid of? What are we afraid of with a background check? Why should we have massive categories of gun purchases in this country without a background check? Why do we require a background check for a small business that is selling guns but we don't for somebody who wants to operate online? And we know for a fact that there has been terrorist messaging sent to people in this country: You can weaponize yourself at gun shows with some pretty heavy artillery.

We are, in fact, pointed out in the rest of the world as the place where it is easiest, with no questions asked, to obtain weapons that can kill and slaughter dozens and dozens of people in mere seconds.

Why is this so hard? Where is the invisible hand that is stopping this? I don't want to be cynical about it. Is it the NRA? Is it the NRA that is single-handedly stopping this? Is everyone so afraid of the NRA? Why are they so afraid of the NRA? Do they not have faith in their constituents, that their constituents are right about this, because there is no question the majority of constituents in this country want background checks, and the majority of constituents in this country want us to not sell guns to people on the terrorist watch list.

Before I ask a question of Senator MURPHY, I wish to cover one more subject that is really bugging me as a former prosecutor; that is, the argument that has been presented: Well, we don't want to put—we want to make sure we don't somehow let the terrorists know that we are investigating them, so if we put them on a list and they can't get a gun and they go to buy a gun, then all of a sudden this terrorist is going to know we are on to them.

That is such hogwash, and let me explain why. We have a no-fly list. We have other kinds of lists in this country. If the FBI is investigating, they have the discretion in this bill to remove someone from that list for purposes that would support pursuing that individual without his knowing that he was ever on the list. So all they would have to do is if they are about to get intelligence or they think they are about to get intelligence or they think they are about to be able to uncover a larger plot or even if they think they are about to arrest the terrorist in question, they are absolutely on top of it, they can easily remove the name from the list and continue to pursue that individual, track that individual, and make sure that whatever gun they might purchase is never used.

This bill, when it comes to the terrorist watch list, gives the FBI that discretion. There is not going to be a terrorist that gets the heads-up that is all of a sudden going to send them into hiding or send them, unfortunately—unless we pass the bill—to the Internet or to the nearest gun show.

It amazes me the kind of trust that I hear mouthed about law enforcement on the other side of the aisle. Yet they are not willing to trust the FBI with the serious decision as to whether an individual belongs on a terrorist watch list, and they are not willing to trust the FBI as to whether they do what they need to do to continue to pursue an investigation and arrest as it relates to this list.

I think this is a gut-check moment for this country. If you look at the graph of where we lie with how many mass shootings we have compared to all the other developed nations in the world, some of which have lax gun laws like we do—maybe not quite to the extent that we do—we are way, way an outlier. That is not what we want to be an outlier on in the United States of America—mass shootings. I think the American people are rising up and are saying enough is enough.

I ask the Senator from Connecticut if he agrees that the legislation that would restrict the ability of an identified terrorist to buy guns in this country contains the discretion necessary for the FBI to continue to protect America and continue to pursue investigations and continue to pursue arrests and intelligence because of the discretion we have given the FBI in that piece of legislation?

Mr. MURPHY. I thank the Senator for the question, and the answer is yes, so long as you pair it with an expansion of background checks to make sure they are seeing these purchases wherever they take place. That is why we have asked for this body to move forward on both of those pieces of legislation, because we cannot ask the FBI to protect this Nation from terrorist attacks if we don't give them the tools to keep firearms from those who threaten us.

Before turning the floor over to the Senator from Virginia, let me underscore the last point Senator MCCASKILL made. There is no other country in the world in which this happens. The rate of gun violence in this country is 20 times higher than the combined rates of the 22 countries that are our peers in wealth and population—20 times higher. More people died in this country in the first 15 years of this century than died in all of the wars in the last century combined. That is unique to the United States. Shame on us if we don't recognize that and do something about it.

In the days after Sandy Hook, the Senator from Virginia was one of the first to stand up intentionally to the national media and say that something had to change. He was one of the early signals that this Nation has woken up in the wake of Sandy Hook. I am glad to yield to him for a question without losing my right to the floor.

Mr. WARNER. Mr. President, I appreciate my colleague, the Senator from Connecticut, yielding for a question.

I am proud to join so many Members of the Senate. I want to echo the comments of the Senator from Missouri, her comments about getting the same kind of calls, notes, and questions.

I want to acknowledge as well that there have been Members of the House from Virginia and Louisiana who have come to show solidarity in the effort being led so eloquently from mostly the Senator from Connecticut and the Senator from New Jersey.

I think we are all trying to wrap our heads around the fact that a single lone gunman was able to extinguish the lives of 49 Americans in a gay nightclub in Orlando. Before we get to this legislation, I think we also have to acknowledge that this was a crime of hate—a crime of hate that unfortunately targeted the Latino community and in particular the LGBT community. And as the LGBT community grieves nationwide, we need to make clear that the long fight for equality includes not only marriage equality but equal protection in terms of public safety and living in safety.

The Senator from Connecticut has made some comments about the number of deaths that take place in our country each year from gun violence—30,000 a year. I think about, just as the Senator from Connecticut acknowledged in the aftermath of Newtown how I rethought some of my positions on some of these issues. We all have to take a fresh look at the challenges our country faces in providing a reasonable

framework of gun legislation that protects the rights as well of law-abiding gun owners.

One of the things that troubles me is I think virtually every Member of this body has probably stated or tweeted out their thoughts and prayers for the victims in Orlando. What I think I am hearing from the media, from those victims, and from Virginians across the board, is they want to see more than thoughts and prayers; they actually want to see us act.

There are a whole host of different proposals we could look at to try to deal with gun violence. I believe the Senator from Connecticut has picked two that are frankly the most reasonable, with the most common ground that we should take on.

Like the Senator from Connecticut, I know the scourge of having a mass murder take place in your State. Until this terrible tragedy in Orlando, the deadliest mass shooting was at Virginia Tech in the Commonwealth of Virginia, where 32 lives were taken. I know how that community grieves, how Newtown grieves, how Aurora grieves, how Charleston grieves, and now how Orlando is grieving. Quite honestly, day in and day out, how many other communities are affected by this scourge of gun violence?

As a member of the Senate Intelligence Committee, I know the challenges we face every day in dealing with the threat of violent terrorists determined to do our Nation harm. But if we are going to talk about taking on terrorism—which we need to have a united effort on—shouldn't we take this reasonable step of abiding by the judgment of law enforcement and saying: If you end up on a terrorist watch list, you should not be able to purchase a firearm.

We have seen in recent days statistics that show that more than 90 percent of known or suspected terrorists who attempted to buy weapons since 2004 have passed a background check and then have been able to purchase a firearm. To me, that is an internal contradiction that, by taking action this week, we can turn around. If you are too dangerous to get on an airplane, aren't you too dangerous to be allowed to purchase a firearm?

The second solution my friend the Senator from Connecticut has put forward is to take up and pass the bipartisan proposal, which has the overwhelming support of the general public, to increase background checks. Ninety percent of the public supports this effort. Over 70 percent of gun owners support this effort. Why? Because we know background checks work. Since 1994, 2.6 million people, by either evidence of criminal backgrounds or mental illnesses, have been prevented from purchasing firearms.

There are a host of other proposals that I know the Senator from Connecticut has put on his agenda, but what I want to do is thank the Senator from Connecticut for putting forward two of the most basic proposals, two of the proposals that have bipartisan broad appeal.

I would ask the Senator from Connecticut, with the overwhelming public support that Americans express for this type of commonsense legislation and with, unfortunately, the sometimes low regard this body is held, does the Senator believe that if we took these actions and passed them, not only could we send a strong signal of making America safer, but we could once again show we will uphold our constitutional duties?

Mr. MURPHY. I thank the Senator from Virginia for his question. I think that is the essence of this debate, why we are on the floor today and why we are lodging this protest. If you look at why the ratings of Congress are so low, it is because of the challenges we are ignoring. People are upset that we are fighting and bickering all the time, but they are also deeply upset that there are these epidemics and public safety crises and we are doing nothing.

I think our ability to respond to this in a bipartisan way to reflect the support of 98 percent of the American public is about saving lives but also about fulfilling our constitutional responsibility. Why did we sign up for this job? Why did we decide to be a U.S. Senator if we were going to ignore this epidemic of slaughter in this Nation? There is nobody who disagrees with the fact that this is a major problem. It is in the headlines in the papers on almost a weekly basis. Why become a Senator if you are going to ignore this?

I thank the Senator from Virginia for his remarks and the question.

I will yield to the Senator from Minnesota for a question without losing my right to the floor. She has been such a leader in general on this issue focusing on protecting victims of domestic violence. This hopefully will lead to one of the breakthroughs we are seeking in the context of this debate.

I yield to the Senator from Minnesota for her question.

Ms. KLOBUCHAR. Mr. President, I ask if the Senator from Connecticut will yield for a question without yielding the floor?

Mr. MURPHY. I will yield to the Senator from Minnesota for a question.

Ms. KLOBUCHAR. I thank the Senator from Connecticut for his work, along with the Senator from New Jersey, Mr. BOOKER, Senator BLUMENTHAL, and many others, in bringing people together today to call for commonsense action to make our communities safer. I know Senator MANCHIN was here earlier. He has been such a leader on the bipartisan bill with Senator TOOMEY about criminal background checks.

I extend my heartfelt condolences to all the families of those who were massacred in Orlando and also those who lie injured—some very seriously, some critically injured—in hospital beds in Orlando today. My prayers are with the victims and their families.

I look at this, first of all, and I look at the Senator from Connecticut and think of the people from his own State, whom he knows so well, the parents of those young, little children who were killed at Sandy Hook.

I remember them coming to my office the day the background check bill went down. They came to my office, and a number of us were telling them that it was going to go down, that we didn't have enough votes to pass this commonsense measure for background checks. What I was struck by was that they knew that particular measure wouldn't save their babies, but they were there because they had come to the conclusion that this was the best way to save other children, to save other people from dying. And as they told me their stories—one of them told me the story of how their young son, who was autistic, who went to school that day had looked up at the refrigerator and pointed to the picture of his health aide. It was someone who was with him all the time. He could barely speak, but he pointed up at that picture in the morning. So as she sat in that firehouse with the other parents waiting and waiting to see if her child would come back, it became very clear that some children were never coming back, and hers was one of them. When they found that little boy, he was in the arms of that health aide whom he loved so much, and they were both shot and they were both killed.

As she told me that story, I thought, these parents are so courageous that they are coming today to try to advocate for something that they knew—they had come to grips with the fact that they wanted more, but they knew the background check measure was the best they could do to save lives at that moment. They knew the background check measure would especially help in cases of domestic violence and suicide because they knew the statistics that in those States that had passed such measures, they had seen improvements in the numbers for those kinds of deaths, so they were advocating for it. That was why they were there. Yet this body didn't have the courage those parents had to be there that day, to pass that measure.

So here we are today. We are looking at, first of all, a dangerous loophole that allows terrorists to buy firearms here in the United States. In Minnesota we have a little experience with this. We were the State that, before 9/11, some citizens—flight instructors were able to detect something was wrong with a man who cared about flying—Moussaoui—but not about landing. So they turned him in, and no one was ever able to connect the dots, but there he was in a jail in Minnesota.

I know a little bit about this as a former prosecutor, and I know a little bit about this because of the cases we have had in our State. We had dozens of indictments against people who had been trying to go join Al-Shabaab in Somalia or the terrorist group ISIS.

We had three convictions in U.S. Federal court in just the last week. We know about this in our State and how close it hits to home. We love our Muslim communities in our State. They are part of the fabric of life. We have a big Somali community in the country. But we also know that we need to keep our communities safe. By working with our communities, we have been able to bring these kinds of prosecutions. When it is that close, you know you don't want people who are on the terror watch list to get guns.

Incredibly, current U.S. law does not prevent individuals who are on the terror watch list from purchasing guns. A total of 2,233 people on a watch list tried to buy guns in our country between 2004 and 2014, and nearly 2,000—or 91 percent—of them cleared a background check, according to the Government Accountability Office.

I am a cosponsor of Senator FEINSTEIN's bill to close this loophole. During last year's budget debate, I joined 25 of my Senate colleagues, including my colleague from Connecticut, in offering an amendment that also would have stopped these dangerous individuals from buying firearms and explosives.

The background check bill—we know that this helps. That is why two—at the time—A-rated NRA Senators, Mr. MANCHIN and Mr. TOOMEY, joined together to try to put forward some commonsense legislation. Sadly, sadly, that bill did not pass, and I believe we should bring that bill up again for a vote.

The third piece of legislation that I think is possible to pass, as I look at what has bipartisan support and what could make the biggest difference, is a bipartisan bill with Senator KIRK. There is a House bill, as well, and that bill focuses on victims of stalking, victims of domestic violence.

As we look at some commonsense measures, we know that not one bill is going to fix all these cases. Not one bill is going to make the difference in every case, but combined they make a major difference.

My question for the Senator from Connecticut is about an area where I believe we should be able to find consensus, and that is also in addition to the important closure of the loophole in the terrorist watch list for people buying guns, the background check bill—that is this domestic violence area. Studies have shown that more than three women per day lose their lives at the hands of their partners, and more than half of those killed are shot by their partners with a gun.

There is a simple bill that would first make sure that dating partners—the same rule that applies to those who are married would apply to dating partners. Even the Republican witnesses at our hearing with Senator LEAHY and Senator GRASSLEY embraced this portion of the bill. If people are dating partners as opposed to married, it should make no difference in terms of how you look at their ability to go in and buy a gun if they have committed an act of domestic violence.

The second piece of this bill is about stalking. If someone is convicted of a stalking crime, they shouldn't be able to go in and buy a gun.

When I look at these types of commonsense measures, I always think about my Uncle Dick. He loved to hunt, and he always would hunt deer. And I have to think to myself, would closing off the loophole in the terrorist watch list hurt my Uncle Dick in his deer stand? Not at all. Would putting the background check bills in place across the country hurt my Uncle Dick in his deer stand? Not at all. Would closing these loopholes on stalking and on dating partners in any way hurt my Uncle Dick in his deer stand because our State loves hunting? We are a big hunting State, so I always have to do a gut check when I look at these bills.

To the Senator from Connecticut, I would like you to answer that question. Of these commonsense bills that we have been talking about today, which could save hundreds if not thousands of lives, do you think they would in any way hurt those who are law-abiding citizens in our States and every State in this Nation that value their guns and value hunting?

Mr. MURPHY. I thank the Senator for that question. You just have to look to the data for the answer. We have had pretty robust survey data on the question of support for expanding background checks or support for denying access to guns for people on the no-fly list. It is universal. Everyone wants these changes. Republicans want them; Democrats want them. Non-gun owners want them; gun owners want them. The vast number majority of NRA members support the bipartisan provisions that we are proposing for bipartisan action today.

I would suggest the same thing is true for protecting victims of domestic violence. This has nothing to do with being a Republican or a Democratic gun owner or a non-gun owner. When you tell people that somebody who has a restraining order lodged against them shouldn't get a gun, everybody nods their head.

I thank Senator KLOBUCHAR for being such a leader on that particular issue because it is one in this basket of changes we are requesting that is controversial only here. It is controversial only in Washington, DC, and in the political arenas of this country. It is not really controversial out in the broader American public.

I thank the Senator.

Ms. KLOBUCHAR. I thank the Senator for that. I also want to note for the Members of the House here that Congresswoman DINGELL is the leader of that bill on domestic violence in the House, so we have two bipartisan bills in both Chambers.

Ms. MIKULSKI. Will the Senator from Minnesota yield for a question?

Mr. MURPHY. I yield to the Senator from Maryland for a question without losing my right to the floor.

Ms. MIKULSKI. First, joining you as a social worker, my question is, Is the Senator from Minnesota, with her vast experience as an attorney general as well as her advocacy here in the Senate——

The PRESIDING OFFICER (Mr. LEE). The question must be directed to the Senator from Connecticut.

Ms. MIKULSKI. To the Senator from Connecticut, most of the victims of guns in domestic violence are law enforcement officials responding to aid a domestic violence victim. In my own State there have been wonderful men in blue who came to a home to rescue someone who was being held or something by their spouse—often off their meds. When the police officer responded because it was domestic violence—not responding as if it were an active scene—he was also killed. Has that been the Senator's observation?

Mr. MURPHY. I thank the Senator, the ranking member of the Appropriations Committee, for the question. That certainly is a big part of this story line, this toxic mixture of guns and restraining orders. It puts everyone in jeopardy. It puts the individual who lodged the restraining order in jeopardy, and it puts the law enforcement officers who get in the middle of that conflict in jeopardy. It is hard enough for law enforcement officers to try to enforce a restraining order. This is a spouse who is angry and who often is at the peak of their fury. When you add a gun to that mix, everyone's life is in danger. I thank the Senator.

I yield to the Senator from Ohio for a question without losing my right to the floor.

Mr. BROWN. To my friend from Connecticut, thank you. I so admire that when you came to the Senate, it was right after perhaps the most tragic 2 hours in our Nation's recent existence with what happened to those kids—those young children in your congressional district.

I say to Senator MURPHY, how do we go home—I just hear this—I watched what happened at Sandy Hook, I watched what happened in Colorado, and I watched what happened in California. Now we see what happened in Orlando to those 49 mostly young men and women, mostly of Hispanic descent—mostly gay, we think—what happened to them.

How do we go home and face people when this body fails year after year after year to do the right thing? I admire so much what Senator MURPHY did when he came here and just got in the face of so many Members of the Senate and said: You have to do the right thing.

My question for Senator MURPHY is, How do we go home, look people in the eye, and say we failed again?

I think this body should stay in session until we do a number of things, from confirming a Supreme Court Justice, to taking care of the

mineworkers' pension, to this legislation.

How do I go back to Cleveland and say: Well, we tried it again. We didn't do it. It is not that big a deal. If people can't fly on an airplane, they still ought to be able to get a gun.

How do we possibly look people in the eye and answer that question?

Mr. MURPHY. I thank the Senator for a question that is unanswerable.

The answer is we cannot.

As you know, there is a very real, palpable fear out there today. There is no way to look at what happened in San Bernardino, to look at what happened in Orlando, and not be scared. Yes, it is an attack that is designed to elicit a fear that is disproportional to the actual threat; that is what terrorism is. But people's fear is elevated when they don't see us taking action.

Earlier today I think Senator CASEY made this point. He said: Can you imagine doing nothing after September 11? Can you imagine if our response after that tragedy was to just do nothing, to just move on to the next piece of legislation as if it didn't occur? That was 3,000 people whose lives were taken. There are 30,000 people a year who are killed by guns. If you add up those who have been killed in mass shootings, the numbers approach that of September 11.

So this is a moment in which I think it is impossible for us to go back home and once again say that we haven't done anything. I guess that is the reason we are here. I know it is uncomfortable to stop the CJS process, to force and ask staff to stay beyond regular hours.

For many of us—and I think Senator BROWN is amongst this group—we just couldn't pretend this was business as usual again. We couldn't go through another one of these shootings—this one the worst in history of this country—and just go back to our regular business. That is why we are here today, to suggest that this time it has to be different.

I yield for a question.

Mr. BROWN. Through the Chair, if my friend from Connecticut will yield again, I was in a meeting yesterday with a group of Democratic Senators. I heard two of the youngest and most impressive Members of our caucus, Senator BOOKER and Senator MURPHY, talk about the number of gun deaths in this country.

My wife and I live in the city of Cleveland. We live in the ZIP Code in Cleveland that in 2007 had more foreclosures than any ZIP Code in the United States of America. We live in a nice neighborhood of about 250 homes. Most of the rest of the neighborhood has suffered—some in our neighborhood and many outside that neighborhood—foreclosure after foreclosure and urban blight. Many nights we heard gunshots, and then we heard police sirens.

I know Senator BOOKER said—and I think my friend from Connecticut heard him talk about what he sees in Newark and what we see. Just 3 weeks ago, we had a terrible, terrible number of deaths in southern, very rural Appalachia, southern Ohio, where apparently one family member killed a whole bunch of others with a gun.

I got a letter today or yesterday from a man in Toledo:

> I am a gay man living in Toledo, OH, and I have never been to a gay pride event. This year was going to be my year, and I am scared.

Just as you talked about, the fear—I don't live in fear, but when I hear a gunshot and I hear sirens in my neighborhood—or not that far away from my direct neighborhood—I have grandchildren, and I have not heard those gunshots and police sirens when my daughters or grandchildren have been there, but you think about that.

The question is, Why is it harder to obtain a driver's license than it is to buy a gun? Why do we not have the political courage to pass reasonable laws?

I have been in public office a long time, and I have seen so many of my colleagues, mostly Republicans, just cower when the NRA calls or cower when they think about the whole idea of passing gun laws.

Yesterday a reporter told me that Republican Senators will not talk to her right now about any issue because they are afraid they might ask about the NRA and the campaign dollars they have gotten from the NRA.

What is it? Fundamentally, why is it harder to obtain a driver's license than it is to buy a gun?

Mr. MURPHY. I thank the Senator for the question. I just want to acknowledge we have had a number of House Members come to the floor of the Senate today to support our effort.

Congressman RICHMOND, a good friend of mine and of Senator BOOKER, who has just witnessed the ongoing slaughter in New Orleans—unabated because of inaction from this Congress—has joined us. I have seen a number of other Members from the House join us as well. I thank them and I thank in particular my friend Representative RICHMOND for being here.

I think that is a great question, Senator BROWN, especially in the context of the history of the NRA's advocacy in this body.

It used to be that the NRA actually supported expanding background checks. In the wake of the Columbine tragedy, it was the NRA that was arguing to close the loopholes in our background check system. So as a means of answering why we can't get agreements, you have to ask yourself and answer the question as to what has happened to the gun lobby.

The gun lobby used to come here. It originated, of course, as just a gun safety organization. It morphed into much more of an advocacy organization. But even as late as the Columbine massacre, they were still arguing for changes in our laws to better protect individuals.

Today they are an absolutist organization. Today they broker no compromise. Unfortunately, there is a large percentage of this body, enough to block commonsense legislation, that follows their lead. But there has been a transformation in the advocacy of that organization.

Many of us are still hopeful that gun owners who are members of the NRA support what we are talking about today, right? The polls tell you that NRA members support background checks to cover more sales and stop people on the no-fly list from getting guns. We hope they might prevail upon their association to be more constructive.

I yield for another question.

Mr. BROWN. May I ask one more question and then I will turn it back to Senator STABENOW, who I know has some questions for Senator MURPHY. I want to share a letter I received from a woman in Columbus:

> I'm devastated by the events this weekend in Orlando. Frankly, I have had to personally be retriggered with every mass shooting that's occurred in the past three years.
>
> My tragedy occurred 3 years ago this July. The love of my life, best friend and man I was going to marry was murdered. . . . He was shot to death by a prior felon—with a gun.
>
> It can happen to anyone, anywhere, at anytime, for any reason.
>
> Change is needed now. We can't keep waiting. . . . Please do something. Anything. Saving one person from feeling the hell I've felt these past three years is worth it. My heart hurts for the loved ones affected by this weekend, because I know this pain.

I guess this is just a question, and maybe there is no answer. But why, when so many in our country have felt this pain—certainly, the pain is felt more among poorer people and people of color because they have been the victims far too often and, in the great majority of cases, are totally innocent, and far too many of them are children, whether it is Sandy Hook or a random shooting in Cleveland or Newark or Hartford or Detroit or New Haven. What do I tell this woman from Cincinnati or from Columbus who says to me: Can't you do something? Why should more people have the pain she has felt?

Mr. MURPHY. I thank Senator BROWN. I think the answer is we have to look at ourselves sometimes, and ask: Have we fought as hard as we possibly could to galvanize the American public around these changes?

The reality is—and I said this earlier on the floor—that the small handful of individuals in this country who oppose these changes are calling our offices sometimes with more frequency than the large majority of Americans who support these changes, and they take cues from us.

So that is why we are here. We were about to come back to the Senate and just proceed with business as usual. As if Orlando didn't happen, we were just going to start debating amendments to the Commerce-Justice-Science act. Those on the floor today—certainly, in particular myself, Senator BOOKER, and

Senator BLUMENTHAL—said: Enough. Enough. We have to give a signal to the American public that we care—that we care so deeply about the consequences of inaction that we are, at the very least, going to stop this process from moving forward until we can't stand any longer.

Now that is a tiny, tiny sacrifice. But at least it shows we are willing to put something behind the passion that letter writer and many others have.

So there are a variety of answers to your question, I say to Senator BROWN—the strength of the gun lobby, the misunderstanding about the nature of the Second Amendment, and the data that we have not done a good enough job of getting out there that talks about the efficacy of stronger gun laws. But this exercise today on the floor is also a part of changing that reality.

With that, I yield for a question, without losing my right to the floor, to just a great champion on this issue, the Senator from Michigan.

Ms. STABENOW. Well, I thank the Senator, and I appreciate the junior Senator from Connecticut for yielding for a question.

I first want to thank Senator MURPHY and the senior Senator from Connecticut, the Senator from New Jersey, and so many others who have been on the floor. Our Democratic caucus is united in saying: Enough is enough. I am very grateful to our Senators from Connecticut and New Jersey who have come to the floor to lead us in that stand of saying: Enough is enough.

So I do have a question, but let me first indicate that when we look at this situation—whether it is Orlando or Sandy Hook or Tucson or Columbine or on and on and on or every day on the streets of our cities and communities across the country—it is time to stop just putting out statements. I don't know about my colleagues on the floor, but I am sure they share with me this sense of frustration of constantly having to put out statements saying that our thoughts and prayers are with the families, because, of course, our thoughts and prayers are with the families, but our actions should be with the families. That is what we are here today to focus on. It is not enough to have words. They expect us to act and to make a difference.

I am so grateful for so many Americans from all walks of life and all religions who have joined together. I am so proud of the powerful statements coming from the Muslim community, standing in partnership and friendship with the LGBT community and the Jewish and Christian community at large, and all of those who have said: Enough is enough. Hate crime, act of terror—enough is enough.

I want to lift up, before asking my question, two young people from Michigan who were part of the horror 4 days ago. A 25-year-old who had been living in Saginaw, MI, was killed in the Orlando terrorist hate-crime attack. By all accounts he was a wonderful young man. He owned his own business, loved his family, and recently attended his niece's graduation. His friends said:

> Nobody can say a bad word about him. He always had a smile on his face. He always loved to laugh.

Additionally, a Detroit native was also killed in the attack. He worked as a mental health counselor, and he had won awards for his work in the LGBT community.

We in Michigan have a long tradition of enjoying hunting, fishing, and outdoor activities. I grew up in northern Michigan. My family is very involved in hunting and legal and safe gun ownership. But that is not what this debate is about. My family—my brothers, my son, my nieces and nephews—and others look at me and say: What is going on here? This is not about whether we can enjoy hunting or legal gun ownership. My family is saying to me: Wait a minute; let me get this straight. There is a terror watch list where you can't fly, but you can buy a gun. What is that? They go into a gun shop, and they get a background check. But you can go to a gun show or on the Internet and not?

So I ask my colleague, a great leader on this issue, because I think it is important now to explain a little more about these two things we want to accomplish: What are the two things we want to accomplish? In going through all of this—stopping the regular business of the Senate and saying we have to act; we have to begin to address what we can do for these horrors—what are the two things we are asking for?

Mr. MURPHY. I thank Senator STABENOW because I think it is important sometimes to reset the floor and talk about what we are asking for. They are pretty simple, they are bipartisan, and they are noncontroversial outside of this body.

One, we want a version of the Feinstein bill, which prohibits individuals on the no-fly list from getting a gun to come before the Senate Floor for a vote. Second, in order to make that bill effective, we want a version of the Manchin-Toomey compromise to expand background checks to gun shows and Internet sales to come before the Senate for a vote.

Both of those measures are supported broadly by 80 to 90 percent of the American public, and both are necessary in order to protect Americans from terrorist attack. Why? Because we know last year 90 percent of individuals who were on the no-fly list and who tried to buy a gun were successful in buying one. The only reason 10 percent weren't is because they were on some other list of prohibited individuals. So we know every year there are individuals on the no-fly list who are trying to buy guns and they are getting them. We know, unfortunately, the individual—the shooter—in Orlando was at least for a period of time on those lists, and he went and bought a gun.

In order to make it effective, you also have to make sure you are capturing gun sales that happen online and at gun shows. We think what we are asking for is pretty simple. Both those proposals have drawn bipartisan support. Neither are controversial outside this body. And, frankly, it is about the lowest hanging fruit we could imagine in order to get this body on record as trying to stop the carnage in this country.

I yield for a question.

Ms. STABENOW. I thank my colleague. I wonder if I might just ask something, in addition to that. I understand our distinguished leader on appropriations, Senator MIKULSKI, and Senator NELSON as well, have an amendment that would give law enforcement the resources necessary to combat terrorism. We certainly came from a very important briefing today, and we are discussing how terrorism certainly is an all-hands-on-deck operation. But without adequate resources, other things may not receive the resources they need as well, in terms of law enforcement.

I wonder if the Senator might just talk about the importance of resources for law enforcement as well, and how it is our job, in the context of this appropriations bill, to make sure we are prioritizing the fighting of terrorism as well as gun violence.

Mr. MURPHY. I thank Senator STABENOW for the question.

We are asking the FBI to do more and more to protect us from an increasingly complex array of threats, and we are not giving them enough resources to do the job. The alternative that has been proposed to Senator FEINSTEIN's legislation is laughable, in that it would require the FBI and law enforcement to go to court every single time they want to stop someone on the no-fly list from getting a weapon. It wouldn't be automatic. Instead, they would have 3 days to scurry into a court, file a motion to deny the weapon, and have a hearing.

First of all, there is no way all of that could happen in 3 days, but it certainly can't happen with the resources we provide them. So they do not have the resources they need right now in order to protect us from these myriad of threats that are posed from this desire of ISIS and others to inspire lone-wolf attacks. But the alternative to the proposal we have proposed just is unworkable on its face, especially given the resources the FBI has.

I yield for a question.

Ms. STABENOW. If I might just again clarify with the distinguished Senator, so we are all clear. Right now, an individual can be stopped from getting on an airplane——

Mr. MURPHY. Right.

Ms. STABENOW. Because they are on a terror watch list, but they can choose, rather than getting on that plane, to go buy a gun and go into a nightclub in Orlando and have carnage and terrorism occur.

That is basically what is happening now and that Republican colleagues

are saying should continue. Not that they want the violence to continue but they are not willing to act to stop people from getting a gun who are on the terrorist no-fly list.

Mr. MURPHY. That is correct. I am still waiting for one of our Republican colleagues to come to the floor and suggest that the individuals on the no-fly list have their right to fly restored, because if you are so worried about the wrong people being on that list, then you should come to the floor and propose those individuals be able to get on a plane.

But no one is proposing that because they would be tarred and feathered by their constituents if they were to propose individuals who have had intersection with terrorist groups be able to get on a plane at their local airport. Thus, it is hard to understand why there is a belief that none of these people should fly, but all of these people should be able to buy assault weapons.

Ms. STABENOW. I think the American people are scratching their heads at this moment. Hopefully, enough colleagues on the other side of the aisle will join us to close this incredible loophole.

Mr. MURPHY. I thank the Senator.

My friend from Massachusetts was so eloquent earlier on the floor, and I yield to Senator MARKEY for a question without losing my right to the floor.

Mr. MARKEY. I thank the Senator, and again I ask my colleague: Why won't the Republicans allow for the debate and a vote on whether or not individuals on a terrorist target list should be able to get a gun anywhere in America?

The answer to that question has not been forthcoming from the Republican Party because the NRA, or the National Rifle Association, does not have a good answer to it, except that they do not want any exceptions to the rule that anybody should be able to buy a gun at any time, even if they are on a terrorist target list in the United States.

So that is going to be our big challenge out here. What are the limits to the power of the National Rifle Association over the Republican Party; and, as a result, over the United States Senate? Because the American people don't think we have to accept this epidemic of gun violence in our country. The American people do not believe it is preordained. They believe it is preventable.

Every week, 56 children die from gun violence. That is nearly three Newtown massacres every single week. Thirty thousand Americans shot and killed each year is not inevitable. It is unacceptable, and it is immoral.

We cannot wait any longer to put these commonsense gun laws on the books. We cannot wait any longer to make our streets safer.

I believe assault weapons belong in combat, not in our communities. We need a ban on these military-styled assault weapons. We need to eliminate the trafficking of guns into our communities across our Nation. We need to ban high-capacity magazine clips that turn guns into weapons of war. There is no reason for an ordinary American to have this in our neighborhoods, on our streets, or near our schools. We need background checks on all gun sales, including private sales and purchases made online and at gun shows. We need to crack down on straw purchasing. We need to ban gun sales on sites on the Internet like Facebook and Instagram. Right now, anyone can do a search for an AK–47 or AR–15 or even guns for sale on Instagram and find guns for sale. Could you be under 18? Yes. Could you get a gun without a background check? Yes. We should not allow Instagram to be used as ''Instagun,'' enabling the sale and purchase of deadly weapons in possible violation of State and Federal law.

We can do something here. We don't have to do all of it this week, but the least we should be able to do is what the Senator from Connecticut just outlined, two steps; one, if you are on a terrorist watch list, you can't buy a gun in the United States, and, two, you can't get around the background check if you go to a gun show or you go to Instagram. You have to go through a background check. Leave all the rest of it off the table, banning assault weapons, all the rest of it. We will not do that. How about just debating and doing those two things, which overwhelmingly the American people want us to do.

Now, back on September 11, 2001, Mohamed Atta and nine others boarded two planes at Logan Airport. They hijacked those planes using box cutters to kill the flight attendants, to kill the pilots. We do not allow box cutters into the passenger section of a plane any longer. We don't allow knives in the passenger section of planes any longer. But believe it or not, we actually had a debate at the time as to whether every bag that goes onto a passenger plane should be screened. We had a debate that lasted for 4 years as to whether the cargo, which goes into the bottom of a plane, should be screened—4 years. The cargo industry did not want it. The airline industry said it would be too much of an inconvenience. Who in America wanted to fly on a plane that had cargo underneath their feet that had not been screened after 9/11, after Mohamed Atta? Well, we finally won that issue, and everyone accepts the wisdom of ensuring that screening takes place on every single passenger flight in America because otherwise that is where the new Mohamed Atta would find the aperture to create a disaster in the air. They are smart people. They are cunning people. They are trying to find the opening. They are trying to find the weakness. They are trying to find the Achilles heel in our system so they can kill Americans.

That is what is happening here. There is another Achilles heel, and that Achilles heel is the fact that the NRA has a vice-like grip on the U.S. Senate and the U.S. Congress. They will not let it go. They will not make it possible for us to have a straight up-or-down vote on whether this latter-day Mohamed Atta on a terror target list can buy a gun, buy an assault weapon in the United States, whether this new Mohamed Atta, this new terrorist group, can buy assault weapons at gun shows without any background checks whatsoever and then use those weapons to kill innocent American citizens. How can the NRA align itself with latter-day Mohamed Attas? With latter-day Tsarnaev brothers? How can the NRA do that? How can the Republican Party align themselves with the NRA if that is their agenda? These are the votes we should be having.

It is very simple. If you cannot fly, you should not be allowed to buy a weapon in America. If you are a terrorist and you are not permitted to fly in our country, how can we have a system that allows you simultaneously to buy an assault weapon that can kill dozens of people or more? We know what is at the top of the terrorist target list in our country. We know what they are trying to do. They try to bring down planes. They try to find ways in which they can terrorize otherwise innocent communities in our country to spread their terror, and we know where the Achilles heels are. We shut it down when it came to airlines. We can shut it down here when it comes to the purchase of weapons if you have already been identified as being on a terror target list, a watch list. The FBI is looking at you, but you can still buy an assault weapon. It makes no sense. How many times do we have to learn the lesson until we finally act? Is this not enough? Is what happened in Orlando not enough—49 people dead, gay, 44 out of 49 names Latino, a hate crime, a terror attack, all of it. Do we really need more? Do we need another and another and another? Because we know the day is coming when this law is going to change. The test of us is that we do it before more innocent lives are lost; that we have these two bills that Senator MURPHY referred to brought out here onto the floor; that we block this open door for terrorists to be able to kill in our country, to be able to purchase these weapons of mass destruction that kill at a level that is almost unimaginable.

Once again, I thank my friend, and I ask the question of the Republican leadership: Why can't we have this debate? Why can't we have these votes? Now, I know the answer. It is that the NRA—the National Rifle Association—does not want those votes, but our job as elected officials is to ensure that NRA stands for ''not relevant anymore'' in American politics after Orlando, after this massacre. That is our historic challenge out here today.

I thank the Senator from Connecticut, the Senator from New Jersey, the colleague of the Senator from Connecticut, Senator BLUMENTHAL, and for

all the Members who have participated in this debate, discussion, filibuster. This is the issue. This is the time. This is the place. We are the people who have to resolve this issue. People will look back and they will ask: Did we try? Did we really try to put a ban on the purchase of these weapons by these terrorist list people in our own country? That is going to be the test for us. We can't fight the battles over in Aleppo, we can't fight the battles over in Fallujah, but we can fight this battle here on the streets of America. We know what has to be done. This body just has to have the courage to say to the NRA: No, it is too much. Our country is bleeding. Families are hurting. We don't want to see it happen again. This is going to be the challenge of this week and next week and every week until we have these votes and until we close these loopholes.

Again, I thank the Senator from Connecticut for conducting this very important discussion.

Mr. MURPHY. I thank the Senator for his remarks. I thank him for his focus on assault weapons.

We are asking for two different proposals to come before the Senate, not one on banning assault weapons, but it remains a passion of many of us. One of the most gruesome facts from the Newtown killings is that there were 20 kids who were shot with that weapon, and not one of them survived. All 20 of them died. That speaks to the epic, life-ending power of an exceptional weapon.

I yield to the ranking member of the Homeland Security Committee, the Senator from Delaware, for a question without losing my right to the floor.

Mr. CARPER. I thank my colleague from Connecticut for inviting us here and encouraging us to have this conversation.

Many of our colleagues have come from a briefing by three of the top officials in this country who deal with homeland security and law enforcement. One of the questions that was asked deals with the ability of someone who is on a terrorist watch list to be denied the opportunity to fly on an airplane and then whether that same person on a terrorist watch list can be denied the opportunity to buy, for example, an assault weapon. The answer is, I think, shockingly disappointing. A person who is on a terrorist watch list can and will be denied the opportunity to fly on an airplane. That makes sense. But what doesn't make sense is that same person who is denied the ability to fly on an airplane because he or she is on a terrorist watch list can then go into a gun show or a gun store and buy a weapon, including an assault weapon. That just makes no sense to me. That makes no sense to me.

I would add maybe two other quick points, if I may, and then I will stop and yield to others, including the Senator from Wisconsin who was kind enough to allow me to say a few words. The number of people who want to leave this country and go to link up with ISIS and be a fighter, that number has dropped and continues to drop dramatically, down to one per month now. In the United States, it is down to one per month. The reason that number continues to drop, and drop dramatically, is because ISIS is on the run. ISIS early on was thought of as a winning team. No more. They are being regarded, I think appropriately, as a losing team.

I asked the question of the Secretary of Homeland Security: Is it true that since 9/11 every American who has died in this country at the hands of a jihadist terrorist—have they died at the hands of someone from another country who has somehow slipped in secretly or covertly? The answer is, every person who has died in this country since 9/11—an American citizen—has been killed by someone who is a U.S. citizen or someone who is a legal resident here.

The Secretary of Homeland Security is pleading with us to give his Department the ability to create counterviolent extremism capability within the Department to improve it. That would enable us to establish partnerships with the Muslim communities, faith organizations, and other organizations to be able to reach out to work with them to reduce the likelihood that folks who are already here and could be radicalized will not be radicalized.

I appreciate the chance to share a couple of those takeaways from what I thought was a very important briefing. I again say thank you to the Senator from Wisconsin for allowing me to slip in at this point in the discussion.

Mr. MURPHY. I thank the Senator from Delaware who, earlier on the floor, talked about this notion that ISIS is on retreat inside the Middle East, and they have only a handful of motivations remaining for people to join their movement. No longer is the inevitable geographic expansion of the caliphate available to them as a reason for recruitment, but the belief or the argument that the East is at war with the West certainly is still available to them, especially if we react in the wrong way to the threat that is presented to us. Frankly, we have not gotten into a discussion thus far on this floor about what one of the Presidential candidates is proposing, but part of the reason we are demanding a vote on these measures is because this is the right way to respond. There is a latent fear in the American public that is understandable. There is a wrong way to respond to that that will, frankly, make us less safe. There is a right way to respond, and I think the American public gets that because of the 90-percent approval ratings of the things we are proposing.

I thank the Senator, and I yield to the Senator from Wisconsin for a question without losing my right to the floor.

Ms. BALDWIN. Through the Chair, I would like to ask a question about the tragic massacre in Orlando.

I wanted to lead into that by first of all thanking and deeply appreciating the work and efforts of my colleague from Connecticut who has come to the floor so many times to talk about the lives and the identities and the legacies of the people who have lost their lives to gun violence and the families who are there to remember them.

I remember so profoundly the massacre at Newtown. Senator MURPHY brought photographs of all of the victims and their families and told their stories at length on this Senate floor.

As weeks and months persisted here in the U.S. Senate and no action was taken to do commonsense things to make access to these weapons more difficult, the Senator from Connecticut started coming to the floor and talking about some of the people we don't read about because the media doesn't rush to the scene when somebody dies in a drive-by shooting or in a place that doesn't garner the attention and the spotlight the way the massacre and tragedy in Orlando has.

I thank the Senator from Connecticut for his perseverance, and I am so proud to join him this afternoon in this insistence for action. I am in such strong agreement with the Senator from Connecticut about the need to close what we call the terror gap and strengthen our background check laws because what we have seen over the last weeks and certainly on Sunday in the early morning is the nexus of hate and terror and easy access to weapons of war by people who should not have them.

I can't tell you how many times I have penned the words ''You are in my thoughts and prayers'' and spoken the words ''You are in my heart, in my thoughts, and in my prayers.'' I can't tell you how many times I have joined—either in my former service in the House of Representatives or here in the Senate—in a moment of silence. Silence is not enough. Thoughts and prayers are important, but they are not enough. We have to act.

I join many of my colleagues here tonight in the effort toward securing a vote by this Senate to make it harder—just a little bit harder—for people who hate and people involved in terrorism to get a hold of weapons of war. We have an opportunity because we have a bill before us. It is the Commerce-Justice-Science appropriations bill.

I have the honor of serving on the Senate Appropriations Committee and being a member of the subcommittee. This is the moment, this is the bill, and this is our opportunity. I am not saying that had this been in law a year ago, a month ago, a week ago, that this wouldn't have happened, but our silence is unacceptable, and we must act.

We are better than this as a country. I can't tell you how many times I have woken up or heard midday of another mass killing—a crowd around the television set, hungry for news, wanting to know about who perished, who is in the hospital, and when is it enough. When are we going to act?

In the political world, we also, regrettably, fall into our—I don't know what to call it—comfort zone. Let's only talk about this as a terrorist incident, or let's only talk about this as a hate crime, or let's only talk about this in terms of gun violence. This is all of the above. We have to come together. We have to be united. We have to be strong in order to respond.

I also have to speak as a member of the LGBTQ community. This last Friday, I had the honor of going to the opening ceremonies at the Pridefest in Milwaukee, WI. They were celebrating their 30th year of Pridefest. In preparing for what I was going to say at that opening ceremony, I reflected on how different things were 30 years ago, in 1986. That was actually the year I was first elected to local office. I didn't have a lot of colleagues who were in the LGBT community in America, let alone the world, at that point in time. Boy, we have changed. We have seen such progress. After celebrating the opening of Pridefest in Milwaukee, I woke up on Sunday morning, as we all did, to this horrific tragedy in Orlando.

A hate crime is a crime that targets a particular audience, a particular group in order to send terror throughout that community—not just the victims but all who share characteristics with the victims. And in a month—June—which is Pride Month, when we usually celebrate how far we have come over oppression, over discrimination, over hate crimes, to wake up and see this was truly unspeakable.

Back to the legislating we do on the Senate floor, I will be supporting a number of amendments on this appropriations bill—the one that I came to ask Senator MURPHY about but additionally an amendment that would add resources to the Department of Justice to help prevent and investigate and enforce our Nation's hate crimes laws. I hope those also will earn votes. I will be supporting the amendment of a colleague, Senator CASEY from Pennsylvania, relating to including misdemeanor hate crimes in the list of offenses that should prohibit individuals from being able to acquire or possess weapons of war.

Back to our focus right now, our focus right now is on getting a vote on closing the terror gap, getting a vote on making sure that background checks occur with regard to every purchase so that you can't be rejected from purchasing a weapon and then run to the Internet and purchase a weapon that way or run to a gun show and purchase a weapon that way outside of the background check system.

One of the things that are so important is when the Senator from Connecticut came to the floor and showed the faces and read the names and told the stories of the victims of gun violence, massacres in Connecticut and in locations all over the United States. I have been so moved as I have had the opportunity to see the media begin to share with us information about the names and the lives of the 49 victims of this hateful attack.

Through the Chair, I want to ask Senator MURPHY a question about the 49 victims of this tragedy.

Luis Daniel Conde was 39 years old, and Juan P. Rivera Velazquez was 37 years old. Luis, originally from San Lorenzo, Puerto Rico, was with his loving partner, Juan P. Rivera Velazquez, at Pulse. Both men were killed in the shooting. Luis was known by his loved ones as a fun-loving person with a great sense of humor. Juan, also originally from Puerto Rico, was the owner of the D'Magazine Salon and Spa in Kissimmee, FL.

Simon Adrian Carrillo Fernandez was 31, and Oscar A. Montero was 26. Simon was a manager at McDonald's who was well loved. He was known for bringing in cakes to celebrate the birthdays of each and every employee. Simon and his partner Oscar were killed just after returning home from vacation in Niagara Falls.

Christopher Andrew Leinonen was 32 years old, and Juan Ramon Guerrero was 22 years old. Christopher Andrew, who went by Drew, was with his partner Juan Ramon at the time of the shooting. Both men died. Drew had a bachelor's and master's degree from the University of Central Florida and founded a gay-straight alliance at his high school.

Akyra Monet Murray was 18 and a recent graduate of West Catholic Preparatory High School in Philadelphia, where she was a top student and a top athlete on the women's basketball team. She had recently signed to play at Mercyhurst University in Pennsylvania.

Jean Carlos Mendez Perez was 35, and Luis Daniel Wilson-Leon was 37. Jean and Luis were loving partners. Both men were killed in the shooting. The families of both men took to Facebook to share their love and sadness.

Edward Sotomayor, Jr., was 34 years old. Edward handled brand management for ALandCHUCK.travel, an agency that plans vacations for the LGBTQ community. On hearing the news of Edward's death, his boss, Al Ferguson, spent time with Edward's family at the hospital. He died while urging his partner to exit the club doors to get to safety.

Leroy Valentin Fernandez. Leroy was 25 years old. He was a leasing agent at an Orlando apartment complex and a vibrant performer who loved Beyonce, Adele, and Jennifer Lopez. His friend described her grief as ''it just feels very quiet now.''

Rodolfo Ayala was 33 years old. Rodolfo was a biologics assistant at the OneBlood donation center, a donation center that has been working to supply blood to the survivors of the shooting. His friend described him as compassionate and said he loved his career.

Brenda Leigh Marquez McCool was 49 years old. Brenda was a two-time cancer survivor and real estate agent. She was the mother of 11 and was at Pulse with one of her sons for a night of dancing.

Angel Luis Candelario-Padro was 28 years old. He moved to Orlando from Chicago and started a job as an ophthalmic technician only 4 days before the shooting. He was from Guanica, Puerto Rico, and described himself online as ''adventurous, easy going and responsible.''

Antonio Davon Brown was a captain in the U.S. Army Reserve. He had previously been a member of the Army Officers Training Corps at Florida A&M University. He was 29 years old.

Stanley Alamodovar III, age 23. Originally from Massachusetts, Stanley worked as a pharmacy technician in Claremont, FL. Friends have been taking to social media to comment on his ''bubbly'' and ''down to earth'' personality.

Amanda Alvear was 25 years old. Amanda was a beloved sister and godmother. Before the shooting, Amanda posted videos to Snapchat, showing herself and a friend, Mercedez Marisol Flores, dancing and enjoying themselves at Pulse. Mercedez was another victim of the shooting.

Darryl Roman Burt II, age 29. Darryl was a financial aid officer at Keiser University and a passionate volunteer. The president of the Jacksonville Jaycees, which Darryl was a member of, described him as ''always interested in a positive impact on the people's lives in the community.''

Juan Chavez-Martinez was 25 years old. Juan, a Davenport resident, was known by his colleagues as a kind and loving person. Facebook lists his hometown as Huichapan, Mexico.

Cory James Connell was 21 years old and well loved. His teachers described him as ''their all-time favorite'' student. His brother took to Facebook to share his grief: ''The world lost an amazing soul today. God just got the best of angels.''

Anthony Luis Laureano Disla was 25 years old. He was a graduate of the University of the Sacred Heart in Santurce, Puerto Rico, where he studied education. He was also a well-known drag artist in Orlando, performing as Alanis Laurell.

Deonka Deidra Drayton, age 32. Deonka, known as Dee Dee, was working at Pulse when the massacre occurred, according to a family member. ''Senseless,'' her aunt wrote on Facebook. ''Rest in peace Dee Dee. You know this Auntie will miss you.''

Mercedez Marisol Flores was 26 years old. Mercedez was at Pulse with her friend, Amanda Alvear, when the shooting occurred. She was a student at Valencia Community College and worked at the local Target.

Peter O. Gonzalez-Cruz was 22 years old. Peter worked at UPS and spent his high school years in New Jersey. On Facebook, his mother thanked everyone for reaching out and expressed ''deep and immense pain'' at the loss of her son.

Miguel Angel Honorato was 30 years old. He was a resident of Apopka, FL.

Miguel worked for FajitaMex Mexican catering. On Facebook his brother wrote: ''I can't face the fact that my blood brother is gone. May your soul rest in peace Brother. I love you so much.''

Javier Jorge-Reyes was 40 years old. Javier, of Orlando, worked as a supervisor at Gucci. He was originally from Guayama, Puerto Rico, and studied at the Universidad del Sagrado Corazon. Said one Facebook friend: ''Your energy and love of life and of all things beautiful was infectious. . . . You were one of a kind.''

Jason Benjamin Josaphat was 19 years old. He was an ambitious young man with many passions—computers, athletics, and photography. Jason's uncle described him as ''very excited about his journey.''

Eddie Jamoldroy Justice was 30 years old. He was an accountant and loved to make other people smile. He was able to text his mother right before he died on Sunday night. He said that he loved her and to call the police.

Alejandro Barrios Martinez, age 21. A Cuban news source identified Alejandro and spoke with his family and friends who described him as ''always very positive.'' He was able to contact his family at Pulse before he died.

Gilberto Ramon Silva Menendez, age 25. Gilberto studied health care management at Ana G. Mendez University and worked as a sales associate at Speedway. He was originally from Manati, Puerto Rico.

K.J. Morris was 37 years old. K.J. was a bouncer at Pulse, known for her excellent dancing and amazing smile that could light up a room. She previously lived in Massachusetts.

Luis Omar Ocasio-Capo, age 20. Omar loved to dance and dreamed of becoming a performer. He grew up in Nashville, TN, and worked at a local Target and Starbucks.

Eric Ivan Ortiz-Rivera, age 36. Originally from Puerto Rico, Eric worked at Party City and Sunglass Hut. He had been married for about a year. On Sunday morning, his husband frantically called friends and family when he couldn't connect with Eric.

Joel Rayon Paniagua was 32 years old. He loved dancing and is remembered as humble and cheerful. He was also a religious man and attended church in Winter Garden.

Enriquo L. Rios, Jr., age 25. Enriquo was from Brooklyn, NY, and was vacationing in Orlando at the time of the attack. He had been working as a coordinator at True Care Home Health Care and studied social work at St. Francis College. His mother said her family has been ''torn apart.''

Xavier Emmanuel Serrano Rossado was 35 years old. He was the father of a young son and worked as an entertainer at Splash Bar in Panama City Beach, FL. He was a mentor to many of his coworkers who described him as ''quick with a smile.''

Shane Evan Tomlinson, age 33. Shane was a gifted singer who performed as the front man for the band Frequency. He had a vibrant and charismatic stage presence. He was at Pulse following a performance at a local club.

Martin Benitez Torres was 33 years old and from San Juan, Puerto Rico, where he studied at Ana G. Mendez University System. He was in Orlando visiting his family.

Franky Jimmy De Jesus Velazquez, age 50. Franky was a visual merchandiser at Forever 21 and studied at InterAmerican University in Puerto Rico. His family took to Facebook to share their love of Franky saying: ''What happened in Orlando affects all of us because it is an act of hate against the freedom to be who you are.''

Luis S. Vielma was 22 years old. He was a student at Seminole State College and worked as an operator for Universal Studios' Harry Potter and the Forbidden Journey ride.

Jerald Arthur Wright. Jerald was 31 and was employed at Walt Disney World and was well loved by both of his families—his biological one and his Disney family. He was at Pulse to celebrate a friend's birthday.

Tevin Eugene Crosby. Tevin was a Michigan native and 25 years old. He was the ambitious owner of Total Entrepreneurs Concepts. He was visiting Orlando after traveling to watch his nieces and nephews graduate.

Jonathan Antonio Camuy Vega. Jonathan was 24 and worked for a Spanish TV network as a producer of a popular children's talent competition. He was a member of the National Association of Hispanic Journalists in Puerto Rico before he moved to Florida.

Jean Carlos Nieves Rodriguez was 27 and was a manager at a local McDonald's. He was known for being incredibly dependable. His closest friends describe him as ''just a caring, loving guy—just like a big teddy bear.''

Yilmary Rodriguez Sulivan, age 24. Yilmary was a wife, a sister, and a mother of two sons, Jariel and Sergio. Her sister described her as the most loving and caring person you could ever meet, saying her smile lit up the room and her laughter brought a smile to your heart.

Frankie Hernandez Escalante, 27. Frankie was a loving big brother who taught his little sisters how to walk in heels and do their hair and makeup. Frankie had a tattoo on his upper right arm reading ''love has no gender.'' Frankie moved to Orlando from Louisiana.

Enrique L. Rios, Jr., age 25, who I spoke of before. Enrique, from Brooklyn, NY, was vacationing in Orlando at the time of the attack. He had been working as a coordinator at True Care Home Health Care and studied social work at St. Francis College. His mother describes that their family has been ''torn apart.''

There are three more names that I will read and tell you just a little bit about who lost their lives in that massacre early Sunday morning in Orlando.

Paul Terrell Henry was 41. Paul was planning to return to college. He was a Chicago native and loved dancing and playing pool. He had two children, including a daughter who had just graduated from high school.

Christopher Joseph Sanfeliz, 24. Christopher worked at a local bank and was known for having a positive outlook on life. He was very close to his family and told family members earlier in the weekend that he planned to go to Pulse with friends.

Geraldo A. Ortiz-Jimenez, age 25. Geraldo, known as ''Drake Ortiz'' to his closest friends, was originally from Santo Domingo in the Dominican Republic. He studied law at the Universidad del Este en Carolina.

Now, through the Chair, I would like to ask Senator MURPHY a question about the 45 victims of this tragedy. As someone who has come to this floor and read the names, shared the images, and told the stories of so many in our country who have lost their lives to gun violence, does the Senator from Connecticut agree that the time to act is now, and that our thoughts and prayers for their deaths are important, but not enough?

(Mr. SASSE assumed the Chair.)

Mr. MURPHY. Mr. President, I thank the Senator for the time she has taken to talk about each of these beautiful individuals—these young men and women who went to a dance club to celebrate their lives and their friends and Pride Month and who will never, ever walk the face of this Earth again, and their friends and families will never get to celebrate these individuals' lives. It is a reminder, as you talk about who these people are individually, as much as we talk about statistics—the 30,000 who have died—that this is about lives.

You could tell the story, for each one of them, of 20 other people whose lives will never be the same because of this tragedy. You could put nearly two of those charts up every single day, and that is what is so scary. We are fixated on this tragedy because it is unique and horrific, but we could put up that chart every day, and it is important to tell their stories—to tell who they were—because hopefully that is part of the imperative for us to act.

Senator UDALL has been patient and on the floor, and I know there are others who are waiting to speak. So let me yield for a question to Senator UDALL, who has been a great friend on this issue, without losing my right to the floor.

Mr. UDALL. Mr. President, I really appreciate the leadership of Senator MURPHY and his effort to see that the Senate addresses commonsense gun legislation. It is probably around the hour when people are getting home, and they are wondering why we are here, why the Senator is choosing to hold the floor in this extended debate.

People should know that our Nation has seen a string of gun tragedies. The Senator's home State of Connecticut

saw the horrific Sandy Hook shooting of young children. In San Bernardino we saw an ISIL-inspired terrorist attack. This terrorist slaughtered his former coworkers—innocent people. In Orlando, a disturbed man, perhaps inspired by ISIL, murdered 49 people in cold blood. This was an assault on the LGBT community—a hate crime. In the last week, in my home State of New Mexico, we have seen some terrible gun tragedies. A man is now accused of murdering his wife and four children in Roswell, NM.

There are so many tragedies, and they all have different reasons. But one thing that almost all of us agree on is that we must do more to keep dangerous weapons out of the hands of people who mean harm to others or to themselves. You should have to pass a background check to buy a gun. If you are a risk to others because of a history of making threats or because you may be affiliated with a known terrorist organization, law enforcement should be able to step in and prevent you from buying weapons.

The first thing I wanted to ask the Senator from Connecticut, for people who are just tuning in right now, is this: What are the two amendments that you are seeking to vote on today, and how would they help stem this tied of horrific violence that we are seeing across the country, and as you have continually pointed out happens every day?

Mr. MURPHY. Mr. President, I thank the Senator for the question. It is simple. We are asking for the two sides of the aisle here to come together and bring us votes on a bill that would prevent individuals who are on the terrorist watch list—the no-fly list—from being able to purchase firearms and then, second, to expand out those purchases that are covered by background checks to places where gun sales are migrating, which is largely gun shows and Internet sales. These are both measures that are supported broadly by the American people.

To the Senator from New Mexico, we are asking for more than just votes on these measures. We think there is common ground on these issues. We can't think of any excuse why we can't come together and figure out a way to get these passed.

We have taken votes in the past, and votes are important and would be important if we took them, but what would be more important is to bridge our differences. There are plenty of people who aren't on the floor today who can make that happen so that we can pass legislation rather than just debate and vote on it.

I yield to the Senator for an additional question.

Mr. UDALL. Mr. President, I ask the Senator this, through the Chair. My offices in New Mexico today received many calls asking why Democrats are on the floor debating the Second Amendment. I would like to ask the Senator from Connecticut if this is an accurate assessment of today's debate.

It is my understanding—and I believe most of my colleagues would agree—that the Supreme Court has settled this issue. Congress can't take away that right. President Obama can't take away that right.

What we are doing here today is taking steps to ensure that dangerous people are not able to buy a gun. Is that the Senator's understanding?

Mr. MURPHY. Mr. President, I thank the Senator for this clarification. I, in fact, don't think there is anything about this debate that we are having that, as they would describe it, is a debate about the Second Amendment. There is no dispute that the Second Amendment now, in the wake of the Heller decision, guarantees the right of an individual to own a firearm. That is the law of the land. But that same decision very explicitly makes it clear that it is within the right of Congress to put parameters around that right to make sure, for instance, that criminals or would-be criminals don't get access to firearms.

So this certainly is not a debate about the Second Amendment. The Second Amendment is clear. Right now, as interpreted by the Supreme Court, it guarantees an individual's right to a firearm, with reasonable conditions placed upon it by Congress. So we are simply debating the extension of a widely accepted condition on the Second Amendment, which is the inability of criminals, and as we are debating today, individuals on the terrorist watch list.

I yield to the Senator for a question.

Mr. UDALL. I would ask an additional question here. Last week, several of us announced a ''we the people'' government reform package, and I plan to introduce that bill tomorrow. The bill includes several pieces. It has Senator WHITEHOUSE's DISCLOSE Act, which would require mandatory disclosure of all special interest campaign donations. It also includes my good friend Senator BENNET's legislation to strengthen lobbying laws.

I bring this up because I think it highlights the reason for Congress's inaction on gun violence. We have been here before after the tragedy in Connecticut at Sandy Hook. We stood here and debated many of the same issues, including expanding background checks, closing the gun show loophole, limiting the capacity of magazines—things that should have been passed but weren't.

I wish to ask my friend from Connecticut: Do you think our inability to pass commonsense gun safety legislation is in any way connected to the flood of money in our campaigns from special interests?

Mr. MURPHY. I thank the Senator for the question.

I think the flood of special interest money into politics is the answer for why lots of things don't happen here, and, frankly, it is also the answer for why a lot of things do happen here. So I think you are spot-on, through the Chair to Senator UDALL, that part and parcel of this conversation is a conversation about reforming the way in which influence is exerted in this place.

Something is wrong when 90 percent of the American public says that they want expanded background checks, and something is wrong when 75 percent of the American public says they want people on the no-fly list to be prohibited from buying guns, and we don't act on it. I can't give specific diagnoses as to why that is, but it certainly speaks to the need for the reforms the Senator is talking about.

I yield to the Senator for an additional question without losing my right to the floor.

Mr. UDALL. I ask one additional question through the Chair.

Many New Mexicans live in very rural areas near the border with Mexico. Carrying a gun is not unusual in those areas. It is a different way of life than in Connecticut or anywhere on the east coast. For example, the entire State of Connecticut is about 5,500 square miles, with a population of 3.5 million. Hidalgo County, NM, one of our 33 counties in southwestern New Mexico, is almost 3,500 square miles and has a population of fewer than 5,000. Many of the ranches there are tens of thousands of acres. They are in the remote boot heel area of the State, a region that is divided by mountain ranges and that borders Mexico on two sides. So I understand why many New Mexicans feel safer carrying a firearm. They might be miles from the closest help. It might take law enforcement a significant time to reach them. So I certainly don't want to do anything to infringe on their right to protect themselves with a firearm.

But I would ask my friend from Connecticut who has worked on this issue so long and understands this so well, would any of the proposals we are asking to get a vote on take away their rights to purchase or own a firearm?

Mr. MURPHY. I thank the Senator for the question. I will forgive the disparagement of Connecticut's small size, but the answer is no. The only limitation would be that if any of those individuals were not permitted to fly because they were on the terrorist watch list, they would not be able to purchase a gun. In 2015 there were only 200-some-odd individuals who were on the no-fly list who attempted to buy a gun. Other than that limitation—and I imagine there are very few or no ranchers who are on that list.

Mr. UDALL. I appreciate that answer, and I yield the floor.

Mr. MURPHY. I thank the Senator very much.

I yield to my good friend, the Senator from Colorado, for a question without losing my right to the floor.

Mr. BENNET. Mr. President, I thank the Senator from Connecticut, and I would say to the Senator from Connecticut, those attempting to disparage the size of Connecticut—being from

Colorado, I certainly won't do that, but I would ask you to share the biggest concern you have heard about requiring universal background checks on gun sales.

Mr. MURPHY. I thank the Senator for that question. I talked to Senator MANCHIN about this earlier today. Much of the concern that I hear from individuals is that it is somehow a slippery slope that eventually leads to the government confiscating weapons. That is a mythology that has been created out of whole cloth by individuals who have something to gain from selling the story of perpetual fear of the government.

Of course there is no evidence in the history of the national criminal background check system that is the case. So I think the root of people's opposition is in a fear about a hidden agenda of the government, which we know is simply not the truth. All the criminal background check systems do is protect the public by keeping guns out of the hands of violent criminals.

I yield for the question.

Mr. BENNET. I appreciate the answer to that question.

I will share some of the experiences of Colorado, and I will ask the Senator from Connecticut a question.

I want to say first to the people of Orlando and the people of Florida how sorry I am for the tragedy that has befallen them. On Sunday morning, I got up and opened the paper on my device and saw at that time that 20 people had been killed, and then it quickly grew to 50. I can only remember the shock when we had the shootings in the Aurora movie theater, and I know the Senator from Connecticut had the tremendous shock of the killings of the elementary school children in Newtown, CT. I thought, as I always do when this happens, that my brother or sister could have been in there, my mother or father could have been in there, or my son or actually one of my daughters could have been in there, and I thought of the feeling somebody must have when they know they are never going to see their loved one again.

I was fortunate, obviously, not to be in that circumstance, but on Sunday morning, my wife Susan and I were taking my 11-year-old daughter—my youngest daughter—to camp, and the only thing I was trying to do before I got her there was to make sure she didn't see the news, make sure she didn't hear about what happened, make sure she didn't leave her parents feeling the anxiety they felt after Newtown happened, the horror they felt after Aurora happened, the knowledge that they are growing up in a country unlike the country we grew up in, where children have a reasonable fear that something like this could happen to them.

Our experience in Colorado—as the Senator knows, on July 20, 2012, a gunman walked into a crowded theater in Aurora—people were there just to watch a show—and killed 12 innocent people, just like the innocent people who were killed on Sunday morning or the children killed in Newtown. There were 58 wounded from the gunfire. We lost 12 lives, people who were full of life and aspirations, loved by family and friends. I have read their names on this floor. I have talked about who they were on this floor.

But unlike Washington, in Colorado, our legislators rose to the occasion and made some tough decisions, which is why I am asking this line of questions to the Senator from Connecticut. They got together and they actually strengthened our background check system. Colorado's Legislature closed the gun show loophole and the Internet loophole and required a background check for every gun sale.

What has happened? Let me give an example. In 2015 the stronger background check system blocked 7,000—I want to be precise about this—7,714 people from buying guns. That may sound like a lot, but 350,000 people applied for guns in Colorado in 2015. That is just over 2 percent of the people who applied for guns. Ninety-eight percent of the people who applied got their guns.

By the way, I have a report from the Colorado Bureau of Investigation, which on a monthly basis publishes all this data so everybody in Colorado can see what is going on. It has, among other things, the average wait time, the average time it takes on the Internet to get this check done in Colorado. It takes 9 minutes to get the background check.

More important than the percentage—that, of course, is a low percentage—is who is in the percentage. We have murderers who have been denied guns. We have rapists who have been denied guns. We have domestic abusers in that 2 percent who have been denied guns. We have kidnappers who have been denied guns. Is there anybody who is going to come to the floor of the Senate and say that Colorado is worse off because we have kept guns out of the hands of murderers and kidnappers and rapists?

This isn't mythical; this is the actual fact of what is going on in a western State that has background checks. Nobody can come here and argue that we are not safer because these people who shouldn't have had a gun don't have a gun, this 2 percent.

But in stark contrast—this is why I came to the floor tonight—this is in stark contrast to what the Colorado Legislature did after the Aurora shooting. This Congress did nothing after Newtown, after Aurora, after Orlando—nothing. Time and again we return to this floor after a mass shooting and yet are unable to do the simple things, such as close the gun show loophole once and for all. That is not about taking guns from people who already have guns; that is about keeping guns out of the hands of people who shouldn't have guns. If your State is like my State, that is going to be somewhere in the neighborhood of 2 percent of the people who can't get a gun or apply for a gun permit.

The least we can do is close the terrorism loophole that allows terrorists on the watch list or people who are on the watch list to buy a weapon. That makes no sense at all. I think the American people clearly agree with that. The American people clearly support background checks. Ninety percent of the American people believe we should strengthen background checks.

I thank my colleagues who are here today. It is a particular privilege to be here with my two colleagues from New Mexico, and I thank the Senator from Connecticut for his leadership.

Mr. MURPHY. I thank the Senator from Colorado for his passion on this issue and for the personal decisions we wrestle with, especially those of us with children.

I now yield for a question.

Mr. BENNET. Mr. President, I would just like to add one thing, if I could.

Mr. MURPHY. I will yield to the Senator from Colorado for a question.

Mr. BENNET. You know, it is Pride Month, and we have our Pride parade this Sunday in Denver. For the last 10 years, that is how we have celebrated Father's Day. Father's Day coincides with Denver's Pride parade, and my wife and children and I all go. This Sunday my phone rang. My oldest daughter was on a civil rights tour in the South with her choir, and we started talking about this, and she reminded me that we missed last year's Pride parade because we were at the Shorter AME Church in Denver worshipping with that congregation in the wake of the shootings in Charleston. She was the one who had to remind me of that, but when she did, it was another reminder of how searing these experiences are for the next generation of Americans.

I thank my colleagues.

Mr. MURPHY. I thank my colleague. He is right. Charleston was almost a year ago to the day. But it is hard to keep track of when these year anniversaries occur because we are now having 1-year and 2-year and 3-year and 4-year anniversaries and major, epidemic mass shootings almost every month, and we are coming up on 4 years for Sandy Hook this December.

I thank the Senator, and now I yield for a question to the Senator from Hawaii without losing my right to the floor.

Ms. HIRONO. I thank the Senator from Connecticut for yielding his time on the floor for a question, and I want to join all the people of Hawaii in expressing our deep sadness and condolences to the families and friends of all those who lost their lives and who were injured in this tragedy in Orlando. Our entire country shares in your grief.

Like everyone who has spoken today, I am saddened and outraged by what occurred in Orlando this past weekend. One of the victims, Kimberly ''K.J.'' Morris, moved to Orlando from Hawaii

just 2 months ago to take care of her mother and grandmother in Florida. K.J.'s grandmother Emma Johnson said:

> Knowing her, she would be trying to help everybody get out instead of running for her life. That is the type of person she is.

The lives K.J. and others led were cut tragically short. Meanwhile, Congress has been unable and unwilling to act to keep guns out of the hands of people who shouldn't have them.

I commend my colleague from Connecticut for his leadership on this important issue. He has been on the floor of the Senate week after week, month after month, calling on us to enact sensible gun legislation to keep our communities safe and to save lives.

I shared a transition office with Senator MURPHY in the days following the Newtown attack, and I saw his dedication and passion on this issue firsthand.

In his first speech on the Senate floor, the Senator from Connecticut said:

> I never imagined that my maiden speech would be about guns or gun violence. Just like I could never imagine I would be standing here in the wake of 20 little kids having died in Sandy Hook or six adults who protected them. But sometimes issues find you.

We all share his heartbreak that, of all issues, this is the one that found him. But I am proud to stand with him and with all my colleagues and with all the children, families, and communities affected by the gun violence epidemic in our country.

I agree with my colleague wholeheartedly when he says that it is no longer the time for thoughts, for prayers, for reflection; it is time for action.

In Hawaii, we have one of the lowest firearm death rates in the entire country. This is not an accident. Our elected leaders in the Hawaiian community have recognized that our laws should balance the interests of responsible gun owners with the interests of public safety.

Of course, we need to do more—so much more—on the Federal level. I supported the Manchin-Toomey bill to close the gaping loopholes in our background check system before guns can be purchased, and I strongly support Senator FEINSTEIN's bill to prevent people on the terror watch list from purchasing a gun.

Now is the time for action on these measures today, on this bill before us. Otherwise, the carnage in our country will continue. This year alone, 6,093 people have been killed by guns in our country. This includes 125 people who were killed by guns in the 3½ days since Orlando. So 125 more people have died since Orlando.

If we stood here and provided 6,093 victims a minute of silence, we would be standing here for 4 days, 5 hours, and 33 minutes. Moments of silence are not enough.

I wish to ask my colleague from Connecticut a question. What kind of message are we sending to communities around the country if we once again do nothing to make our country safer?

(Mr. ROUNDS assumed the Chair.)

Mr. MURPHY. I thank the Senator for the question.

I think it is a very dangerous message. I think it is the complete inability of this body to deal with important questions of the day. There is no doubt that we have disagreements. There is no doubt that there is a different approach on this side of the aisle than there is on the other side of the aisle. We have proffered the two policy proposals that are the easiest to find common ground on, but there is a host of other things that we would like on that we know will be much more difficult to get consensus on from the other side.

What is so damaging about not doing anything and, frankly, what is so offensive about not even scheduling a debate is that we are admitting that this place doesn't have the capacity and the ability to deal with the big questions that are on people's minds. People are scared right now. They are scared, having watched what happened in Orlando and what happened in San Bernardino. You heard the letter or the voice mail that Senator MCCASKILL transcribed for us by a 14-year-old who didn't know whether she was going to be able to live out her dreams because she thought that gun violence was going to sweep over her community.

It is so damaging to this country to leave people exposed to this potential terror, but it is also damaging to the reputation of this body, which is about as low as you can already get if we don't act.

I yield for any other questions.

Ms. HIRONO. I thank the Senator for his response. What could be more fundamental a job for government than to keep our people and our communities safe.

Mr. MURPHY. I thank the Senator, and I thank her for the questions.

I am thankful that my friend from New Mexico, Senator HEINRICH, has joined us.

I yield to him for a question without losing my right to the floor.

Mr. HEINRICH. I have several questions I wish to ask Senator MURPHY through the Chair today, but I want to start by thanking my friend, CHRIS MURPHY.

I am very proud to call him a colleague. I am proud of seeing him take this stand. I am proud that is forcing us to have this conversation. We all get sent here by our constituents to make tough decisions, to find the truth, and to find a path forward. I am very proud of him for not letting this go quietly with just another moment of silence and no action.

Since Sunday, I think most of us have been walking around feeling literally sick to our stomachs, with a sickness that is not going away.

I know our whole country is just so weary of seeing shooting after shooting and not seeing action and change and something meaningful from all of us.

I was very proud to see my constituents fill Morningside Park in Albuquerque, Pioneer Woman's Park in Las Cruces, the Plaza in Santa Fe, St. Andrew's Episcopal Church in Roswell, and Orchard Park in Farmington—all to remember the victims in Orlando and to say to their families that we are not going to forget them and to say to that entire community that when the LGBT community is attacked, really all of us are attacked.

I came to the floor because I can't believe that we are going to let this happen again and not change something. That goes to what I want to ask the Senator from Connecticut about.

I am here because I know that we can take tangible steps to make our country safer again, steps that are not a burden to gun owners—to gun owners like me. Senator MURPHY and I have talked about this at length. We are friends, our families are friends, and our kids are friends.

This is not about creating a burden for law-abiding gun owners, it is not about a threat to the Second Amendment. What has become clear is that there are simply critical junctures where we have to be able to identify those who would do us harm. Whether it is a young person drastically losing their way or a potential terrorist who is intent on doing harm to others, there are times when we have to be able to step in.

It is no secret that I have always believed that law-abiding citizens should be able to own firearms for sport, for self-defense. A lot of New Mexicans do just that and do it with incredible responsibility, but I simply cannot stand by and let this pass with just another moment of silence.

It is personal. As the parent of a 13-year-old, as the parent of a 9-year-old, and watching what happened at Sandy Hook in Senator MURPHY's home State—without believing there must be something more that we can do—I find it so frustrating that kids today in elementary school, in middle school, have to do things that we never had to do when we were growing up—practice sheltering in place and what happens in an active shooter situation. Our kids simply shouldn't have to do that. We owe it to the American people to take real action, to reduce the violence in our communities. I truly believe that keeping guns out of the hands of people who are, frankly, legally prohibited from having them is just such common sense.

The fact that we are arguing about this is a little bit unfathomable, but that is all we are talking about with background checks. That is what background checks do. That is what closing the terror gap would do.

I can't tell you how many times I have been through the background check process. Through the Chair, I ask Senator MURPHY, if I have to pass a background check to buy a deer rifle, why shouldn't firearms sales made on the Internet or at a gun show require

such a simple procedure that makes sure that law-abiding people have access to firearms and makes sure that people who aren't law-abiding, who have been convicted of a felony, who potentially could be on the terrorist watch list do not. We are going to talk a little bit about closing that gap. Shouldn't we make sure that all of our firearms sales cut a clear and decisive line between the law-abiding and those who have lost their rights through the actions they have taken?

Mr. MURPHY. I thank the Senator for his question. I really appreciate his outlining at the beginning of his question that not only is the Senator from New Mexico a gun owner but that he is a proud gun owner. He is an active hunter and somebody who cares very deeply about Second Amendment rights.

His question is spot-on. Why would you have a system that requires Senator MARTIN HEINRICH to go get a background check when he buys a gun at a gun store but not require an individual to get a background check when they buy a gun at a gun show? The reality is that when this law was passed, the intention was for the background check to cover almost all commercial sales in the country, but it was passed at a time when almost all commercial sales were being done in gun stores. What has happened since that law was passed is that gun sales have migrated—for reasons that you can understand—away from bricks-and-mortar stores and onto Internet sales and to these gun shows. I guess really all we are asking for the text of the law is to basically re-up on the original law's intent.

The Manchin-Toomey bill, for instance, still doesn't contemplate the sale of a gun from a father to a son or from a neighbor to a neighbor to be subject to a background check, but if you were advertising your gun on the Internet or if you are going to an organized market and gun sale, then you should go through that background check.

I saw you nodding when Senator BENNET mentioned that the average background check takes under 10 minutes. Some people say: Oh, we can't have background checks; it is so onerous.

No, everybody who has gone through a background check can tell you that you are by and large in and out of there in a very short amount of time. Frankly, as to the people who aren't in and out of there in a short amount of time, sometimes that is for a reason, and that is important to remember.

I yield for additional questions.

Mr. HEINRICH. Well, I want to get to a second question, but I want to say that is absolutely accurate. I can tell you I don't think it has ever taken me more than 15 minutes to go through that process.

As a law-abiding gun owner, as somebody who has taught my kids how to be responsible with firearms, I don't want criminals to be in possession of firearms. I don't want someone who has been convicted of domestic violence to be in possession of firearms.

This is about separating the law-abiding from terrorists and criminals. What could be more common sense?

If you look at Federal law, it literally identifies 10 categories of individuals who today are prohibited from shipping or transporting or receiving firearms or even ammunition, because we have made the judgment through our judicial system and through our laws that they present a threat to public safety.

This list includes convicted felons, as it should. It includes fugitives. It includes drug addicts and people who are committed to mental health institutions. It includes undocumented immigrants. It includes anyone who has received a dishonorable discharge from the military, someone who has renounced their U.S. citizenship, or someone with a restraining order for domestic violence or misdemeanor convictions for domestic violence. Finally, it includes anyone who is under a felony indictment.

To me, the second amendment that Senator MURPHY was speaking of—the second amendment not to the Constitution but the second amendment to this bill—speaks to whether it shouldn't be true that someone who is suspected of terrorism should not be considered as unfit to own and use a firearm legally as someone who has been dishonorably discharged or has renounced their U.S. citizenship. We are talking about people who have gotten on the no-fly list, for example, for some very real reasons.

Through the Chair, I ask Senator MURPHY: If the FBI or intelligence community believes that someone is such an imminent threat that they are so dangerous that we cannot allow them to board a commercial airliner, shouldn't they also be prohibited from buying a gun or shouldn't we at least let the Attorney General flag that sale and do something about it?

Mr. MURPHY. I thank the Senator for the question. The amendment that has been filed by Senator FEINSTEIN is pretty plain in its wording. It says that the Attorney General can deny the transfer of a firearm based on the totality of circumstances, that the transferee represents a direct threat to public safety based on a reasonable suspicion that the transferee is engaged or has been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or has provided material support or resources thereof.

There is not a single Member coming to this floor and suggesting that people who are on the no-fly list today should be taken off of it because their right to fly has been abridged or that there are names on the list that shouldn't be. That would be ludicrous. No one is going to suggest that we should allow people who meet that criteria to be allowed to fly in this country. So why on Earth would we allow them to purchase a gun?

I would hope that our colleagues would take a close look at this language that Senator FEINSTEIN has filed. It is different from her initial amendment. It is very clear and straightforward. If you are deemed to be a potential threat to the United States because of connections to terrorists, you probably shouldn't be buying dangerous assault weapons.

I yield for a question.

Mr. HEINRICH. And is it not true, I ask Senator MURPHY through the Chair, that there are due process protections in this amendment so that if someone were to find themselves on a list, there is a right to redress so that we ensure not only that terrorists can't simply walk into a gun store or go online and buy firearms but also so that there is due process?

Mr. MURPHY. I thank the Senator for that question because that is kind of the red herring that gets thrown into this mix. Yes, we all agree we don't think people who are on the no-fly list should get guns, but it is about the mistakes that are made.

No, in Senator FEINSTEIN's amendment—I know she will speak to it over the course of the debate—there is a process for individuals to remedy any erroneous denial of a firearm. So there is going to be an explicit process set up with which to do that.

I think Senator MCCASKILL said this earlier; she remarked that the bipartisan reference is showered upon law enforcement. It is wonderful that we support our members of law enforcement, but then why don't we trust them to make decisions when they have information that would make them very worried about a specific individual buying a firearm? Why don't we trust them to make that decision if we all agree that we trust them to make other decisions to keep us safe?

I yield for additional questions.

Mr. HEINRICH. I was looking at updated data from the Government Accountability Office that sort of leads to my next question, and it shows that known or suspected terrorists pass a background check to purchase a firearm or to purchase explosives 91 percent of the time. The terrorists themselves have actually identified this weakness. They know it exists. I sit on the Intelligence Committee, and we look at what they communicate to each other so that we can learn how to make our country safer.

There was an Al Qaeda video in 2011 that literally instructed potential terrorists to take advantage of our incomplete background check system.

There have been a number of terrorist attacks in recent years where giving the Attorney General the authority to prohibit a suspected terrorist from purchasing a firearm could have at least thrown up meaningful barriers. I think most notable was the horrendous Fort Hood shooting in 2009, where MAJ Nidal Hasan was able to pass a background check and buy a handgun, even though he was under an active FBI investigation for links to terrorism. He went on to shoot and kill 13 people. He wounded 30 others.

So if we are saying that whole categories of other people present such a public safety threat that they shouldn't have access to firearms, I just can't believe we shouldn't at least give the Attorney General the ability to put terrorists on the same do-not-buy list. Why wouldn't we do that, Senator MURPHY?

Mr. MURPHY. I say to Senator HEINRICH, it is hard to understand why we wouldn't do that, especially when, as you noted, people on that list go in and buy a gun and they are almost universally successful in walking away with that weapon. It doesn't happen very often; let's be realistic about what the numbers are. I think I read them earlier and from 2004 to 2014 there were 2,233 instances where suspected terrorists attempted to purchase a gun. And as my colleague mentioned, in 91 percent of those instances they were successful. So we are only talking about 200 or so instances a year.

Now, of course, those are the only ones we know about because those are the ones that actually went through a background check. We don't actually know about all those people on the no-fly list who tried to buy a weapon successfully online or at a gun show. We know about these that rated about 200 a year.

The reality is that terrorists today who are trying to perpetrate attacks on American citizens have lately not been using a bomb or an explosive device to carry out that attack. They have been using weapons—in the latest attack, an assault weapon. So we should just wake up to the weapon of choice of terrorist attackers and adopt this commonsense measure.

I yield for a question.

Mr. HEINRICH. I have one last question for my colleague from Connecticut, and this one is probably the hardest one. It is simply why? Why is this so hard?

I stand here as a gun owner. I have looked at each of these amendments through the lens of what it means to be a law-abiding gun owner in this country, with both rights and responsibilities. That is why we have hunter safety before we ever go out into the field as a 12-year-old or a 13-year-old.

I just don't see anything in these two amendments that is an unreasonable burden to someone like me. So why is it so hard to even have this conversation on the floor of the Senate? Why is it so hard to get a vote? And more importantly, why is it so hard to change these policies and these laws to try to make our country just a little bit safer?

Mr. MURPHY. I guess, I say to Senator HEINRICH, if I had the 100-percent correct answer to that question, we probably wouldn't be here because we would probably have figured out how to solve it.

It is such a unique issue in the American public sphere today, where 90 percent of the American public wants something to happen and this body will not do it. It is only controversial in the U.S. Congress. It is not controversial in people's living rooms. It is, frankly, not controversial in gun clubs. When you sit in a gun club and talk about whether a person who has been suspected of being a terrorist should be able to buy a gun, there is a consensus there too.

We have talked about the cornucopia of reasons this doesn't happen, and it is part a story of the influence of the gun lobby; it is part a misinterpretation of the nature of the Second Amendment; it is part a belief that more guns make people safer, which the data does not show; it is part an answer in how voters prioritize the things they care about—that the 10 percent that doesn't agree is calling in to Members' offices at a level the 90 percent aren't; and, lastly, in part, it is an indictment of us. It is an indictment of those of us who have just let business as usual run on this floor, mass shooting after mass shooting.

The reason we have chosen to do something exceptional—which is to hold up work on the CJS appropriations bill until we get an agreement to move forward on these two issues—is that we have something to answer for here as well. Maybe we haven't fought as hard as we should in order to get this done. And this may not get us there. We still need votes from Republicans. We can call for a vote, but we ultimately need them to vote yes on that. But at least we are showing the American public that we care as deeply as we should about ending this slaughter.

I would be happy to yield for a question.

Mr. HEINRICH. I just want to thank Senator MURPHY for everything he has done on this issue and for not taking no for an answer.

Mr. MURPHY. I thank the Senator.

I am so glad to have my neighbor, Senator WHITEHOUSE, joining us on the floor, and I yield to him for a question without losing my right to the floor.

Mr. WHITEHOUSE. I am delighted to be here. And before I ask my question, I just want to thank my colleague for what he is doing. I guess my first question would be, How are you doing? You have been on the floor for quite a while now, and I really appreciate it, but how do you feel?

Mr. MURPHY. I say to Senator WHITEHOUSE, when I was in my early 20s, I actually ruptured two discs in my back, and so I spent a lot of time reworking my back in my later 20s to make sure that wouldn't happen again. That rigorous back work to repair my broken discs is paying off, I would say.

Mr. BOOKER. Will the Senator yield for a question?

Mr. MURPHY. I will yield to the Senator from New Jersey for a question.

Mr. BOOKER. The Senator is not asserting he is still in his 20s, is he?

Mr. MURPHY. I am no longer in my 20s, but I am saying that early preventive work has paid off in the long run.

Mr. BOOKER. I thank the Senator. I just wanted to clarify that.

Mr. MURPHY. I yield back to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. We have some obligations that we ought to meet and that the American people would support us in meeting, and my question is, Do those obligations include not only strengthening our gun laws to make sure that certain individuals who should not purchase firearms are legally prevented from purchasing firearms—for instance, people convicted of violent hate crimes?

I think Americans agree that is not a class of people whose defense of their right to purchase firearms we should be rushing to defend. Those who are suspected terrorists on the no-fly list, on the terrorist watch list—that seems to be a very reasonable group of people to take out of the list of folks who are allowed to purchase firearms.

But if we just do those two things and we don't beef up the background checks, so that even if we do create a law that protects people who have committed violent hate crimes from being able to buy a firearm and even if we do pass a law that prevents people from the terrorist watch list or the no-fly list from being able to buy a firearm—even if those laws are in place, is it not true that if all they have to do is go online to buy a gun, if all they have to do is go to a gun show to buy a gun, then we have failed in our responsibility to protect the American people?

Mr. MURPHY. The Senator is correct. Today, the estimates are that 40 percent of all gun sales happen outside of brick-and-mortar stores. And the secret is out that if you can't get a gun because of your criminal record—or in this case because of your inclusion on the no-fly list—then just circle back and find another way. All it takes is a quick Internet search. All it takes is to plug in armslist.com, and you can get a weapon delivered to you in short order.

If we don't close that loophole—that Internet and gun show loophole—then simply denying terrorists guns at gun stores is a half measure.

I yield for a question.

Mr. WHITEHOUSE. That problem applies to a convicted felon who can right now get around the conviction and go and buy a gun through either of those loopholes—online or from a gun show. It applies to a domestic violence abuser who is ordinarily prohibited but can easily get around it by going to a gun show or buying a gun online. It applies to someone who has been determined by a court to be dangerously mentally ill.

So right now we have a system, as I understand it, where if you have been determined by a court to be dangerously mentally ill, if you go to a gun shop and go through the regular procedure, then your purchase of the gun will be interrupted. But all you have to do is go to a gun show or go online, and you get around the restriction. Isn't that the state of play right

now, even for convicted felons, domestic violence abusers, and people who have been adjudicated to be seriously mentally ill?

Mr. MURPHY. That is the state of play, I say to Senator WHITEHOUSE.

We had Senator DURBIN on the floor earlier today, telling the horrific tales of Chicago, for which the strong background check laws in Illinois make almost no difference on the streets of Chicago because the weak background check laws of Indiana allow for individuals to go there and buy guns online or at gun shows and then ferry them back onto the streets of Chicago.

So without that Federal law that creates a uniform standard that you need to go through a background check for whatever commercial means you attempt to buy a gun, then there are criminals every single day who are getting their hands on weapons, separate and aside, as the Senator said, from this question of terrorist access.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. MURPHY. I will yield for a question.

Mr. WHITEHOUSE. I have some statistics here that I find a little surprising, and I would love to ask my colleague for his explanation of them.

The statistics that I have are that 76 percent of gun owners and 71 percent of National Rifle Association members support prohibiting people on the terror watch lists from purchasing guns. Yet despite the fact that 76 percent of gun owners support putting people on the terror watch list—on the list that doesn't allow them to buy firearms—and despite the fact that 71 percent of NRA members support putting terror watch list folks onto the ban list for buying firearms, nevertheless the NRA has repeatedly opposed and attempted to block legislation that attempts to close the terrorist watch list gap.

Does the Senator have an explanation or a thought about why it is that when three-quarters of gun owners and nearly three-quarters of NRA members take one position, the organization is taking a completely different position from what their members support and from what gun owners support across America?

Mr. MURPHY. The Senator has asked the $64,000 question, in a way, and I can hazard a guess. My guess would be this: that the nature of gun ownership has changed over the years. It used to be that over 50 percent of Americans owned guns. Most only owned one gun, but the majority of Americans owned guns some 30 years ago. Today that number is rapidly decreasing. Now 30-some odd percent of Americans own guns. It means the nature of the industry is changing. It means the industry now has to sell a smaller number of individuals a larger number of weapons. So part of the marketing technique by the industry—and the industry is essentially equated to the NRA. It is the industry that funds the NRA in substantial part. Part of the marketing necessity of the industry is to create this belief in the government any day approaching your house to confiscate your weapons. So every initiative to just try to enact commonsense gun laws is distorted by the industry as just another attempt to get closer to the day in which black helicopters swoop down on your house and steal away all of your weapons. Of course, that is not what we are going at here. It has nothing to do with our agenda. We simply want people on the terrorist watch list to not be able to buy guns and for criminals to not be able to buy guns. But because the industry needs this perpetual fear of government in order to sell more weapons, I think there has been a desire of the NRA to not listen to its membership and instead listen to its industry members and feed this sense of dread about the secret intentions of the Federal Government.

Mr. WHITEHOUSE. If the Senator will yield for another question, it is my understanding that this position the NRA takes against any and every, even very reasonable, gun safety measure—and very likely, I suspect, for the reasons the Senator has identified as a marketing ploy on behalf of the big industry that pays them to do this. But it is my understanding that applies to a variety of other issues as well. The issue I want to ask about is the issue of high-capacity magazines.

Now, I am a gun owner myself. I belong to a gun club in Rhode Island. In order to get access to the range, I had to have a safety briefing by the gun club saying what I could and could not do on the range, saying what the range rules are. One of the range rules that was imparted to me in the safety briefing is that they don't allow high-capacity magazines on the range. They don't allow them for safety reasons.

I doubt this is the only one. If you have gun clubs around the country that will not allow high-capacity magazines on the range for safety reasons at the range itself, and yet here is the NRA wildly opposing any effort to limit any high-capacity magazine restriction of any kind, does that follow as part of that same argument? Is the industry as determined not only to sell more and more guns to a smaller number of people by creating fear that some imaginary black helicopter is going to come and take their guns away but also restricting the limits on high-capacity magazines?

Mr. MURPHY. The margins involved for the industry in these very powerful weapons and these large-capacity magazines are big. So when you are attempting to put together a portfolio in which you are going to make a substantial profit in return for your investors, you have to double down on things like 100-round drums and AR–15-style weapons. Now, I don't know every hunter in my State, but I have yet to talk to one who feels like they need a 30-round clip in order to go into the woods and hunt. It is not something hunters need. And the design of all of these weapons and the high-capacity magazines we are referring to were originally for one purpose and one purpose only—to kill as many human beings as quickly as possible. They are military in nature and design and thus the reason many gun clubs around the country deny access to this kind of ammunition. It certainly stands to reason that the rationale for continuing to sell this is monetary in nature.

Mr. WHITEHOUSE. If the Senator will yield for a question, does the Senator recall that years ago there was an effort to prevent armor-piercing ammunition from being sold? Because our police officers who wear body protection for protection against armed assailants were very concerned that selling people armor-piercing ammunition would make them more effective at killing police officers. Whereas, it would make no difference in hunting deer or elk or anything else. They customarily, as I understand it, don't wear armor, but police officers do. Police officers have to go into dangerous situations with armed individuals. Therefore, there was considerable pressure to protect our law enforcement officers to try to put limits on the amount of armor-piercing ammunition that people could buy.

My recollection—if the Senator would confirm it, that would be my question—is that at the time, the NRA opposed any limit on armor-piercing ammunition and opposed the law enforcement forces, the local police chiefs and police officers who come to these crisis situations and their desire to be safe and their desire to be able to tell their families: It is going to be OK, honey. I have protective armor. It is going to help make me safe, and there is an armor-piercing ammunition that people are allowed to shoot at me; that they took all that away, and this was an argument that they made and they succeeded, and right now armor-piercing ammunition is available as a result of NRA lobbying.

Mr. MURPHY. That is certainly the way I remember the events as well. I remember one of the many chilling conversations I had in the 24 hours after the shooting in Newtown. One was with a police officer who remarked that it was a good thing Adam Lanza killed himself and didn't engage in a shoot-out with police because they were not confident they would be able to survive a shoot-out with an individual who had that much ammunition and that kind of high-powered capacity in a firearm.

Separate and aside from the question of armor-piercing bullets, law enforcement has stood with us in our calls to restrict the sale of assault-style weapons and high-capacity ammunition because even that, without the armor-piercing bullets, puts them at risk.

Mr. WHITEHOUSE. Will the Senator yield for one more question? I see my senior Senator JACK REED on the floor. I am sure he wants to engage in a question-and-answer with Senator MURPHY.

Before that, may I ask one additional question?

Mr. MURPHY. I yield to the Senator for a question.

Mr. WHITEHOUSE. The other question I want to ask is that in response to our effort to put people who are on the terrorist watch list into a category where they are not able to go and buy firearms in order to commit the acts of terror for which they are on the watch list, our friends on the other side of the aisle have suddenly come up with a new piece of legislation they say is designed to address this problem.

My question is, Do we know if this piece of legislation has ever been seen before? Do we know if it has been brought up in committee and given any kind of a review? Have they built a track record of interest and concern about this issue and built a legislative record to support their bill or does this appear to be something they whipped out of their pocket at the last minute to try to fend off the sensible provisions we have long fought for to keep people on the terror watch list from being able to go out and buy high-powered firearms?

Mr. MURPHY. It will shock and surprise you to know, I say to Senator WHITEHOUSE, that it appears to be the latter. We had one of our colleagues come down to the floor and suggest there is a way out of this; that we could come together and work on a compromise. I think all of us—Senator BOOKER, Senator BLUMENTHAL, and I—were happy to take them up on that effort.

I have noted that we have had 6 months since the failure of the last measure to prevent terrorists or suspected terrorists from buying weapons to work on this. No one in the Republican caucus has approached us about trying to find common ground. It wasn't until we took the floor this morning and shut down the process on this appropriations bill that we started to see movement on the Republican side about coming up with an alternative. Now, they did pose an alternative back in December, but it was a miserable alternative that would require law enforcement to go to court in order to stop someone on the list from getting a weapon and capped them at 72 hours to complete that whole process. It was ridiculous and ludicrous. They are probably going to present another alternative. It is important to note that none of that happened until we took the floor, and we have had 6 months since the last vote, and, frankly, 3 days since the shooting in which we could have been trying to work that out.

Mr. WHITEHOUSE. To the point the Senator just made—if he will yield for one final question. When the government would have to go into court within 72 hours in order to try to interrupt the sale, presumably that would give the person on the terrorist watch list all sorts of notice about the government's investigative activities and an opportunity in court to do further inquiry into the government's investigative activities and in fact allow somebody who is on the terrorist watch list to have a window into the government investigation that he or she might be the subject of; is that not the way that would play out? It doesn't seem to make much sense to me.

Mr. MURPHY. It doesn't seem to make much sense. For the question, we can only imagine what that court process looks like. Who knows what rules apply, who knows what the rights to discovery are.

Mr. WHITEHOUSE. There is no model for it.

Mr. MURPHY. There is no model for it. We have hamstrung the FBI and the Attorney General by asking them to do more and more with the same amount of resources. To ask them to go through dozens and dozens of court processes—remember, there were 240 people on these lists who tried to get guns last year. So we are talking about a lot of court processes they would have to undertake. It is just totally unrealistic, totally unprecedented. It makes no sense at all.

I thank the Senator from Rhode Island.

I am glad to be joined by Senator REED. I yield for a question without losing my right to the floor.

Mr. REED. First, let me commend the Senator for this extraordinary and principled discussion that the Senator has led, along with Senators BLUMENTHAL and BOOKER.

I do have a question, and it stems from some of the comments I have received from the Chief of Police in the State of Rhode Island, Colonel Steven O'Donnell, a skilled professional. What Colonel O'Donnell said—and it goes to one of the issues that Senator WHITEHOUSE discussed, the access to high-capacity magazines for these assault weapons. Colonel O'Donnell said:

> I've yet to hear a viable argument for high capacity magazines, what the purpose is. I have friends that are hunters. They use high capacity weapons, but not magazines. They use several rounds to hunt, but they don't need 15, 30, and 45 round clips to hunt an animal.

Is that some of the responses you are getting from some of your law enforcement professionals who deal every day with firearms?

Mr. MURPHY. That is the same response we get. I just reflect on one of my earlier responses to Senator WHITEHOUSE, that I have also heard fear in the wake of Sandy Hook from law enforcement about their ability to combat an individual who has staked out in a school or a workplace who doesn't engage in a suicide mission but then tries to confront and take on police, that you have 30-round magazines, 100-round drums. That is very difficult to match from law enforcement's perspective.

I yield for additional questions.

Mr. REED. The Senator continually references military-style assault weapons. Frankly, I had the privilege of commanding paratroopers, and we were armed with M–16s, which is an AR–15 military variance. It was clear to us—and this was 30 years ago—these are military weapons. These are weapons that were designed to mass fire, rapid fire, even in semiautomatic mode. These were not designed for hunting. In fact, back in those days, we replaced the M–14—which didn't have the same capabilities, much more accurate—because what they were looking for was just a sheer volume of fire that can inflict the most casualties possible, particularly in confined spaces, because of woods, because of jungle, because of war, because you are in a building.

I think your points about military assault weapons are exactly the right points, and you, like me, have heard this not only from law enforcement professionals but also from military personnel about the nature of this weapon.

Mr. MURPHY. I think it is tragically instructive, I say to Senator REED, to think about what happened inside that school in Sandy Hook. There were 20 kids hit, and 20 kids died. These are powerful weapons with the capacity not only to discharge an enormous amount of ammunition in a short period of time, but the force of it is unprecedented in the firearms world, and there is a reason why not a single child survived. These are powerful killing machines that, as you said, were not designed for hunting. They were designed to kill as many people as possible, and that is why you see this epic rate of slaughter when they are used inside schools, inside nightclubs, inside churches.

Mr. REED. The Senator also commented, and I want to reconfirm it, that one of the characteristics of these weapons is that even in semiautomatic mode, there is a high rate of fire, and the velocity of the rounds are such that they inflict extreme damage. So even if it is in a semiautomatic mode, you have the ability to deliver devastating fire, and coupled with a large magazine, you can keep this fire up.

The other point is that changing the magazine on one of these weapons is a matter of seconds. It is not a laborious task where you have to individually load rounds into the weapon. That, too, I think increases the lethality.

Again, if the Senator would comment and concur, the adoption by the military had a logical military purpose—to increase the lethality of the weapons that we are giving to the soldiers, marines, sailors, and airmen of the United States. That is not, I don't think, what you and I would like to see in our civilian population—weapons for which the primary purpose is increased lethality. It is not accuracy, necessarily, not for a skill in terms of marksmanship, but simply increased lethality. Is that the sense that you have?

Mr. MURPHY. It is, I say to Senator REED. If you think about what we are doing today, the individuals who are contemplating lone-wolf attacks are

not building IEDs in their basements any longer. They are going to the store and buying assault weapons. We essentially are selling weapons to the enemy. We are selling weapons to the enemy—powerful military style weapons. We are advertising them, and individuals who are contemplating these lone-wolf attacks are buying them.

In fact, I have read quotes earlier today on the floor from terrorist operatives where they are calling on Americans to purchase these weapons and turn them on civilians because it is so easy to get access to them. This is a very deliberative tactic on behalf of these very dangerous international terrorist organizations, and that is one of the reasons why we think we have to wake up to the new reality of the threat of lone-wolf attacks and change our laws.

Mr. REED. Will the Senator yield again for a question?

Mr. MURPHY. I will.

Mr. REED. Essentially, what our adversaries are doing is exploiting loopholes in our law, and they are doing it very deliberately, very consciously. To date, we are standing by and letting them do that. They know where the weak points are. The weak points are not only that you can get these assault weapons, but another point is that a significant number of weapons were sold without a background check because they can be done through the Internet, through gun show sales, et cetera. We have taken this issue on before, and we failed to address those issues too.

Mr. MURPHY. Had we had in place a ban on individuals who were on the terrorist watch list to buy a weapon, it only would apply to brick-and-mortar stores. Even if Omar Mateen was on one of those lists and even if we passed a law saying that prohibited him from buying a weapon, he would have gone into that store, be told that he couldn't buy a weapon, and then he could have walked right back to his house and gone online and bought one there or waited for the next weekend's gun show, of which there are many in Florida, and bought one there.

We don't know how it would have played out, but without an expansion of background checks to people on the no-fly list being prohibited to buy guns, it is a half measure. I reiterate, these are the two things we are asking for—to have consensus on these two issues because they are the right thing to do, as we are discussing, but they also have the support of the American public.

Mr. REED. I have one final question for the Senator. It would seem to me that this would essentially deny our fiercest adversaries, the Islamist jihadists who are using the Internet to radicalize people—not only to radicalize them but, without directly controlling their conduct, suggesting to them the way they can get assault weapons legally in the United States and can arm themselves. If we take these steps, as you would suggest, we can deny our fiercest adversaries the arms they seek to inflict harm on our families, our friends and our neighbors.

Mr. MURPHY. It stands to reason that in the wake of this latest attack, we should wake up to the new tactics of our enemy. This is the new tactic of our enemy—to go buy these weapons and to use them against civilians. The genius of what we are proposing is that it keeps weapons out of the hands of would-be terrorists without affecting the Second Amendment rights of anyone else.

We are talking about such a small number of sales. Over the course of the year, we are talking about 200 someodd sales. Think about that, 200-some odd sales that would be affected, that would force someone to be denied a purchase of a weapon because they were on the terrorist watch list. It stands to reason that we should accept the new tactics of these groups and amend our laws.

Here is the Senator from New Jersey. We have had such a long run of colleagues coming to the floor that we haven't gotten to hear from the Senators from New Jersey and Connecticut. I yield to the Senator from New Jersey for a question without yielding control of the floor.

Mr. BOOKER. I appreciate the Senator yielding for a question. I have a number of questions for Senator MURPHY.

I think you bring up a good point. We have now been at this for about 8½ hours, and we have seen colleague after colleague. We have worked now through the majority of the Democrats in this caucus who have stood up and asked Senator MURPHY question after question.

I want to start, before I even give a question, by giving my respect and gratitude to Senator MURPHY. In Isaiah, it talks about those who wait on the Lord, running and not getting weary, walking and not being faint. I see the consistency of his efforts, which is not just manifest during this filibuster. He has been on his feet now for 8½ hours, and it is not just today. Senator MURPHY, in his maiden speech here in the Senate, stood right there—I know this because at that time I was still mayor of the city of Newark—and gave, still to this day for me of all the Senate speeches I have heard, probably one of the most eloquent, moving, factual, compelling speeches on gun violence that I have heard.

I am grateful today because just yesterday, in a caucus meeting that I think my colleagues who are here will agree got very heated, very emotional, in which he spoke with passion, as did other colleagues, he and I began talking about making sure that this was not business as usual and that we didn't go through the same routines in this body every single time there was a mass shooting. There are mass shootings with greater and greater routine.

You have heard it from my colleagues. It is an insufficient response that our elected leaders should simply pray and share condolences. To paraphrase one of my heroes whose picture stands on my wall, Frederick Douglass said: I prayed for years for my freedom, but I was still a slave. It wasn't until I prayed with my hands and prayed with my feet that I found my salvation. Faith without works is dead. Prayer is not enough.

I stand here first and foremost to express my gratitude to Senator MURPHY. We talked during the day, we talked into the night, and we chose to be here. I am grateful for his senior Senator, who has been here for the entire duration. These two partners from Connecticut went through the unimaginable when they shared the grief of a community where child after child—20 children—were gunned down and murdered. These two men have been dedicated and determined—not yielding, not giving up, not surrendering to cynicism about government or this body but continuing to fight and to fight so that we would do something about this problem.

This is the first question I have for Senator MURPHY. There is this idea that is deep within the history of our Nation, that when there is injustice—and there is no greater injustice than the savage murder of our fellow citizens, the murder of innocents. I have seen you time and again—and today is a model of courage as well as a model of endurance—take on a Senate that was prepared to move on, a Senate that was prepared to go on with business after the greatest, largest mass killing in this Nation's history. We were going to go on with business as usual. In my conversations into the night last night with Senator MURPHY, I saw his determination not to let the business as usual go on in this Senate.

I have a number of questions for you. But the first one, Senator MURPHY, is that there are a lot of people who are surrendering to cynicism about government, a lot of people who are showing frustration. But yet, you are still going on with this in a way that reflects those people who didn't give up on the idea of civil rights in the 1940s and the 1950s and kept pushing legislation—pushing legislation before the 1965 Voting Rights Act, before the 1964 Civil Rights Act, before the consciousness of the country caught up. But this must be frustrating to you. I have been here for 2½ years. You have been here longer. We came here tonight—today—for a reason. I say today because we are approaching the ninth hour. We are about a half-hour away from the ninth hour. Can you frame one more time why you are expending your energy doing this now, here, in the Senate, especially because I know that perhaps there are people talking about: Well, they don't have a shot; they don't have a chance. There are cynics, there are critics, and there are pundits probably saying they may not get a vote. The majority of Americans, the majority of

gun owners, the majority of NRA members might agree with Senator MURPHY, but the NRA has too much of a hold on the Senate. Why are you here right now doing this on this day?

Mr. MURPHY. I thank the Senator. I want to thank Senator BOOKER and Senator BLUMENTHAL for being here from the very beginning. This has been miraculous in its own regard, not just being able to spend this time with the two of you but to have had the majority of our caucus come to this floor and express their support for our determination to move forward this debate and, at the very least, to get votes, but really to try to bring consensus around this issue.

I don't think I am breaking confidences to share that both Senator BOOKER and I spoke at our meeting yesterday of Democrats in which Senator BOOKER shared an immensely powerful series of stories about his experience as mayor of a grief-torn city, his direct personal intersection with friends, with neighbors who had lost their lives. I know how deeply and personally this has affected him.

I tell you why I am doing this as maybe a means of telling you why Senator BLUMENTHAL and I are both doing this, and I tell you through the prism of a story from the awful, awful series of days following the shooting in Sandy Hook.

Senator BLUMENTHAL and I went to the first of what were umpteen wakes and funerals. We were standing in line at the first wake about to talk to the first set of parents who had lost, in this case, their young daughter. I remember being so uncertain about what we were supposed to say to these parents—not just what you are supposed to say to provide some measure of condolence, but we were their elected representatives. We had some additional obligation to show them that we were ready act, but was it too soon to make that offer? Was it not the right moment to suggest that there was a public policy response to the slaughter of their children? It was Senator BLUMENTHAL who very gently and appropriately said to the mother and father as we walked by the closed casket: Whenever you are ready, we will be there to fight. The father said: We are ready now. This was probably not 48 hours after the death of their 6- or 7-year-old daughter.

We have been thinking about this necessity, this imperative of action, since that moment. It gets harder and harder to look into the eyes of those parents and surviving children and explain to them why this body has not acted. It gets harder and harder to defend the complete silence from this institution in the face of murder after murder.

Franklin Delano Roosevelt wasn't confident that everything he proposed was going to solve the economic crisis of the 1930s and 1940s, but he was damned if he wasn't going to try something. He and his aides talked unabashedly and unapologetically about trial and error. If we try one thing and it doesn't work, we will try something else. Why don't we do that? Why don't we try one thing, and if it doesn't stem the violence, try something else? But doing nothing is an abomination and makes it impossible for those of us who have lived through these tragedies to look these families in the eye.

I remember that it took 10 years from the attempted assassination of President Reagan and the maiming of his press secretary, James Brady, for the Brady handgun bill to be signed into law. It took a decade of political action, and it probably took many nights like this when legislators or advocates stood out at a rally or maybe stood on the floor of the Senate or House and argued until they had no more energy left, knowing they weren't going to get the victory the next day.

As I said to my friends in the movement back in Connecticut and throughout the country—I know the Senator has said versions of this as well—every great change movement is defined by the moments of failure, not the moments of success. Every great change movement in this country is defined by the fact that there were times in which you could have given up, but you didn't; you persisted. The changes that never happen are the ones where the movement, once they hit that brick wall, said ''It is too hard'' and went home. That is the reason we are here, and I think I am speaking in some way, shape, or form for the three of us. We want to get votes on these measures, and we will stand here until we get those votes. But even if we don't, it is important to continue to engage in the fight.

Mr. BOOKER. That is the first part of the framing that is very important—this determination that we will not do business as usual and that this fight will not stop. We will take this fight to the Senate floor, we will take this fight to legislators, and we will take this fight to neighborhoods and communities. It is not a physical fight. It is a fight, in my opinion, of love. It is a fight that says we can be a country that affirms people's right to own weapons. We heard from one of our closest friends in the Senate, Mr. HEINRICH, who is an ardent gun owner. He is a hunter. As a vegan, I have seen some pictures of what he has shot and killed, and he takes great pride and joy in that. What we are talking about—and this gets me to the next area of questioning—is that it is not about hunters, it is not about people who want guns for self-defense, and it is not about people who want guns because they love the sport. Senator BENNET took me out skeet shooting when I was in Colorado. It is not about the folks who want guns for that. This is about something very narrow, and that is the question that I have, which is the second part of this framing. I have heard some people talk about this in partisan terms. The truth is that this may be a partisan issue in Washington-speak, but when I go back to New Jersey—I go to communities like the ones I grew up in, where a majority of the community is Republican, and communities like the one I live in, where the majority is Democrat—I hear the same thing from members of both parties. They say that there is a lack of understanding in this country. How can we be at a point where our country is at war with terrorists, with our enemy in places such as Iraq and Syria literally trying to egg on and radicalize young people, saying ''Go to America''? Al Qaeda and others are instructing them that this is the country to go to and buy guns because it is so easy to get access to guns, thanks to these massive loopholes. That is the point that brings us here.

Senator MURPHY and I probably share beliefs about gun safety that are not shared by the majority of gun owners, and there are things I heard brought up tonight, frankly, that, hey, I might like. People have talked about magazines and research on this issue. I heard a lot of subjects brought up, but what brought Senator MURPHY and Senator BLUMENTHAL to the floor for almost 9 hours now, with me standing here this entire time, is to say: Hey, we as Americans can agree that someone who is a suspected terrorist and under investigation and might be on a no-fly list—that person should not be able to buy not just a weapon or handgun but an assault rifle. When you look at this issue, it is not controversial with Americans. This is not controversial with Republicans. This is not controversial with NRA members because the overwhelming majority of them agree that we should not be a country where a person can't get on a plane in Newark, NJ, but they can drive to a private seller or a gun show or go on the Internet and buy a gun.

The second of three questions I have is that this not a radical thing the Senators from Connecticut are asking for. Senator MURPHY is not calling for something controversial. This is something that, at this point, is common sense and is agreed upon by over 70 percent of gun owners. I am not sure if there is an elected official in the Senate that has a 70-plus percent approval rating. Rarely do you see people agree that greatly.

Could the Senator please explain why he is taking a stand on this issue right now and what it is that he thinks we should be able to achieve on this common ground for the common good?

Mr. MURPHY. Mr. President, I appreciate the Senator talking about what a limited ask we are making here. Let's talk about the scope of the limitation on gun ownership. We are asking that those people who are on a terrorist watch list and on a no-fly list be added to those who are those prohibited from buying guns. We have data that tells us how many of those individuals are buying guns every year because they can match one list to the other, even though they don't intersect in a way that prohibits the purchase. What we know is that there are only about 200

sales at gun stores every year from people who are on those lists. So we are talking about a minuscule limitation on the right, which is to take a small handful of individuals who have been placed on a terrorist no-fly list, and saying that they shouldn't be able to get a weapon and building into it a process to grieve that limitation so if there is a mistake that is made, you can have your right restored. We are talking about a few hundred sales a year. You could say: Oh, it is a few hundred sales, so why does that matter? Well, if you get it wrong once, it is a mass slaughter. It is a small number of sales, a minuscule limitation, with potentially enormous reward when it comes to public safety.

Mr. BOOKER. Mr. President, I said one more question, but I have two more questions. This is sort of a progression. My friend is here today because of a commitment Senator MURPHY made in his maiden speech in the U.S. Senate—a consistent sense of belief that my friend will never give up until we have commonsense gun safety in America. After the grievous act that we saw in Florida, where 49 innocent people were slaughtered, Senator MURPHY, Senator BLUMENTHAL, countless Senators, and I—at least half of our caucus has come down here and said the same thing: Enough is enough. We can't let business as usual happen.

No. 2, and the reason my friend stood up and has been holding the floor for 9½ hours, has been in order to say: Hey, the terrorist loophole should be closed. There is one more element to this progression—an indefatigable Senator with a noncontroversial element in terms of the terrorist loophole, but now there is this other piece, which is just common sense, and I want to take that one step and ask that my friend go a little deeper with it. That last step is this: If you just have the terrorist loophole closed but don't have universal background checks—in other words, if you close the terrorist loophole so that anybody who goes to a Federal firearm licensed dealer or goes to a NICS check, that stops that terrorist, but if you still have these Internet and private sales, that terrorist, who probably will not even go to that Federal arms licensee, will go to the back doors that are still wide open for people to get guns. So what the Senator from Connecticut is saying is that he is not giving up. No. 2, 70-plus percent of NRA members agree with me on what I am asking for. This last step, where the majority of gun owners in America agree, why is it important to also make sure that if we want to stop terrorists from doing what they did in Orlando—if we do nothing, it may happen again, God forbid. Why is this universal background check element the second thing my friend is standing up for today, along with his colleagues?

Mr. MURPHY. Mr. President, when I go to bed at night, I lock the front and the back doors. It doesn't do much good to lock only the back door and leave the front door open or vice versa. That is what we are proposing. If we believe in a commitment to stop individuals who are associated with terrorists from buying guns, then you have to lock both doors. You have to stop them from buying guns when they walk into a brick-and-mortar store, but then you have to acknowledge that it is frankly easier for individuals to just type in one of the main online arms sellers and buy a weapon that way because it is faster, it can get delivered right to your door, and you don't have to go through a background check.

If you really want to make a commitment to preventing terrorists from getting guns, then you have to do both. You have to put them on the list and then you have to reconcile the fact that 40 percent of sales today are happening outside of that pathway. By the way, the added benefit of that is that you are shutting down the pathway that criminals have been using for a decade in order to get these weapons, and you will have a dramatic effect on the slaughter that is happening in our cities, as well, by limiting the flow of illegal arms into the cities.

Mr. BOOKER. So the last question—and I know the senior Senator from Connecticut would like to ask a question. But this is where I have to say it becomes deeply personal to me, because what you are talking about there is your persistent, unyielding fight for commonsense gun legislation from the second you walked into the U.S. Senate, to the noncontroversial idea that terrorists in America—people who are suspected terrorists—should not be allowed to buy assault weapons, period. And your comment that that affects a very small universe of people, that in order to make that ironclad—again, nothing is going to stop everybody, but this is doing something that will constrict access to terrorists—you have to do a universal background check, so you close the back door, as you said.

Now, this is what gets personal to me even more so because it is more than all this. When you do that, you are not affecting sports people; you are not affecting Second Amendment right believers who believe that I need to have my right to bear arms; you are not affecting folks who are worried about self-defense and want to have a gun to defend themselves; who you are affecting when you do that is not just terrorists, but you actually have a collateral benefit when you tighten up the system that you then stop criminals of all categories from getting guns.

We live in a nation where women are victims of violence at astonishing rates. You close down that system for terrorists, you are going to make it much harder for someone who seeks to engage in domestic violence with a firearm—you are going to shut down their access. You are going to shut down criminals from getting guns.

This is really what I experienced as a U.S. mayor. I looked at all of my shootings and murders as too many in Newark when I was mayor. I could only find one case—one case—where a law-abiding citizen used a gun in violence. The problem we saw overwhelmingly in our city was that criminals who should have been stopped were using these loopholes to buy lots of weapons and engage in criminal activity. So much of the carnage in our communities is happening when criminals can easily get access to guns.

You and I have had this conversation privately so many times. I have sat with you in Connecticut cities. We have seen the impact and the pain and the agony of murder after murder after murder after murder in our cities. And this commonsense terrorist loophole closure—would the Senator please explain how that will also constrict the ability for all criminals committing murders at rates not seen anywhere on the planet Earth, because someone who has restrictions on them for buying guns for domestic violence, stalking, threatening a woman, can go get a gun; somebody who is an ex-con for a violent crime can go get a gun. Why is this also important because of the collateral benefits that would come about from this commonsense constricting and closing of the terrorist loophole?

(Mr. GARDNER assumed the Chair.)

Mr. MURPHY. I say to Senator BOOKER, there is nobody better than you in making people understand the human consequences of inaction and the potential for human benefit of action, so I am not going to try to compete. Let me give the statistics. Let me tell my colleagues what happens in States that impose rigorous systems of background checks.

There are 64 percent fewer guns trafficked out of State, there are 48 percent fewer firearm suicides, there are 48 percent fewer police killed by handguns, there are 46 percent fewer women who are shot to death by intimate partners, and there are 17 percent fewer aggravated assaults with guns. Those numbers could be even better if there was a national commitment to the same concept because, as Senator DURBIN has told us, as tough as Illinois' laws are, all it takes is for a criminal to go across the border into Indiana and buy guns at a gun show or buy them online or get them from an unregulated dealer and bring them back into Chicago. And what every police chief will tell you is that the fewer illegal guns on the street, the fewer crimes there are. The harder you make it for an individual at a moment of passion or a moment of frustration or whatever that moment may be to get a gun, the less likely you are to have a homicide.

Senator BLUMENTHAL and I went to a meeting of activists on this issue in Hartford, CT, a few weeks after the Newtown shooting, and they were furious. They were furious that the world had woken up to gun violence because of Newtown after it had been a reality to them for so long.

That is the genius of what we are proposing. Without taking away any

Second Amendment rights, Senator BOOKER, we are able with this proposal to both extend protections to Americans who might be the victim of a terror attack but also individuals who right now are living with the everyday slaughter that happens in our cities.

I am happy to yield to my friend from Connecticut for a question without relinquishing the floor.

Mr. BLUMENTHAL. Senator MURPHY's very eloquent reference to a family we met just a day or so after the loss of their child brings back a memory that always evokes an almost indescribable emotion from me. My heart goes to my throat whenever I think of that couple saying to me: We are ready now, ready to help, ready to take action. And that has been the story of the Newtown and Sandy Hook families who lived through that loss. They came here and told their stories to our colleagues, nearly achieved—or helped us achieve—a victory. We came within four or five votes of that outcome. And from the Gallery of the Chamber, when we failed came the cry ''shame,'' and it was indeed shameful that the Senate failed to move forward.

My colleague from New Jersey, Senator BOOKER, has described the real-world impact in such graphic and powerful terms that I hesitate to follow him, but I want to make two points and ask my colleague from Connecticut whether he agrees with them. The first is that those families from Connecticut in a sense represented the community as a whole—the Newtown community, the Connecticut community—through organizations like Sandy Hook Promise and the Newtown Action Alliance and others around the country—Everytown, Americans for Responsible Solutions. They are doing what proponents of sensible, commonsense measures have done for much longer, which is to organize and to galvanize and educate and raise awareness. And that, in the end, will be the way we win. I pay tribute to them tonight. I thank them and the families for their courage and strength again.

I want to bring this issue home to Connecticut, where my friend and colleague Senator MURPHY and I live and where we went through the searing experience of the Newtown tragedy. I had been involved for two decades in gun violence prevention, helping to advocate and then to defend in court our ban on assault weapons—one of the first State laws in the country. But that experience transformed many of us in our State, and it impacted people of all ages to be more vigorous advocates and more articulate advocates.

I want to read a letter from a young man who lives in Danbury, CT.

> I am a constituent of yours and I became a victim of gun violence when my 7-year-old cousin, Daniel Barden, was murdered at Sandy Hook Elementary School in 2012. I am no longer ''saddened'' by recent mass shootings; I am instead angry and frustrated by the inaction of this Nation's leaders to implement obvious and basic safeguards to gun ownership such as universal background checks, CDC research into gun violence, limiting magazine capacity, restriction of gun ownership to domestic abusers and people on terrorist watch lists, to name a few. One of the most infuriating aspects of the continued mass shootings in this country is that they are so eminently preventable. We can't do much about earthquakes or hurricanes, but it is pretty simple to just NOT SELL military grade weapons to civilians or just NOT SELL AR–15s to domestic abusers who have been investigated by the FBI for terrorist connections and threats.
>
> I am furious and feel powerless. I beg you to stand up for me, my family, everyone who has ever lost family or friends to senseless gun violence, and for our society as a whole, which we are currently failing to protect. Enough is enough.

That is from a young person who lives in Danbury, CT. It summarizes the feeling of powerlessness and helplessness and fury that Americans all across the country feel.

Just to give one example, I understand that in the last 96 hours, 500,000 people have signed a petition in favor of banning assault weapons—half a million people in just 96 hours, a petition circulated by MoveOn.org.

Assault weapons are designed for one purpose: to kill as many people as possible as quickly as possible. They are combat hardened and tested and used. They are military-style assault weapons—AR–15s. As some of our colleagues have said, most hunters would not use them to shoot deer or other animals. Yet they are sold freely.

Our request is a much more limited one than even assault weapons, as much as they need to be banned in terms of new sales. We are simply saying don't sell those weapons to somebody who is on the terrorist watch list, somebody who is under investigation for potentially being supported and funded and maybe educated and trained by one of our adversaries, our enemies abroad, like ISIS. And don't sell those kinds of weapons or any others to anyone without a background check because they may fit that category or the other prohibited categories that are already in the law. It is simply a means of enforcing the law.

These proposals are really relatively modest, and so are the others that this young person has advocated that we adopt—''obvious and basic safeguards,'' to quote him or her, ''to gun ownership such as universal background checks, CDC research into gun violence, limiting magazine capacity, restricting gun ownership to domestic abusers and people on terrorist watch lists, to name a few.'' All of them should be adopted. We are asking for two. We are asking for votes. We are asking for action. And we are saying: No more business as usual.

Connecticut also had a connection to Orlando—a 37-year-old young woman named Kimberly Morris, educated in Torrington, CT, at the Torrington High School and then at Post University in Waterbury, CT. Kimberly Morris was known as a ''scrappy player,'' according to Charlie McSpiritt, the Torrington High School's former athletic director. He can still remember Morris because she ''played the game to her fullest.'' She was ''a tenacious'' small forward on the basketball team as well at Post University in Waterbury. Her teammate Narvell Benning, who played for the men's team, said: ''She didn't let nobody push her around.'' She was 37 years old. She is among the older victims who were killed in Orlando.

What is so striking about the biographies of these men and women is how young they are and how much life they had ahead. They were not as young as the 6-year-olds gunned down in Sandy Hook, those 20 beautiful children, but Kimberly, like those children, had her whole life ahead.

So my question to my colleague is whether Connecticut still feels the impact, and whether Connecticut wants us to act at a national level as well, as the Nation?

Mr. MURPHY. I thank the Senator for the question. Connecticut is still dealing with this tragedy to this day. Newtown is a community that has not recovered. Connecticut wants us to act not just because they don't understand the inaction of this place but they have seen the benefits of stronger gun laws. Connecticut responded in a bipartisan way. Republicans and Democrats came together and passed legislation to ban major assault weapons and extended background checks to more sales, and we have seen an immediate diminution in the number of gun crimes in our State. We have seen an immediate impact on the safety of residents. So people in Connecticut want us to act because they acted like grown-ups in Connecticut.

The minority leader of the State senate, who wanted to run for Governor, put his political future in peril by sitting down at the table and negotiating a compromise. He stands by it today because that compromise saved lives. So the people of Connecticut want us to act, Senator BLUMENTHAL, and that is the reason we are here today.

Senator BLUMENTHAL, if I could, I would just note for a moment, before I hand it over to Senator CASEY, that when one of our colleagues had a moment to hold the floor for an extended period of time, he read a story to his kids who were at home. I actually didn't know this was going to occur, but my oldest little boy just showed up in the gallery, and, A, you are supposed to be in bed, and, B, I am sorry that I missed pizza night, and, C, I hope that you will understand some day why we are doing this, why we have been standing here for 8 hours trying to fight to make our country a safer and better place, and why, sometimes, even if you don't get everything that you want, trying hard, trying and trying and trying to do the right thing is ultimately just as important as getting the outcome in the end. So go to bed.

But this is, for those of us who are parents, deeply personal. This is about protecting not just every kid in this country but our kids personally.

I yield to Senator CASEY for a question without losing control of the floor.

Mr. CASEY. I want to thank Senator MURPHY.

Mr. MURPHY. My wife is up there, by the way, too. He didn't come alone, by the way.

Mr. CASEY. For anyone within the sound of my voice related to Senator MURPHY, my question is a basic one, but I think it is fundamental to his efforts. I will address Senator MURPHY and say that your efforts and the efforts of those you have worked with, not only today but on other days—Senator BLUMENTHAL, who is with you today, has been working so hard on these issues, and Senator BOOKER. The three of you have been—if there is a way to express inspiration beyond just using that terminology, I would like to hear it, because it has been so—an inspiration.

My basic question is this, and I will ask you to hold your answer for just a couple of minutes. My question is this: How do you stay focused? How do you stay inspired to continue this fight, which for you hasn't been just hours long or days long or weeks, but it has literally been for years? I will ask forbearance for just a couple of minutes to give you a sense of part of the motivation that I have.

I am holding here—it will be difficult to see from far away, but this is a one-page tear sheet from the Wall Street Journal dated Monday, December 17, 2012. It says at the top: ''Connecticut School Shooting.'' The headline below that, in larger letters, says: ''Shattered Lives.'' I, obviously, won't read it all, but this has been on my desk since that week. We can see it is a bit yellowed, and every story here has an element of inspiration that is almost unimaginable. I mention that because I am from Pennsylvania. I don't represent the State of Connecticut, but this tragedy in Connecticut, at Newtown's Sandy Hook Elementary School, stays with all of us for different reasons—maybe because some of us are parents, maybe because we were struck by the gravity of the enormity and brutality of that crime on what so many of us have called that awful day. But, I will tell you, I don't think I have been as affected by a news event other than 9/11 in my life, and certainly not one that ever affected in the way that it had a connection to what I would do and how I would vote. So this tragedy in Newtown in 2012 directly affected the way I would vote. It changed my thinking in so many different ways. I won't walk through all of that tonight. But as much as these stories of these children inspired me then and continue to inspire me, I don't want to add another set of stories to my desk or keep adding to the chronicle of suffering and the chronicle of murder and destruction that gun violence will leave with us.

Today the Washington Post—and I will just open this up for illustrative purposes—had one page and then another page, and they needed two pages of it, obviously, because of the number of victims. I didn't count, but if that is not 49, it is close to 49. Each of them has a story as well. So just as the children whose stories were summarized in the Wall Street Journal in 2012, today's Washington Post—and I am sure many other papers—have these stories.

We don't have time to go through every story, but I was inspired by the lives of those children, what they meant to their families and what their life meant to their community, and how in their very young lives they had already begun to achieve significant things in their life, either by making their sisters or brothers happy or by comforting their sisters and brothers and family and friends. I am sure the same will be said of those who lost their lives in Orlando.

Let me give you two examples in the interest of time. This is on page A–11 in the Washington Post today. It is one of the many vignettes. I mentioned Akyra Monet Murray, 18 years old, who happened to be from Philadelphia. I talked about her earlier today. She was third in her class and on her way to a basketball scholarship, and she happened to be in Orlando, FL. She was killed. She was a remarkable young woman. I wish I knew her, but she had just graduated from West Catholic in Philadelphia.

Here is someone as well who died in Orlando. Brenda Lee Marquez McCool, 49 years old, is one of the oldest on these 2 pages. Many of them listed, as many people here know, were 25 and 21 and 18 and 24 and 22, and on and on. But here are the first two lines of this vignette about Brenda Lee Marquez McCool. A two-time cancer survivor, McCool was first diagnosed with cancer about 8 years ago. This is what her ex-husband Robert Presley said: ''The doctor gave her a year to live. She lived eight, until this nonsense.''

She lived 8 years after a diagnosis of cancer. So her life and her fight to overcome cancer should be a reminder for us that this is a long fight. She lost her life ultimately, but she beat cancer for a long time, even though she lost her life this weekend.

I will give you one more. There are so many more, but we just don't have time tonight to go through all. Shane Evan Tomlinson was 33. He was working that night, playing in a band, and he left there to go to the club, to be able to relax a little bit after working. He was a member of an all-male gospel choir at the House of Blues in Orlando. Again, he was 33 years old.

So I don't want to keep adding to this chronicle. None of us want to. We all want to figure out a way to make progress on this issue, to finally say to ourselves that as Americans we can come together and take even incremental steps. But, I think, for this week that would be significant. As all three Senators—Senator MURPHY, Senator BLUMENTHAL, and Senator BOOKER—have reminded us, what we are asking for here is a model of reasonableness. We are asking for a simple solution to a very discreet but horrific problem. If you are too dangerous to get on an airplane, if we have made that determination, why would you be allowed to have a firearm? Why would a terrorist or potential terrorist be allowed to have a firearm? Let's solve that one problem.

Then, of course, there is the problem that we have tried to solve in 2013—background checks, which, at last count, was about a 90–10 issue in the United States of America. This is a reasonable and sensible set of requests, just two in number. I can go on with others, but I won't.

Let me just conclude with Sandy Hook for a moment. We all know the horror of what happened there and the impact it had on all of our lives, but Senator BOOKER reminded us yesterday that in so many communities and in so many inner cities in America they have large numbers of gun deaths every single week, and in some communities every single day. I won't mention a list of cities or communities, to not be exhaustive, but I think people know them. We have to figure out a way to stay focused on those communities even as we focus on the horror and gravity and dimensions of what happened in Orlando or Newtown or Sandy Hook or so many other places.

Let's think about this just for a moment, before I, at long last, ask my question or ask for the answer to Senator MURPHY. How about school shootings since Sandy Hook? What do we find there? Since Sandy Hook, a gun has been fired on school grounds nearly once a week for a total of 188 school shootings, including several in my home State of Pennsylvania, according to data compiled by Every Town For Gun Safety. This has happened weekly since Newtown. It is not as if we have these events and we focus on them and then the problem recedes as we recede in our action or lack of action, in our focus, in our determination, in our sense of urgency. The problem does not go away. The problem is not going away. If anything, it is growing in dimension.

Just look at the data on how this problem has grown since the 1960s and 1970s. It just didn't happen in those days. It didn't even happen much in the 1980s, but if you look at 1990 forward, you see incident after incident. In 2000 and forward, it goes on and on. So if anything, it is accelerating at a pace that no one—no one in this body—should be content about.

So that means that every week—every single week—there is some schoolchild or school student. This goes all the way, obviously, to colleges and universities. So every single week some group of Americans who happen to be children or young adults are in a school setting of one kind or another, and they are either the direct victim or the victim who lives through that horror and has the imprint of that horror

for the rest of their lives. That is the reality.

So to anyone who thinks this is just a random occurrence, go to a school in a lot of places and talk to people in schools and go to our cities. I think we could all learn a lot.

I want to just mention a few more statistics because we were talking about children. Numbers don't ever paint the right picture, but they are instructive on a night like tonight.

I live in a State which has a proud tradition of support for the Second Amendment—and I mean really strong, like maybe no other State in the country, maybe one or two others but not many—a strong tradition of hunting and sport. Hunting is almost a part of not just the culture of our State but part of family life. Fathers and sons go out and hunt, and I am sure fathers and daughters or mothers and daughters. It is part of growing up in some communities. They go out and hunt, they participate in a tradition, they work to do it safely, they do a lot of training, and they pass on from one generation to another not just the experience but the rules and the way to do things.

We have as strong a tradition as any of the country. By some estimates, there are about a million gun owners. I don't know where that puts us in the rankings, but it is no lower than second or third or fourth in the country.

We have a lot of people in our State that not only value the Second Amendment, but the benefits of that amendment for their lives are significant because they get to own a gun to hunt and in some cases obviously to protect themselves or their families.

This is what the numbers tell us about just gun violence in a State like Pennsylvania as it relates to children only. According to the Pennsylvania Trauma Systems Foundation, every year about 400 children—meaning individuals under the age of 20. That is the cutoff. They don't say under 18. This is under 20, so children, and I guess you could say young adults. Four hundred are treated for firearm injuries in the Commonwealth of Pennsylvania. This number does not count the children who die at the scene, like most firearm suicide victims, so it doesn't even count some young people.

In 2013, there were 1,378 firearm-related injuries in Pennsylvania. Almost half of these were persons under the age of 25 years old. In that same year of 2013, the same year as Newtown, 1,670 children under 18 died by gunshot and an additional 9,718 were injured. So in just 1 year in one State, 1,670 children died by gunshot, 9,718 were injured.

That is the reality. When we consider the gravity of this problem in our cities, in communities of all kinds, and most tragically in Orlando, FL, we know it is a problem of great significance, dimension, and complexity. We know this is not easy to solve, but we know our country has faced huge challenges in the past. We are the country that won World War II. Without our participation, the Allies could never have won. That is who America was. That was a pretty tough problem, trying to defeat the Axis powers and trying to take on these powerful military machines, but we figured out a way to do that as a nation. We all came together.

We all came together after 9/11. It is a complicated problem involving rights, having to stand in line and say: I am going to participate in this process to make our airlines safe so we don't have airplanes flying into buildings.

That was a big problem, but we did not surrender to the terrorists after 9/11. We came together and figured out a solution to a problem. We haven't solved the terrorism problem. We have certainly solved the problem of preventing terrorists from taking an airplane and flying it into a building, not only to kill thousands of people but to create untold kinds of fear.

Where does that leave us with the children of Sandy Hook? Well, I will take another day to read some of the stories, but let me just leave you with one thought. I want to ask Senator MURPHY a question after I read this.

One of the children killed that day—and every child's story is worthy of mention, but in the interest of time I will highlight, and it will be a highlight of one, Caroline Previdi. Caroline was 6 when she lost her life at Sandy Hook Elementary School.

Among other things they wrote:

> Caroline loved to draw and dance. Her smile brought happiness to everyone she touched.

That is what her obituary read at the age of 6.

She will be remembered for accompanying a nervous kindergartner on the schoolbus. Caroline, a first grader, sat with Karen Dryer's son Logan on the bus each day. This is what Mrs. Dryer said about Caroline: She sat with her son Logan so that he wasn't scared. That is what a grateful mother said about little Caroline and about what she did before she died.

What does that mean for tonight? If little Caroline, at the age of 6, could comfort someone younger than she was on the bus every day, knowing he was afraid, knowing he was scared or worried about what was happening in his life, a kindergartner on a bus—if Caroline could do that and show not just a measure of courage but really a measure of responsibility—she took responsibility in her young life to help solve the one problem that one of her classmates or ''almost'' classmate, that one of her friends was having—I think we should take inspiration from Caroline's sense of responsibility. She thought apparently it was her duty to help someone younger than she was and to give them comfort, to give a measure of security. In her young life, in that little world that she was, she figured out a way to be responsible.

I hope that people across this Chamber will do more than just kind of casually review these amendments, casually think about this issue, and just stay in your lane, which the lane is, for a number of people here, the usual response is no laws will change this. I am glad we didn't say that after 9/11, by the way. It is a good thing we didn't do that as a nation—no laws will change us, no policy will change us. I hope in light of what Caroline has taught us that we will all be responsible, serious, and sober about what we do here, and we will examine our conscience, to use an old expression.

Is there something you can do with your vote this week, next week, next month, or next year that will help solve a part of this problem? Because this is a big problem which has not gone away, and every one of our lives is going to be affected by it in some way or another going forward. Many of us have seen too much of this in our States and in our communities.

Finally, Senator MURPHY, I will ask you this question. I will not guess at the answer. In light of those stories—and you know the stories, you know the families personally, I do not—how do you stay focused on a goal, the goal that you are pursuing and we are talking about tonight, and how do you stay inspired in the midst of and in the absence of significant progress?

Mr. MURPHY. Thank you, Senator CASEY, for that question. I thank you for how you have conducted yourself since the shooting in Sandy Hook. I was remarking to Senator WARNER on the same topic, but it was really you and Senator WARNER who, in the days following the shooting, came out and said we need to engage, we need to change something, and we are willing to change our minds or our level of advocacy. You were one of the most persuasive voices on behalf of the families of Sandy Hook in the days and weeks following, and you have been so generous to meet with them, as have many of my colleagues when they come here.

In answer to your question, I go back to those families. Probably the worst day that I have had legislatively while I have been here was the day in which that background check bill failed. Remember, it didn't really fail. It got the majority of this Senate to vote for it, but it failed because of a Republican-led filibuster.

I thank Representative SWALWELL and Representative GABBARD for joining us on the floor today. I really appreciate our friends from the House being here.

I remember standing with them after that bill failed. They whispered to me some version of a very simple idea. They said: We aren't advocates for 4 months. We are advocates for 40 years, right? A tragedy like Sandy Hook, like Orlando or like Aurora, it fundamentally reorders the lives of those who are affected. The reason I think this Congress has been focused on this question perpetually since Sandy Hook is because those families continue to come here, continue to show up at our doors, and continue to press.

The simple answer to your question is as long as those families aren't going to give up, then we are not going to give up. There is no more articulate spokesman in the Senate for children than you, Senator CASEY.

I have a feeling that so long as children's lives are at risk because we are choosing to allow for dangerous criminals and potential terrorists to get weapons, that you are not going to stop either. I appreciate you being a big part of our effort on the floor today.

With that, I yield the floor for a question, without relinquishing control of it, to Senator KING.

Mr. KING. I say to the Senator, I have a series of questions and some comments.

First, I come from a predominantly rural State with a very high number of gun owners, a very low rate of gun crime.

What you are talking about here today, adding the terrorist watch list as one of the elements of the background check and covering the noncovered parts of gun sales, online gun shows, will that have any practical effect on the gun owners in Maine?

Mr. MURPHY. It will not have any practical effect on the law-abiding gun owners in Maine, and that is whom you and I are talking to. The only effect it would have is upon criminals or felons who are attempting to circumvent our laws and get weapons by avoiding background checks. The only effect it would have is if there were individuals in Maine who were the subject of terrorist investigations. They would be prevented from buying weapons, but of course even those individuals—if they thought they were on the list for the wrong reasons—would have a process to grieve that. But for law-abiding citizens in Maine or Connecticut or Pennsylvania or New Jersey, this law has no impact on them.

Mr. KING. It will have no practical effect. They will still be able to buy guns in either place. They would have to go through the instant background check and the law as if they were a felon or something like that. Then they would be prevented. But other than that, this isn't going to have any practical effect on the practical law-abiding gun owners in Maine?

Mr. MURPHY. It will have no effect on law-abiding gun owners in Maine or anywhere else. This has nothing to do with those individuals.

Mr. KING. I want to take a slightly different view than I have heard today on the issue of terrorism.

I am on the Intelligence Committee. Every Tuesday afternoon and Thursday afternoon that we are in session we meet upstairs in a closed room. Ever since I have been here in January of 2013, the subject in one way or another has been terrorism, has been the threats that this country is facing around the world.

What has happened in the last 4 years is a subtle change in the nature of that threat. When we first came, we were talking about Al Qaeda. We were talking about plots. We were talking about people coming here using airplanes, otherwise penetrating this country from abroad.

What has happened is that the terrorist threat has become homegrown. In fact, there is even a term for it of homegrown extremists or local terrorists.

ISIS is here. Every place there is a computer with an Internet connection, ISIS is there, and people like the shooter in Orlando may never go to the Middle East. I think he actually had traveled, but many of the people involved in this threat to our Nation never leave the United States.

So here is what we are doing, and here is why your amendment makes so much sense. We are spending millions of dollars—in fact, billions over the past 15 years—to counteract this terrorist threat, and it suddenly occurred to me, as I was thinking through it, we are spending millions of dollars to bomb ISIS's weapons supplies in Syria and Iraq, and they can buy their weapons here. How much sense does that make? It is just crazy that we are spending millions of dollars to interdict their weapons supply and yet the people who are here, who are under their thrall, who are thinking about terrorist acts and whom they are inspiring to these acts, can walk out and get a gun without any hesitation as long as they do not violate one of the terms of the current law.

The other piece of this that I think is important is that the current law that has the list of prohibitions—mental illness, felony, domestic violence, and there are nine—was passed in 1993. The world is enormously and fundamentally different than it was in 1993. In 1993 we had barely heard of Al Qaeda. There was no ISIS. There was very little threat or acknowledgment or understanding of domestic terrorism whatsoever. But now we are in terrorism 2.0. What happened in Orlando is exactly what we have been hearing about in the Intelligence Committee, what has been predicted by all our intelligence officials, and what many of us have been talking about. It is the nightmare scenario of an American who is radicalized online, who goes out and gets a gun and kills 50 people. That is the hardest threat to stop because there is no plot, there is no email trail, and there are very few phone calls. There is nothing. It is hard for our intelligence community to track someone like that. But if we have some knowledge of them, if they are in our database—to me, it just makes common sense that should be added to the list of disqualifications for buying guns.

This is no threat to anybody who is not on such a list. And I understand—and the Senator can please comment—the legislation we are talking about has a constitutional escape hatch for people who are wrongly on the list or whose names are mixed up, and they will have an opportunity to protest that list and to have their names expunged if they can make the case that there was something wrong with their being on the list; is that correct?

Mr. MURPHY. It is correct. It is correct, and that is an important facet of the amendment Senator FEINSTEIN has submitted.

But it is also important, as we remarked earlier—perhaps when you were on the floor, Senator KING—to understand the scope of this. We are talking about a very small number of sales that actually would be affected. In 2015, thanks to a report Senator FEINSTEIN released, we know that in that year there were only about 215 sales at gun stores to individuals who were on the terrorist watch list. So it is a very small number of sales we are talking about in the first place.

Mr. KING. But if someone says: Well, if that is such a small number, why are we bothering? Because it only takes one to kill a number of people.

Mr. MURPHY. Correct.

Mr. KING. And that is really the essence of what the Senator is talking about.

As I understand it, there are two parts of what we are talking about today. By the way, the Senator is not talking about an assault weapons ban or magazine control or any of those things; we are really talking about two things. The first is the terrorist watch list. If you are on the list, you can't buy a gun. No fly, no buy. The second is to fill the loophole in the background check system because, as I understand the Senator's argument, if we say ''If you are on the watch list, you can't buy a gun,'' but there is this gaping 40 percent loophole where you could get a gun without any check whatsoever, then it doesn't matter. Anybody—a felon or anybody—could get a gun under that circumstance. Is that the logical progression?

Mr. MURPHY. That is exactly right. And I think my colleague very smartly referred back to the initiation of the background check system, where no one was contemplating a terrorist watch list or a no-fly list existing. It is the same thing with Internet sales, it is the same thing with armslist.com, and it is the same thing with gun shows. Back when we passed the background checks law, the vast majority of gun sales were done in bricks-and-mortar stores. What has happened is that sales have migrated into other forms, especially online.

So in all of these respects, as the Senator is accurately pointing out, all we are really seeking to do is to have the law and the initial intent of it catch up with the trajectory of time.

Mr. KING. And I find it hard to believe that if we were debating that law in 1993 under the current circumstances, that some cognizance wouldn't have been taken of the risk of domestic terrorists.

Mr. MURPHY. I don't think there would have been any question that category would have been included. That

is probably why 80 percent of Americans support the adoption of this amendment or some version of it.

Mr. KING. By the way, I would mention that since the Senator has been on the floor today, 10 people have been murdered with guns. It is about one an hour. Since the Orlando shooting, 100 people—twice as many as in Orlando—have been murdered with guns.

So we are talking about Orlando, but we are also talking about people all over the country, mostly innocent people, sometimes people who are victims of domestic violence. We are not talking about taking guns away from people; we are just talking about keeping people who shouldn't have them from getting guns. And I have never met a gun owner who doesn't agree that is just a commonsense restriction. Does my colleague view this in any way as a violation of the Second Amendment?

Mr. MURPHY. Senator UDALL was on the floor earlier, and he said somebody called his office earlier today asking why we were debating the Second Amendment today, and of course the answer to that is we are not debating the Second Amendment. There is actually nothing about this debate relevant to the Second Amendment because the Second Amendment is clear. As the Supreme Court has stated, an individual has a right to own a firearm. But, as that same Court very clearly stated in an opinion by Justice Scalia himself, that right is not absolute. The Congress has the ability to say there are some weapons that should be out of bounds and that there are some individuals who are so dangerous they shouldn't own weapons. So even the most conservative jurists on the Supreme Court have held very plainly that the Second Amendment allows for the Congress or State legislatures to decide there are certain individuals—felons, people who have been convicted of violent crimes, or individuals we suspect of terrorist activities—who shouldn't buy a weapon.

Of course, as we remarked earlier, if you go into any gun club in Maine or Connecticut, that is what people in those forums believe as well. They believe law-abiding citizens should be able to get any weapons they want, by and large, but they do not believe criminals should be able to buy weapons. That is a view held by gun owners and non-gun owners alike because everyone accepts that that is in keeping with the Second Amendment.

Mr. KING. Don't you think one of the problems with this debate as it has evolved over the past few years is that it has become a kind of either/or?

Mr. MURPHY. Right.

Mr. KING. If you are for the Second Amendment, there are no limitations whatsoever, and if you talk about limitations, you are against the Second Amendment. Do you accept that characterization?

Mr. MURPHY. I think you are exactly right. I think this has become an either/or debate in so many different perspectives.

I am so glad we are bringing together this question of how we respond to terrorism and how we protect Americans from the consequences of loose gun laws because there is also this juxtaposition in which these terrorist attacks are either about the fight against ISIS or they are about our loose gun laws, and they are about both. And this shooting in Orlando is about a whole host of other subjects as well.

So I think we have tried to stay true to the complexity of this question on the floor during this time. We are not suggesting that what we are proposing is going to solve the problem, but we do have to get out of this paradigm in which if you are a supporter of the Second Amendment, you can't support any restrictions on individuals, whether or not they are on a terrorist watch list, to obtain guns.

Mr. KING. Well, this solution being proposed, even if it only prevents 1 person, that could mean 50 lives or 100 lives. I think that is important.

By the way, it is a dirty trick, Senator, to quote Justice Scalia on this subject. He did make it clear in the Heller decision, as you point out, that the Second Amendment, as the First Amendment or any of the amendments, is not absolute. People say the First Amendment says Congress shall make no law respecting speech, but you can't yell ''fire'' in a crowded theater. That is established law. And Justice Scalia, in the Heller decision, said the same thing about the Second Amendment. It is not absolute. There are limitations that can be placed upon it, particularly in the transfer of firearms, and I think that is what we are talking about here.

So I commend the Senator, and I believe what we are talking about—and let me go back to the Intelligence Committee for a minute. It took me 2 or 3 months—maybe I am a slow learner—but as I was sitting in the Intelligence Committee, I finally had two really visceral insights. One was that we are the only people watching the intelligence community; that we have this large apparatus, and we have these small committees in the House and the Senate, and we are the only people watching. That is not relevant to this debate, but that was an important realization imposed upon me, and what I thought was an extraordinary responsibility to pay close attention to what these agencies are doing.

The second insight was that the fundamental role of the Intelligence Committee and, I would argue, the fundamental role of this body is to constantly monitor and calibrate the tension that exists between two fundamental provisions of the Constitution—in this case, three. The first is in the preamble—the fundamental reason this government was formed in the first place—to insure domestic tranquility and provide for the common defense. That is the essence of any government, the fundamental, sacred responsibility.

Then we have the First Amendment, the Second Amendment, and the Fourth and Fifth Amendments that have issues of privacy and issues of gun ownership, and we have to constantly balance and calibrate those provisions based upon technology and reality, circumstances, and facts.

We have a new set of facts. We are facing a threat today in the United States that is different from what we have ever faced before, where we have people who are being motivated from abroad mostly but are in our society, in our country—this fellow in Orlando was an American citizen, was born here—and we have to take cognizance of that. We have to take account of that reality. If we don't, we are failing, it seems to me, our fundamental responsibility under the preamble of the Constitution to provide for the common defense. That is what the American people expect us to do—to keep them safe—and this is simply one piece of the armor we can provide to keep the people of America safe.

I would conclude with a question to the Senator. Is there any hope of getting this accomplished? Where are we? Why is this so hard? This seems to be a commonsense response. I read a quote from the NRA today that said: We believe that terrorists should not have guns. So is there room for discussion, for compromise? Does my colleague feel there is an opportunity here to get to a place where we can respond to this new threat that is facing us without in any way compromising the values of the Second Amendment?

Mr. MURPHY. I thank the Senator for guiding us toward that compromise because it has to be there. On this issue, we are speaking the same language. Frankly, on background checks, we tend to speak the same language. We both say—Republicans and Democrats—that we don't want criminals to get guns. We both say we don't want terrorists to get guns. Yet we have been unable to meet in the middle.

My understanding is that the majority has a concern about the ability of individuals who shouldn't be on these lists to get off the list. So do we. We have no less interest in due process than they do. So we want to bring these issues to a vote on the floor. Our preference is to bring a compromise measure that can pass and get the support of both sides.

I know we have had Senator TOOMEY and some others come to the floor today and suggest there is some work to be done to get a compromise. My hope is we can get there. If we can't, then let's at least take the vote and let the American people see where we stand.

Mr. KING. But my understanding is the amendment as proposed does provide a specific process whereby a person who believes they are wrongfully on the list, wrongfully denied the opportunity to purchase a firearm, has the opportunity to contest that, to have it litigated, and have it resolved in a reasonably prompt manner.

Mr. MURPHY. I think that has been the difficulty in finding a compromise.

The existing text gives the ability already for anyone who believes they are on the list wrongly to get off that list. That is why I said that we are just as concerned with that, and the underlying amendment that we have proposed and Senator FEINSTEIN has proposed does exactly that. It gives an escape hatch for anyone wrongly on that list.

Mr. KING. One of the odd things about this debate is that if this had been 15 years ago, I don't think we would even be having this debate. Background checks were generally uncontroversial. If we had would have had the terrorist threat, I couldn't believe—we have domestic violence on there. How about terrorism violence? That should be a part of this as well. That is all you are really proposing. Is that correct?

(Mr. SCOTT assumed the Chair.)

Mr. MURPHY. That is correct. It is only controversial here; it is not controversial out in the American public. By and large, they want this done. So we have created a controversy that doesn't really exist in the living rooms and social halls of this country.

Mr. KING. I thank the Senator. I thank him for his answers and thank him for his leadership on this issue.

Mr. MURPHY. I thank the Senator. I think it is really important that we have the diversity of our caucus represented as part of this discussion today. Senator KING and Senator DONNELLY are both strong supporters of the Second Amendment. I am glad to yield the floor for a question, without losing my right to the floor, to Senator DONNELLY.

Mr. DONNELLY. Will the Senator from Connecticut yield for a question?

Mr. MURPHY. I will.

Mr. DONNELLY. Like all my colleagues on both sides of the aisle, I was sick when I learned of the tragic shooting in Orlando. Since Sunday, like so many people, my thoughts have been with the families and with the friends of the victims, with the LGBT community, with the people of Orlando, and with all Americans who are mourning the loss of loved ones at the hands of senseless gun violence. My thoughts are also with the parents across our Nation. We have to explain to our kids, how can something like this happen in our country?

We were elected in this Chamber to do a job—to discuss issues, to debate them, and to vote on legislation that makes our communities and our country safer. I came to the floor tonight to participate in this discussion because we have a job to do and we have action to take. I thank Senator MURPHY for leading this.

I am a supporter of the Second Amendment. I am also someone who believes it is reasonable for all of us to consider smart and responsible ways to reduce gun violence. Those things are not in opposition to each other. Since I have come to the Senate, we have talked about mass shootings in Orlando, in San Bernardino, in Charleston, and in Newtown, CT, the Senator's home State. The truth is, there is gun violence across this country every single day. No State is immune, including my home State of Indiana. Every victim of gun violence is someone's mom or someone's dad or someone's sister or someone's brother or someone's son or someone's daughter or someone's husband or someone's wife, and those lives are destroyed.

There are bipartisan proposals we can consider today that can make a difference. They will not solve every problem, but we can save lives. We can start by considering the bipartisan proposal by Senators JOE MANCHIN and PAT TOOMEY that strengthens our background check system to help prevent criminals and individuals with serious mental illnesses from getting guns. This legislation requires background checks for all commercial gun sales, whether they are at a store or whether they are at a gun show or whether they are online.

We should also debate and pass bipartisan legislation that denies firearms sales to known or suspected terrorists. This is simple American common sense. This is what the American people expect of us. This is what we were elected to do. If a person is on a terrorist watch list, they shouldn't be able to buy a gun. It is that simple and that uncomplicated. It is time to do our job—to do our job as Members of Congress to confront the serious problem of gun violence in our country, to debate our options, to work to find solutions to help keep all Americans safe, and to protect our individual rights. As Members of this body we have differences, but we shouldn't have differences on this.

We have also demonstrated that we can find common ground at critical times. I am confident that every Member of this body agrees we should keep weapons out of the hands of criminals, terrorists, and people with mental illnesses. This should not be controversial. I urge all my colleagues to come together on behalf of the American people who have blessed us with this opportunity to serve here and to stand up for them and to vote on these proposals. It is the very least we can do for those families, for the people we represent, and for the serious obligation and responsibility they have given us to do these things. They expect us to do our job. It is time for us to step up to the plate.

With all that in mind, I have a question for my good friend, the Senator from Connecticut. The question is this: Don't we owe it to the victims of Orlando, the victims from Newtown in your home State, the victims of Charleston, and the victims of gun violence in all our States to have a vote on these proposals, which are bipartisan in every single way?

Mr. MURPHY. I think that last phrase is the most important. They are bipartisan in every single way. We have had bipartisan support for these proposals on the floor of the Senate. But, frankly, more importantly, in Indiana and Connecticut there is bipartisan support. Whether talking to progressive Democrats or rock-ribbed Republicans, they all are of the consensus position that if you can't fly because we have deemed you to be a terrorist threat, then you probably shouldn't be able to buy an assault weapon, and that if you are a criminal, it shouldn't really matter whether you walk into a gun show or a gun store, you shouldn't be able to buy a weapon.

So I think the Senator put it perfectly, which is that in every way these are bipartisan proposals. At the very least, it is incumbent upon us to show the American people where the Senate stands on these issues. Let's show the people of Indiana and Connecticut and Illinois where Senators stand on these two simple questions that have bipartisan grassroots support in this country.

Mr. DONNELLY. I have one more question. Does the Senator think we are underestimating in this body—that Senators are underestimating the common sense of the American people; that they know terrorists shouldn't be allowed to have these weapons; that they know it is a danger to our kids, to our families; that we would do great credit to the American people to have faith in them, to believe in them; that they are ready to take these steps; that they are ready to see their Senators take these steps and to stand with us? We all love our children. We all love our families. We all want to make sure that when they go out to be with their friends, they come home safe that night. For all of our families—whether Republican or Democrat—most important, we are not red or blue. We are red, we are white, and we are blue. We are all Americans. We are one team. We are in this together.

Doesn't it seem to make sense that we ought to be able to reflect the will of the American people? I think the American people are ready for this. Don't you?

Mr. MURPHY. It is a political issue here; it is not a political issue anywhere else. The Senator talked about, I think, a very apt description of our underestimation of the common sense of the American people. I also think we underestimate our ability to fundamentally address the fear that exists today about the next terrorist attack. I think if we were able to come together and pass these two simple measures, it would be a show of faith for the American people that we get it—that we understand how anxious they are, how fearful they are, how angry they are, and there is a salve to the wound that could come if we were able to come together and act. It is not just that it would make a practical difference in stopping potential terrorists from getting guns, but it would have a psychological impact on people.

So I think the Senator is right that we underestimate the common sense of

the American public. But I think we also underestimate our ability to do something meaningful, to address what is a very legitimate anxiety in the public, having watched San Bernardino to Orlando.

I thank the Senator.

I yield to Senator DURBIN for a question without losing my right to the floor.

Mr. DURBIN. I wish to direct a question to the Senator from Connecticut.

First, I would like to acknowledge that the Senator from Connecticut took the floor about 10 hours ago and has stood here with his colleagues, the Senator from New Jersey, Mr. BOOKER, and many others who have joined him during the course of the day. Senator BLUMENTHAL of Connecticut was also here.

I would like to ask a few questions and then ask the Senator to react to a news story that just came out. I think it is important for us from time to time to remind those who are just starting to follow this debate why we are here and particularly why the Senator has been on the floor for 10 hours straight. This is unusual in the Senate. It is technically known as a filibuster, when one Member takes the floor and doesn't yield the floor. It is done for a variety of reasons. It has been done throughout the history of this Chamber. But I hope we can make it clear from the outset why we are doing it today, why the Senator is leading it, why we are joining him today, and why this is an important message that we are trying to send across America from one coast to the other, including the islands of Hawaii.

We are dealing with this because what happened in Orlando has really focused America on gun violence and the terrible tragedy that occurred there, with 49 deaths and over 50 who are seriously injured as a result of this gunman who turned his guns loose on these poor people who gathered at this nightclub.

I would like to ask the Senator from Connecticut, at the risk of repeating himself—which is part of what we do here, making sure that those who are following the debate—if he would tell us the two issues that he believes bring us together in this common effort late this evening on the floor of the Senate.

Mr. MURPHY. I thank the Senator for continuing to focus us on why we are here. Frankly, we are not here just to talk; we are here to bring some resolution to this debate and to move on to consideration of the CJS appropriations bill.

We are asking for two votes on what could be consensus measures with respect to protecting Americans.

One, we want to make sure that if you are on the terrorist watch list, if you are on the no-fly list, then you cannot buy a gun. You are prohibited by law from buying a gun. There is no controversy about that in the American public. It would make a tremendous difference.

Second, in order to make that provision truly effective, we need to make sure that no matter where you buy a gun—whether you buy it at a bricks-and-mortar store, online, or a gun show—you are subject to background checks. One of those provisions without the other doesn't protect us. Both of them together protect Americans from terrorist attacks, protect the flow of illegal guns into communities like Chicago without having any effect on individual Second Amendment rights. If you are a law-abiding citizen in this country, the two measures that we are proffering for a vote on the Senate floor will have zero impact on you.

If we can get agreement to move forward in a consensus way on those two measures, my hope is that we could come together and find language that both sides could agree with. At the very least, we should have a vote on these measures so we could see where people stand. Then we would gladly relinquish the floor.

Mr. DURBIN. I ask the Senator from Connecticut, without asking him to yield the floor, if he will yield for a question.

Mr. MURPHY. I will.

Mr. DURBIN. Our colleague from California, Senator FEINSTEIN, has filed an amendment. I believe she is making slight changes to it, but the amendment addresses the first issue. It enables the Attorney General of the United States to deny a request to transfer a firearm to a known or suspected terrorist. The Senator from Connecticut said repeatedly, and I would like to repeat it myself, this is something the vast majority of Americans say: You mean a terrorist can buy a gun in America and you can't stop him? So, overwhelmingly, Democratic, Republican, Independent, gun owners, non-gun owners believe this is common sense. The Senator from California in this amendment says:

> Hereafter the Attorney General may deny the transfer of a firearm if the Attorney General determines, based on the totality of circumstances, that the transferee—
>
> Purchaser of the firearm—
>
> represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor.

So in the first sentence of about a six- or seven-sentence amendment, the Senator from California, in a few words, says exactly what the Senator from Connecticut has said. We want to give to the Attorney General the power to stop a suspected terrorist from buying a firearm in this country.

Today we had a briefing, and I know the Senator couldn't attend because he was here on the floor with this important responsibility. The briefing came from the leader of the Federal Bureau of Investigation, Jim Comey, and Jeh Johnson, the head of the Department of Homeland Security. They talked about what happened in Orlando. Some of the things they told us cannot be repeated outside of that closed-door briefing and some of it will come out as the investigation unfolds, but here is something they told us that can be shared.

This man who went into the Pulse nightclub at 2 o'clock in the morning in Orlando had two firearms with him. Before that tragic evening ended, he had shot hundreds of rounds into that crowded nightclub—this one man, hundreds of rounds. What I asked him was to please put this in perspective for me. Since 9/11, we have focused on what happened that terrible day when 3,000 innocent Americans died because terrorists took over airplanes and crashed them into the World Trade Center and the Pentagon and might have crashed them into this building had the brave passengers and crew not stopped them over Pennsylvania.

What we do every single day is to spend hundreds of millions of dollars for safety on airplanes and airports because we don't want to run the risk that a passenger will get on board a plane and endanger the lives of passengers, up to 200 passengers or more, with a bomb or some other means. We go to elaborate lengths. Think about it. How many times have you taken off your shoes, opened your bags, put things on the conveyor belt? We have done that now for 15 years so we don't have to relive the tragedy of 9/11.

Think about this for a second. If that same terrorist decides not to use an airplane but to use a semiautomatic weapon, the kind of weapon used by this man in Orlando, that person can endanger the lives of hundreds of people and killed 49 in that tragic situation.

So my question to the Senator from Connecticut is this. As we are focusing on the use of these military-style weapons, are we not reflecting the new reality of the terrorist threat to America—not just airplanes and the other means they have used but now what appears to be a more common weapon of choice, commonly purchased at gun stores by even suspected terrorists. Is that not what you were focusing on and we are focusing on as the first thing that needs to be changed in the law?

Mr. MURPHY. Senator DURBIN, let me read to you the transcript of a video from one of Al Qaeda's most important operatives, an American by the name of Adam Gadahn. He is deceased now, but here is what he said in a video that he sent to potential converts in the United States:

> In the West, you've got a lot at your disposal. Let's take America for example. America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle without a background check and most likely without having to show an identification card. So what are you waiting for?

This is an Al Qaeda operative, an Al Qaeda recruiter, specifically instructing their potential followers in the United States to go to gun shows to

buy assault weapons in order to carry out lone-wolf attacks. This isn't theoretical. We aren't making this up on the floor of the Senate. This is a clear, strategic decision on behalf of these groups. They are losing territory inside Iraq and Syria. They are more dependent on lone-wolf attacks than ever, and they have figured out that the quickest pathway to massive death and destruction is not to hijack an airplane, is not to construct an explosive device but to buy an assault weapon.

Mr. DURBIN. Will the Senator yield for a further question without yielding the floor?

Mr. MURPHY. I will.

Mr. DURBIN. Despite the worst mass shooting in the history of the United States of America that occurred in Orlando, FL, despite the national reaction and international reaction to this tragedy, there was nothing scheduled this week in the U.S. Senate on the issue of firearms and terrorism, nothing—not until the Senator from Connecticut took the floor 10 hours 20 minutes ago and said: I am not going to sit down until there is an agreement that we are going to debate this issue on the floor of the U.S. Senate. It was not even on the schedule of things for us to discuss this week until this Senator from Connecticut and his friends and colleagues decided to make an issue of it.

I ask the Senator if he is aware of the fact that the American Medical Association put out a press release in Chicago. I think it is historic and I would like to read a story about it if my colleagues will bear with me for a minute. This is from the American Medical Association.

The worst mass shooting in modern U.S. history has prompted the American Medical Association to call gun violence a 'public health crisis' and urge that Congress fund research into the problem.

The AMA, which lobbies on behalf of doctors, said on Tuesday it will press Congress to overturn 20-year-old legislation that blocks the Centers for Disease Control and Prevention from conducting research on gun violence.

A 29-year-old gunman slaughtered 49 people at a gay nightclub in Orlando, FL, before dawn on Sunday.

The AMA adopted the policy at its annual meeting in Chicago. It called U.S. gun violence a crisis that requires a comprehensive response and solution. ''With approximately 30,000 men, women and children dying each year at the barrel of a gun in elementary schools, movie theaters, workplaces, houses of worship and on live television, the United States faces a public health crisis of gun violence,'' Dr. Steven Stack, AMA president, said in a statement.

''Even as America faces a crisis unrivaled in any other developed country, the Congress prohibits the CDC from conducting the very research that would help us understand the problems associated with gun violence and determine how to reduce the high rate of firearm-related deaths and injuries.''

Congress placed restrictions on CDC funding of gun research into the federal budget in 1996 at the urging of gun rights supporters who claimed the agency was biased toward gun control.

AMA has several long-standing gun safety policies including support of legislation that calls for a waiting period before the purchase of any form of firearm in the United States. It also supports background checks for all handgun buyers. (Reporting by Susan Kelly in Chicago; Editing by Caroline Humer and Matthew Lewis)

Mr. BROWN. Will the Senator yield?

Mr. DURBIN. I would like to complete the question to the Senator, and then I will be happy to yield.

The point that we are getting to is this is the beginning of an important national debate brought on by the tragedy in Orlando. It is a debate which would not have occurred this week had the Senator from Connecticut and his colleagues not taken the floor with this filibuster on the Senate floor. I thank the Senator for his leadership on this. I ask the Senator if we can reach a point where we have a statement by the Republican leadership of the Senate that they will give us the votes on these two key issues that we raised over and over again; is that the purpose and intent of your filibuster?

Mr. MURPHY. I thank the Senator for his question. That is exactly why we are here. Let me reiterate the supposition, the premise of his question.

Senator BOOKER, Senator BLUMENTHAL, and I—and I know you share this view as well—just couldn't come back here and debate amendments on the CJS bill that had nothing to do with this epidemic of gun violence witnessed most recently by the worst mass shooting in the history of this country. I simply couldn't come back here and pretend that there is nothing we can do about it because of course we can come together and find a path forward. Yes, we are on the floor demanding a vote because it would be unconscionable to leave this week without having a specific debate on these measures and without trying to find a path forward.

I will say to my friend that my greatest hope is that we can find common ground on these measures, but in absence of common ground, in absence of a willingness on behalf of the majority party to actually sit down and negotiate this, then let's have the vote. Then let's have the vote and see where Members of this body stand, up or down. Let's see what Members choose to do a week after the worst mass shooting in the history of this country, when they are proffered with the question: Do you want terrorists to be able to own guns in this country? Do you want individuals who have known connections to terrorist organizations to be able to buy military assault-style weapons?

Let's put that question on the floor of the Senate and see what everyone's answer is.

I thank the Senator, and I yield to Senator BROWN for a question without losing my right to the floor.

Mr. BROWN. I will ask my question through the Chair.

First of all, I so appreciate, as Senator DURBIN said, the Senator being here this evening. I so appreciate the work that Senator MURPHY has done. I appreciate so much the work he has done and the work Senator BOOKER and Senator BLUMENTHAL have done.

I welcome others of my colleagues to the floor. I heard the Senator from Maine, Mr. KING, say something. We know what happened with this terrible shooting in Orlando with 49 innocent people killed. We know what happened in Sandy Hook. We heard Senator KAINE talking earlier today about what happened at Virginia Tech. We heard what happened in Denver when they shot the Planned Parenthood clinic. We know what happened in San Bernardino. We know what happened in southern Ohio, in a rural Appalachian area of my State where there were a number of people who were killed, and it didn't get quite as much attention. We know what happened to Tamir Rice in my city of Cleveland, a 12-year-old boy who was gunned down.

What Senator KING said was so interesting because we see these awful massacres of 5, 10, 20, or as many now as 49 people murdered in cold blood, but what he said was, on average, every hour a person is murdered in this country. Two or three people die from gun violence. Since the Orlando massacre, about 100 people have been killed by gunfire—twice as many as were killed in Orlando.

We had an intelligence briefing from the FBI, as Senator DURBIN said, about this mass killing. We all get together and talk about these mass killings, but we don't talk about the day-by-day gun violence. I think the American people know of the mass killings. They always write our offices and tell us to do something, and then interest tends to diminish as it becomes news that is 1, 2, 3, 4 days old. But what Senator KING said was so important that this just happens every day. As Senator BOOKER says, it is often a poor kid who is murdered.

I was on the floor earlier tonight, and I mentioned how my wife and I live in ZIP Code 44105 in Cleveland. In the first half of the year in 2007, that ZIP Code had more foreclosures than any ZIP Code in the United States of America. It is a ZIP Code where there is a lot of poverty. There is a lot of violence.

The other night when I was in Washington, my wife heard gunshots and then heard a police siren. That has happened far too many times when I am home. If my grandchildren are there, you are alarmed. The gunshots are usually maybe a quarter mile away, half a mile away, but we know that each time it might be somebody who is badly injured or worse.

We see what is happening. We see maybe the Members of the Senate who have been at the beck and call of the gun lobby, maybe they are listening now. My question is, How do we make sure we remind them and remind the American people because I don't think the American people think about what Senator KING said. There is roughly

one murder an hour on average in this country, 24 hours day, 7 days a week. There are two or three people who are victims of gunfire hour after hour, day after day. All we really read about, all we really react to are these terrible mass shootings but not the day-by-day violence. How do we bring that to people's attention so people in this body go home and do their job?

This Senate is not doing its job in confirming a Supreme Court nominee. It is not doing its job for the mine workers whom Senator DONNELLY, Senator DURBIN, and I have in our States or the pensioners with the Teamsters Central States Pension Fund. They are not doing their job there either.

But on this one, until this Senate actually does the right thing, Senator MURPHY, how do we keep attention on this issue when people's memories fade and we go back to work and do nothing? That is why you are standing on this floor hour after hour. You can understand, anybody who is watching—and I know we are not speaking to the country here, but this is a Senator from Connecticut who has not sat all day, has not been able to eat, just stands here and leads this debate and leads this filibuster, pleading to this Senate. Most of our colleagues are out for dinner or home by now, but Senator MURPHY is here pleading for our colleagues to stand up and do the right thing. I give my friend so much credit for that.

How do we sustain this until we get our colleagues here to finally do their job?

Mr. MURPHY. Mr. President, I give credit to Senators BOOKER and BLUMENTHAL, who have also been here. I think Senator BOOKER has been physically standing for the exact same amount of time that I have been standing as well. Hopefully, we are answering that question right now.

Let me just give the evidence of what is happening in social media today. This filibuster has been the No. 1 trending topic on Twitter all day long. So there is nothing that is being discussed more on the most popular social media application in the country than our effort to bring light to this epidemic of tragedy that exists in our cities every day.

The Senator from Ohio probably doesn't know this, but last year there was a mass shooting, on average, more than once a day. If you categorize a mass shooting as four or more people being shot at any one time, there were mass shootings in Cleveland, Baltimore, New Orleans, Bridgeport, and Chicago on a regular basis.

I hope this effort is not just in the service of trying to bring a vote and a debate to the floor on these two measures but on opening of this country's eyes to the epidemic of gun violence that exists.

Second, I think we need to do more of what Senator BALDWIN did tonight. We need to come to the floor and go out in our communities and tell the stories of who these victims are. We need to tell the story of who these young 17- and 18-year-olds are who died in your cities and my cities. We need to tell the stories of their moms and dads who were left behind. We need to personalize this in a way that is not real right now for most Americans.

I have been asked a number of times tonight: Why haven't we been able to move this debate? I think some of it is on us for not being as relentless as we can on the floor of the Senate and out in our districts on commanding attention to this issue of the routineness of gun violence in our cities.

Frankly, it warms my heart to look around the room today and see 8 or 9 or 10 Senators still sitting on the floor at 10 p.m. at night. Maybe this is a means for us to recommit ourselves to bringing the message of the reality of everyday gun violence in our cities to every single corner of this country.

I thank the Senator from Ohio and will yield for any further questions.

Mr. SCHUMER. Mr. President, will my colleague from Connecticut yield for a question?

Mr. MURPHY. Mr. President, I yield for a question without losing my right to the floor.

Mr. SCHUMER. Mr. President, I just came from the Sandy Hook Promise Dinner, a dinner put together by the parents in his State. These are family members who have lost loved ones in that horrible tragedy of Sandy Hook. They were so inspired by the actions of their two Senators, who are also chairs of this organization, the Senator from New Jersey, and so many others who have taken to the floor tonight. When I mentioned what was going on here, they rose up in a standing ovation. They inspire us, and I know they have inspired our good friends from Connecticut. They are amazing people.

When something like this happens and a loved one is taken from you, as so many loved ones were lost in Orlando—as the good Senator from Wisconsin so eloquently documented earlier this evening—the natural inclination is to curse the darkness, to ask ''why me,'' to be angry, to turn inward and say: I don't want to live life anymore. For those who can light candles to try and prevent this from happening to others even though their losses will never, never, never be extinguished—the holes in their hearts will never been gone—is an amazing thing.

Before I ask my question, I wanted to convey to my good friend how his activities and the activities of his colleague from Connecticut and the Senator from New Jersey and so many others here today have inspired this group just as they have inspired us. I think the Senator is correct. If we can have a virtuous cycle of being inspired by others and then trying, through our small efforts, to inspire others, we will win this fight. I have every confidence that we will.

Dr. King said: The arc of history is long, but it bends in the direction of justice. That is something that we are all mindful of. It will bend in the direction of justice, and my colleague from Connecticut has helped to bend it a little bit more, and for that, we are so, so, so thankful.

I wish to ask my colleague a question about what we have heard from some on the other side, which is about the Second Amendment and the kind of proposals that we have seen by the Senator from Texas and the Senator from Pennsylvania, as they seek a compromise and talk about the Second Amendment. To them, it almost seems that the Second Amendment is absolute.

I, for one, believe in the Second Amendment. I believed there was a right to bear arms even before the Heller decision. I believe that it is not fair to read the other amendments of the Constitution in such an expansive way and then say that the Second Amendment means just militia. Some of my colleagues on this side of the aisle will agree, and some will disagree.

The question to my colleague is very simple. Even if he has a strong belief in the Second Amendment, no amendment is absolute. The First Amendment is so dear to us, but you can't falsely scream ''fire'' in a crowded theater. That is a limitation on our First Amendment rights. We have laws against child pornography, as we should, and that is a limitation on our First Amendment rights. We have libel laws. If you say something that is false that hurts or damages someone, you can be sued. That is a limitation on First Amendment rights.

Isn't it true that just as we have limitations on First Amendment rights, there are reasonable limits on Second Amendment rights? It would seem to me that one of the most logical limitations is to say that someone who is totally dangerous or might be totally dangerous and can wreak the kind of tragedy that we saw in Orlando, Newtown, Aurora, and in other places across the country, such as San Bernardino, should not have an absolute right to a firearm. Another point here—before I get to my question—is that I find it ironic that so many of my colleagues who are so meticulous on the Second Amendment in terms of civil liberties and due process don't really seem to care about it on all the other amendments. That is the sort of inverse. We don't hear rousing speeches from some of the Senators who have gotten up in the past few days to say something like: Let's make sure we don't make a single mistake when it comes to the criminal justice system. We have a number of Senators from New Jersey and Illinois here tonight who have worked hard on criminal justice relief, but we don't hear from the other side about the need for making sure due process is followed when it comes to the criminal, except for the Second Amendment.

Let's try to be consistent here. Let's believe in all the amendments, but let's

realize that every amendment has a limitation. That a balancing test has always been the watch word of the Supreme Court from the founding of the Republic.

I ask my colleague to explore this contradiction about the idea from some that the Second Amendment alone is the only one that should be absolute. Would my colleague talk a little about that? We have talked about this together in the past. Would my colleague talk about the need for reasonable limitations on every amendment, including the Second Amendment, as we are attempting to do here with two pieces of legislation we seek a vote on—a simple vote?

Mr. MURPHY. Mr. President, I thank the Senator for his question. I will just remind him and others that this concept of the Second Amendment that my friend has offered is embedded in the Heller decision. The Heller decision itself—and Senator KING chided me for referring to the majority opinion in that decision by Justice Scalia earlier—says very specifically that though the majority holds that there is an individual right to own a gun, that right is absolutely not absolute. He actually gives specific examples in the majority decision of ways in which you can condition that right in order to affect the public safety, like for instance, restricting the types of weapons that are bought or restricting guns and firearms from individuals who are deemed dangerous. This isn't theoretical. This is the law and the interpretation of the Second Amendment as determined by this Court.

On this question of inconsistency, let's just keep it packed into the question of the terrorist watch list. I have not heard one of my Republican colleagues come down to the floor and defend the right of those on that list to get into any airplane they want and travel anywhere in the world. There is no one who has done that, nor will they, and that is because of this inconsistency—this inconsistency in which the absolute protection of Second Amendment rights is treated in a fundamentally different way than the protection of other rights.

It is no less dangerous for an individual to pick up a dangerous assault weapon that can kill hundreds of people at a time than it might be in order to get on a crowded airplane. You could conceivably kill the same number of people with an assault weapon as you can with an airplane. Yet, those two rights—the right to travel and the right to own a gun—are treated differently.

Mr. SCHUMER. Mr. President, I thank my colleague.

Mr. MURPHY. Mr. President, I thank my colleague from New York, and through the Chair, I yield for a question from the Senator from Minnesota without losing my right to the floor.

Ms. KLOBUCHAR. I ask if the Senator from Connecticut will yield for a question without losing his right to the floor.

Mr. MURPHY. I will.

Ms. KLOBUCHAR. I thank the Senator from Connecticut. One of our fellow Senators noted that maybe not many people are watching. I have been around talking to people tonight, and I can tell you that a lot of people are watching this. The country is watching this because people have been waiting for action.

Many of us here have been involved in law enforcement. For me, it is about a series of pictures. It is the picture of those victims in Orlando, and with every picture, there is a story. Everyone killed in that massacre was someone's brother, someone's son, someone's loved one.

I think of the little girl with the blue dress with stars, walking down a sidewalk to a church. Her dad had been murdered by a madman, someone who was mentally ill, someone who was a perpetrator of domestic violence. Her dad was a police officer in Lake City, MN. It is a beautiful little town on a beautiful lake. He was just doing his job one day when he was called to a home. He went to the front door and had on a bulletproof desk, but the guy shot him in the head.

There we all were at the funeral, at the same church where only a week ago the children had been in a Nativity play and their dad was sitting in the front proudly watching. A week later, that same family was walking down the center aisle of the church. The little girl was in a blue dress covered with stars.

I think about those Sandy Hook parents—the ones Senator MURPHY knows so well—who were in my office, as well as in many other Senators' offices, the morning of the vote on the background check bill. I told this story earlier this afternoon. There was a mom sitting there. They were all so sober and so glum because they actually thought there was a chance that the people in this Chamber would respond after they lost their little children in another senseless act of violence.

The mom in the office looked at me and said: You know my story? She said my son was severely autistic and could hardly speak. Every morning he would point up at a picture on the refrigerator. It was a picture of his help aide, the woman who was with him every day. The next thing she knows, she gets a call, goes to the school and sits in that fire hall with those parents. Some kids come in, and all the parents who are left know that they are the ones whose babies are never coming back. As she sat in that fire hall, she kept thinking about, of course, her son, but she also thought about the woman who was with him and sacrificed her life for him. She was found with her arms around him in that school. Both were shot dead. Those are the images that I think about—the little girl in the blue dress at the funeral, her daddy, a police officer, shot dead at the door; that mom in my office, her son and her son's faithful aide shot dead in that school. Then you think of all these young people killed in this massacre right in our midst in Orlando, FL.

(Mr. PERDUE assumed the Chair.)

We all know that one solution won't fit all. We all know that in some cases it is about an assault weapon and in some cases it is about background checks. In some cases it is about getting someone off a terror watch list who shouldn't have a gun. Every solution may be different, but when we start doing the right thing, we start saving lives.

Tyesha Edwards was a little girl who was shot at her dining room table while doing her homework. Her mom said: You get your homework done, you can go to the mall. A gang bullet right through the house. Melissa Schmidt, a Minneapolis police officer—young, excited to do her job—was shot in a bathroom by someone who was mentally unstable. These are the images I think about. And Senator BOOKER has pointed out so many times that this isn't just about the massacres, it is also about the individual cases that happen every single day, the domestic violence cases that happen every single day.

So while it is so important to focus today on this bizarre situation where you can have thousands of people on a terror watch list who can still get access to firearms, there are other things we can do as well. We can put sensible background checks in place. Think about Senator MANCHIN and Senator TOOMEY coming together at a time—two A-rated NRA legislators who were able to come together and put that background check together. And think about those parents from Sandy Hook who knew that bill would not have saved their babies but looked at the thing that could most likely get done in this body, what is the thing that could pass that would save the most lives, because they know that background checks, when done right and thoroughly, have saved lives. They mostly help in cases of suicide and in cases of domestic violence. They had the courage to come to this Chamber, to come to our offices time and time again to advocate for something that they knew wouldn't save their babies' lives, but they did it because they knew it was the right thing and they had the courage to do it—the courage that many people did not have in this Senate Chamber.

Domestic violence, background checks help. Do we know what else helps with domestic violence? Going after stalkers. Right now you can be convicted of stalking and still get a gun in this country. That is why we have a bipartisan bill in the House and in the Senate that would stop that.

We also bizarrely don't include dating partners, even though in many parts of the law, they are included. You don't have to be married to someone if you have a domestic violence conviction and you are dating partners. A Republican witness at a Judiciary hearing

agreed that that part of the law could change, but we cannot get that simple thing changed in the law because people are not willing to take just the slightest risk to vote for it, even when their own constituents favor it. As Senator MURPHY has pointed out over and over again, we have a situation where the majority of gun owners support these changes. We have a situation where the vast majority of people want to see these changes.

I thank the Senator from Connecticut and ask him just one question focused again on the terror watch list. I know Senator FEINSTEIN released updated information from the Government Accountability Office just yesterday which showed that roughly 91 percent of known or suspected terrorists who attempted to purchase a firearm were able to clear a background check in 2015. I think people would be pretty shocked if they knew that statistic, and obviously one of the reasons we are talking all day today is that people understand how bizarre this situation is, that we can't even close that loophole.

I ask Senator MURPHY, what does that mean to you when you hear a statistic like that, that you have 91 percent of known or suspected terrorists who can purchase a firearm but are still able to clear a background check?

Mr. MURPHY. It shows, I say to Senator KLOBUCHAR, that we are intentionally putting our constituents in danger, that we have data which tells us that when people on the terrorist watch list are walking into gun stores, they are getting approved at a 90-percent rate. By the way, the 10 percent who aren't getting approved because they are on the terrorist watch list—it is because they are on some other list. But that is a chilling statistic. If you play it out over the course of 10 years, it is the same percentage. Over the course of 10 years, 90 percent of individuals who walked into gun stores who were on the terrorist watch list have been handed a gun that they could walk out with. It is a small number on a year-to-year basis—200 people—but it only takes one of those individuals in order to commit a mass atrocity.

I thank the Senator for coming back to the floor here tonight and making this very clear case because what we are asking for is eminently reasonable. We are asking, Senator KLOBUCHAR, as you know, for debates and votes on two commonsense, bipartisan amendments to the underlying bill: first, legislation that would make sure that if you are on the terrorist watch list, if you are on the no-fly list, that you cannot get a weapon, that you are prohibited from buying a weapon, just like a criminal; and second, that background checks be extended to gun shows and to Internet sales so we make sure we have a net wide enough to capture these terrorists wherever they are trying to obtain weapons. That will, as Senator DURBIN has said over and over again for the last 10 hours, have an ancillary effect on the gun violence that is plaguing his city, my city, and your city, Senator KLOBUCHAR, because many of the weapons that flow into Chicago and Hartford and Minneapolis come through sales that happen outside of gun shows and that aren't subject to background checks.

So it is thrilling to me, frankly, to have a floor that is full of Senators at 10 o'clock at night. It is thrilling to me, as I stated earlier, that we have been—our collective effort has been the No. 1 trending topic on Twitter over the course of the entire day. It is thrilling to me that, as I just heard, our phone lines in our office are still ringing off the hook right now as we speak with people all around the country who are demanding that we continue to stand on this floor as long as we can, as long as I can, until we get these votes.

I thank the Senator for bringing this issue back to the floor.

I would be thrilled to yield for a question, without losing my right to the floor, to the Senator from Washington.

Ms. CANTWELL. I want to thank the Senator from Connecticut for his tremendous leadership out here tonight and all through the day. I think for Senators, if you have never led a filibuster, up until that point, you probably don't know for sure that you are ready for this task, but a moment occurs in which you know you must act, steel is inserted into your spine, and you come out here and you give it your all.

Before asking a question, I want to thank the Senator from Connecticut and his colleague, the Senator from New Jersey, for showing such steel in making sure America hears our response to the events that have happened not just this past weekend but for so many weekends and so many days and so many incidents. I say to our colleagues that we deserve to have a vote on these two issues.

I know my colleague is impressed that there are other colleagues out here, but we so admire your courage, in the face of such tragedy in your State, to not forget the effort that needs to happen in the United States of America, to let the American people know that policies they would like to see debated and discussed are getting bottled up. That is what tonight is all about. It is all about saying don't bottle up these issues and, yes, if you want to test the fortitude of a human being to see how long they can stand on their feet, we will find out the answer to that.

But the real question is: ''Are you going to let us vote on important public safety issues that the American public wants us to do something about?'' That is what is so ironic about the fact that we can't have these votes. The American people want us to have these votes and are fully supportive.

I thank my colleague who was just here who was a prosecutor herself, so she knows what this is all about. She knows on a day-to-day basis what it is about.

So this issue of voting on whether an individual on the terrorist watch list can purchase firearms—we say to people: If you are on the terrorist watch list, we are not going to let you on an airplane, and you cannot get a gun if you are on that list.

According to a 2015 poll, 77 percent of the American voters supported banning sales of guns to people on the terrorist watch list. So we know that the majority of Americans support us in this effort. Yet we cannot get the support to make that happen here on the Senate floor.

I also want to bring up public safety because I am reading a statistic here that Washington is one of just 14 States where more people die by gunfire than by motor vehicle accidents. We also have a statistic that 61 percent of perpetrators who killed police officers with guns in Washington between 1980 and 2013 were prohibited from possessing guns but were still able to get them.

This issue, for us, is something that we spend a lot of time here debating. There are other colleagues who have led the battle on trying to have background checks and closing the loopholes that exist in current law. I thank them for that. I thank them for their battles and efforts.

I wanted to ask the Senator from Connecticut if he is aware—and I am sure he will be somewhat aware—that this issue being neglected by the U.S. Senate is being taken up by citizens of the United States through every measure and vehicle available to them?

In the face of growing violence in our State, Washingtonians demanded change, and in 2014 voters in our State overwhelmingly passed a ballot initiative to require background checks for all firearm sales, including online sales, sales at gun shows, and sales between private citizens. That is what we passed by initiative in the State of Washington.

Is the Senator from Connecticut aware that States are taking up this effort?

Mr. MURPHY. I am aware, and I wish that weren't the case. I wish that citizens through referendum didn't have to take up this cause on a State-by-State basis because of utter inaction from this body.

I will cite statistics in a moment, maybe, Senator CANTWELL, but when States act, it makes a difference. When States act, it results in an appreciable decline in gun homicide rates, but it is much better and much more effective if the Federal Government acts.

Ms. CANTWELL. I so appreciate the Senator, and I wanted to ask him because his comments are right in line with the comments that I think are so important for people to understand.

This past March, we got the first hard numbers from the impact of this law that we passed in Washington State. In addition to the nearly 4,000

felons who were caught illegally trying to buy a firearm in Washington through a licensed dealer—another 50 felons were prevented from buying guns from private sellers because of the provisions of the new law. According to data from the FBI, nearly 8,000 private sale background checks have occurred that otherwise would not have without changes in the law.

So the fact that we now have this law in place in our State and are now seeing the results that we are actually stopping felons from getting firearms says to me that these are results that the rest of my colleagues and their States should look at. But we should do U.S. citizens a favor by, as you said, not continuing to have this be done State by State, but do it at the Federal level.

I ask my colleague from Connecticut how aware he is of this movement and how important it is that the American public continue to demand that we deal with this issue.

Mr. MURPHY. Let me just respond by giving some statistics about what happened in States with strong background check laws that they require for every gun purchase. We know what the numbers are. This is unequivocal; this isn't guesswork or conjecture. We know what they are with universal background check laws and States without them.

In States that have universal background check laws, 64 percent fewer guns are trafficked out of State. There are 48 percent fewer firearms suicides, 48 percent fewer police officers are killed, and 46 percent fewer women are shot to death by intimate partners. That is in States that have universal background checks, and those numbers would be even better and even stronger if we had that law applied nationally because what we know is that those intimate partners who are buying a gun in the midst of their fury, those criminals who are trying to traffic in illegal arms—all they have to do sometimes is cross a simple State line in order to find those weapons of destruction and bring them back into a State that has universal background check laws. So there is no doubt that stronger background check laws lead to fewer gun deaths. That is what the data shows. Washington is proving that, Connecticut is proving that, and it is absurd that the U.S. Congress with 90 percent of the American public supporting this proposition doesn't assure this protection for everyone who lives under the umbrella of security of this Congress.

Ms. CANTWELL. I would just say to the Senator from Connecticut—and I thank him for his leadership—that we need to come together and consider ways in which to stop gun violence. We need to improve the mental health system, and I know people have talked about that this evening as well. But I want the Senator from Connecticut to know that in the State of Washington we are looking at an additional ballot initiative to prevent gun tragedies involving mental illness. So I think people are going to continue to explore all the ways in which we can make sure that our citizens can become safe, and if it takes that initiative process, I think people are going to see the results. But let's have a vote. Let's at least know where your representative, where your Senator is on these policies that are important.

If you are on a terrorist watch list and you can't get on a plane, you shouldn't be able to get a gun. Let's have a good law like this good law that has been enacted in the State of Washington and background checks that produce results like catching felons and stopping them from having access to guns.

I thank the Senator from Connecticut for answering those questions and, again, for his leadership tonight on the Senate floor.

Mr. MURPHY. I thank the Senator from Washington, and I thank her for the work she did to allow the citizens of Washington to pass that referendum. That was a bright spot, and it was a reminder that when you take this question out of the political morass that is Washington, DC, and you give it to voters, you give it to citizens, they choose the protections that we are asking for votes on here.

I would note that Senator KING is still on the floor. There are referendums planned in Maine; there are referendums planned in Nevada. This campaign of citizen-based activism, demanding change in gun laws to reflect the overwhelming majority will of the public, is happening. It is inevitable. It is not stopping; it is marching forward. We would do well to listen to that tempest and adopt these measures.

I will at this point yield for a question, without losing my right to the floor, to the Senator from Virginia.

Mr. KAINE. Mr. President, thank you for the opportunity to appear tonight, and I share my praise for my colleague, the Senator from Connecticut. We came to the Senate together. His leadership on this issue is something I admire, but more than leadership on the issue, I admire his heart and his compassion. He has suffered because his citizens have suffered. And if you suffer and you don't try to change things—if you don't try to do things differently—then you are not fully alive. I honor that in the Senator, that he is willing to be vulnerable and in his suffering is trying to find help for others.

I have a little scar tissue on this issue. I would love to describe the Virginia experience and my own personal experience on this and then ask a series of questions of my colleague from Connecticut.

I was elected to office—to the Richmond City Council—for the first time in May of 1994. At the time I was elected, Richmond had the second highest homicide rate per capita in the United States. I was sworn in on July 1, 1994.

On October 14, 1994—I will never forget that day—in my city council district, in a public housing community, Gilpin Court, which is the largest between Washington and Atlanta, a 35-year-old guy walked into an apartment and gunned down a family of six, from a 35-year old woman, to her younger sister, to tiny little babies and children. I got a call as a city council member. I raced to the scene, and it was chaos. That has begun a 22-year experience of being too intimate with this problem. That funeral of the family in the Arthur Ashe Center in Richmond with 3,000 people and six little white coffins at the front of the room is something that I will never, ever forget.

A number of years later I was Governor of Virginia. I had just taken a trade mission to Japan and had landed, had checked into the hotel, and had fallen asleep. Someone knocked on my door. It was April 16, 2007, and my security detail said: You have to call home. Something horrible has happened in Virginia, and it is still underway.

I called to find that a shooting was still taking place at Virginia Tech University in Blacksburg that eventually killed 32 people and injured dozens of others. At that point—at that point, it was the worst shooting incident in the history of the United States, but no longer. That was the worst day of my life, and it will always be the worst day of my life—comforting the families of the victims, talking to the first responders who went into a classroom where bodies littered the floor and who heard in the pockets of deceased students and professors cell phones ringing as parents who had seen it on the news were calling their kids, just knowing they were at Virginia Tech to ask them if they were all right—calls that would never be answered. This traumatized some of the most hardened first responders whom I know. I knew priests and ministers in that community who had seen a lot and were traumatized in the days to follow.

The Senator from Connecticut has a reasonable proposal on the floor with respect to background record checks. The deranged young man who had committed that crime and then killed himself was not supposed to get a weapon. He was federally prohibited from getting a weapon because he had been adjudicated to be mentally ill and dangerous, but the weaknesses of a background check system—gaps in the background check system—had created the ability for him to buy this weapon and create this unspeakable carnage.

We learned everything we could learn from that tragedy; we fixed what we could fix. To my everlasting regret, I could fix part of the background record check system, but I went to the legislature and said: Let's have universal background checks so this will not happen again. Even in the aftermath of the worst shooting tragedy in the United States, I couldn't get my legislature to do the simple thing that the voters, that gun owners, and that NRA members said they should do.

Then, a year ago—it was in August of 2015—in the same community, the Blacksburg-Roanoke community in Virginia, a young woman I know who was the TV reporter at WDBJ television, Alison Parker, who covered Senator WARNER and me—we know her parents—was shooting a live piece in the morning about the anniversary of a local chamber of commerce, and a mentally ill former employee of the station came up, live on television, and videoing himself, killed Alison and Adam Ward, her cameraman, and ultimately took his own life later that day.

We have scar tissue in my town. We have scar tissue in my Commonwealth. We have scar tissue in this country. We have scar tissue personally. And after every one of these instances, we resolved to be better, and we resolved to do more. Why do we need to be passive? Why do we need to do nothing? We resolved to do better and do more. Yet here in this body, we can't.

We were together here, my colleague from Connecticut and I. I talked about the worst day of my life at Blacksburg, but the worst day in the Senate was standing here on the floor in April of 2013 and having a debate about this very piece of legislation about background record checks, and we were surrounded in the gallery by the victims and the families from Newtown, and they were watching us. There is a line in the Letter to the Hebrews that talks about being surrounded by a great cloud of witnesses, and we were surrounded by a great cloud of witnesses. With them were Virginia Tech families, and they were together, and they were watching us, and they were praying, I know, for us to do the right thing. Yet, even with the family members who had suffered from the State of Senator MURPHY and Senator BLUMENTHAL, even with those family members hoping we would do the right thing, we couldn't get there.

As surely as night follows day, there have been other tragedies. And now—something I hoped would never happen—a shooting tragedy has eclipsed even the horrific tragedy in Blacksburg in 2007.

So the question that has to be asked is, What will it take and when will we act?

So I would ask the Senator a series of questions because I am not just grappling with this as a legislator; I am grappling with this as a person, as a parent, as a friend, as somebody who has scar tissue.

I have an organization, the National Rifle Association, that is headquartered in my State and that says we can't do anything because of the Second Amendment.

Let me ask a couple of questions of my colleague. The Senator would agree with me, would he not, that the Second Amendment is in the Constitution, so of course it is important. It is important, as the First Amendment is important, wouldn't the Senator agree with me on that?

Mr. MURPHY. It is in there for a reason.

Mr. KAINE. It is in there for a reason. And it has been in there since 1787, and Virginians were the drafters. So it is in there for a reason, and it is important, just like the First Amendment.

Let me ask the Senator about the First Amendment. The First Amendment says there is a right to free speech and a right to freedom of the press. Does that mean that constitutionally I can go out and slander and libel anyone, and there is no consequence for that? Is that what the First Amendment means?

Mr. MURPHY. The First Amendment is as important as the Second Amendment, but it comes with conditions and responsibilities. One of them is that you can't slander your fellow citizens. You can't yell ''fire'' in a crowded theater. There have been important limitations since the beginning of the Republic built around the First Amendment which, frankly, are as sacred as any of the individual rights that are encompassed in the Bill of Rights.

Mr. KAINE. There is another part of the First Amendment that says you have a right to assemble.

My understanding—and the Senator is a lawyer, so he can tell me if I am wrong about the right to assemble. You have a right to assemble, but a government can condition that. It can say you have to get a permit or you can assemble here, not there. It cannot discriminate among points of view, but the common constitutional provision is that there can be reasonable restrictions on the time, place, and manner of assembly under the First Amendment, and that is completely constitutional. Is that the Senator's understanding of the clause?

Mr. MURPHY. Another qualified right of the Bill of Rights.

Mr. KAINE. I can do the same thing on the Third Amendment, and I can do the same thing on the Fourth Amendment, and I can do the same thing on the Sixth Amendment and the Seventh amendment, the right to trial by jury in civil matters. And each of these rights are important just as the Second Amendment is important, and in each of these rights we commonly accept—actually, we demand, not just accept—that consistent with constitutional rights there be reasonable limits so that we can live together in peaceable harmony as citizens.

Would the Senator agree with me that there is nothing about those reasonable restrictions in the First or the Second or the Third or the Fourth or the Sixth or the Seventh Amendments that is at all inconsistent with the constitutional framework that we take an oath to uphold when we come into this body?

Mr. MURPHY. I haven't memorized portions of the Constitution as well as Senator KING has, but he very eloquently stated for us the preamble of the Constitution, which commits us first and foremost to preserve domestic tranquility and to protect the common defense. So at the very beginning of the Constitution is this obligation to take the issue of public safety as a sacred duty upon inheriting the mantle of preserving and defending the Constitution.

So, as he has stated, all of those rights in the Bill of Rights come with conditions and responsibilities demanded by the American people, and when we talk about the Second Amendment, it is educated by that very important preamble which commands all of us to do whatever is necessary to protect the safety of our citizens.

Mr. KAINE. Am I not right that the Second Amendment even has the phrase ''well regulated'' in it and even acknowledges the notion that this particular right is one where regulation is contemplated?

Mr. MURPHY. Whereas the First Amendment doesn't place the condition into the text—they are read into it—the Second Amendment has conditions in the literal text.

Mr. KAINE. So the organization in Virginia that makes this argument about the Second Amendment—I think we can clearly demonstrate it is specious.

The Second Amendment is critically important. We all take an oath to uphold it, and we do uphold it, but there is nothing inconsistent with the Second Amendment in terms of the provisions you are talking about on the floor.

Let me ask you this. Here is an argument they make, and I hear them make this all the time: What these guys who are advocating these propositions want to do is they want to take away all of your guns.

You were in the House a while before I got here. To your recollection, has there ever been, in your time here, a proposal that has been put in place in Congress to take away the guns of American citizens?

Mr. MURPHY. It is a wonderful subtext to all of the rhetoric that comes from the gun lobby and the NRA that there is this secret agenda to essentially get the camel's nose under the tent through an expansion of background checks or a restriction on individuals who are on the terrorist watch list as far as buying guns, because the ultimate goal is to eventually parachute into people's homes and take away all of their weapons—gun confiscation.

Of course, that is a mythology that has been created by the gun lobby in order to sell more weapons and in order to make people scared of their government so they have to arm themselves. There is no logic to it.

As you state in reference to your question, there has never been a proposal before the U.S. Congress to engage in any of the widespread confiscation efforts that have been imagined out of thin air by these advocacy organizations.

Mr. KAINE. I thought that was the case. I am a gun owner, I am a supporter of the Second Amendment, and I

have been unaware of this body or any State legislature putting in a proposal to take away folks' guns, as advocates would suggest.

Let me ask the Senator this one. Here is a position this organization used to advocate all the time: We don't want to have things that restrict law-abiding citizens; we just want to keep guns out of the hands of the bad guys.

For a very long time, that was the NRA's position—don't restrict law-abiding citizens; keep guns out of the hands of bad guys. As far as you know, is there any way to enforce the existing laws and keep the guns out of the hands of the bad guys pursuant to the Federal laws that have been in place for a very long time and that prohibit nine categories of people from owning weapons? Is there any way to do that job and keep the guns out of the hands of the bad guys without a comprehensive background record check so that somebody who is selling can determine whether somebody who is buying is a bad guy?

Mr. MURPHY. When we passed the background checks law initially, I say to Senator KAINE, it was pretty good at keeping guns out of the hands of bad guys because at that time the vast majority of gun sales occurred in brick-and-mortar gun stores. But what has happened, as you know, is that sales of guns have transferred from brick-and-mortar stores to online sales and to sales in gun shows. Because the law has not caught up, there are quite literally thousands of criminals and convicts and felons who are now walking into gun stores are just typing in armslist.com online and buying guns with no background check because the law has not kept up.

So if you are truly sincere about stopping the bad guys from getting the guns, then by definition you have to expand the number of sales that are subject to background checks to those that are happening in 40 percent of the sales, which occur now online and in gun shows—never mind the fact that the baddest of the guys are probably the ones who have had known connections and communications with terrorist groups and who are not on that list today of those who are prohibited from buying guns.

Mr. KAINE. May I ask the Senator this since we have started to talk about this question. Has anybody come up to you and said: Hey, people on the terrorist watch list—we just shouldn't be worried about them. Why would we worry about people on the terrorist watch list?

Have they tried to argue that those are good guys?

Mr. MURPHY. Quite the opposite. They would rise to the highest level of concern for most of our constituents.

Mr. KAINE. Here is where I am puzzled. For an organization that says that they are about the Second Amendment, they advocate a position that has no support in the Second Amendment. An organization that shakes their fists and says we are trying to take their guns away—that has no basis because there are no such provisions that are on the floor and that have been introduced. An organization that says they want to keep guns out of the hands of bad guys—the only way to do that is to have a background record check. So doesn't it seem like the organization's principles are really—well, let's start with this: It seems to me they are at odds with the point of view of not only most Americans but also most gun owners. Most gun owners support the commonsense provisions that you are describing on the Senate floor.

Mr. MURPHY. I assume you have gun clubs in Virginia, just as we have them in Connecticut.

Mr. KAINE. Absolutely.

Mr. MURPHY. If you walk into a gun club in Connecticut, there is going to be pretty solid consensus that criminals shouldn't buy guns. And those law-abiding gun owners who sit in those gun clubs on Saturdays and Sundays have absolutely no problem with sales online or sales at gun shows being subject to background checks because they have gone through background check. They know that on average a background check takes less than 10 minutes. They know that it is nothing more than a 9-minute, on average, inconvenience for someone who is buying a gun, and they support it further. Frankly, those guys in the gun clubs are amongst the loudest in their concern that terrorists have the ability today to buy dangerous weapons and commit mass murder like we saw in Orlando.

So this consensus that exists out there in the American public is not a consensus amongst progressive Democrats; it is a consensus amongst gun owners, non-gun owners, Democrats, Republicans, moms, dads, conservatives, liberals, Georgia, Connecticut, California. There isn't a cross-section of the American public that doesn't support keeping bad guys from getting guns and thus the two reforms we are asking for here today—a law that prohibits people on the terrorist watch list from getting guns and a law that expands background checks to all of the forms in which guns are sold today.

Mr. KAINE. I would go one further. Not only is it consistent with what the American public wants in virtually any ZIP Code in this country, I think the notion of keeping guns out of the hands of bad guys, which for a long time has been the stated principle of the National Rifle Association—I think that is in accord with the opinions of the members of the National Rifle Association. As I have seen polling by NRA members, the members of the organization overwhelmingly support background record checks because they want to keep guns out of the hands of bad guys.

Mr. MURPHY. Senator KAINE, they support it. NRA members support it at the exact same rate that non-gun owners and non-NRA members support it. In fact, NRA members, frankly, have been historically those who have been most supportive of provisions that would prevent guns from getting into the hands of criminals because by and large NRA members are law-abiding gun owners. Historically, they have had some of the greatest concern about this, which is why it is so hard to understand this disconnect between where their members are, where gun owners are, and where the advocacy organization is.

Mr. KAINE. That is talking about outside this building. How about the disconnect between what our citizens, gun owners, and NRA members want and expect us to do and the complete lack of action and, frankly, counterproductive action.

Let's talk about that. Congress has given gun manufacturers a unique form of liability protection that virtually nobody else in this country gets. We have put a number of restrictions in place to stop research into causes of gun violence, to stop the ability to trace weapons in gun violence. These are not only not doing the right thing but doing the wrong thing in the sense of the thing that seems completely contrary to the wishes of the constituents who send us here to represent them.

Mr. MURPHY. When you present these issues to the American public, they scratch their heads, or they scratch their heads because they assume already that individuals on the terrorist watch list cannot buy guns. They think it is absurd that we passed a law that subjects toy guns to a greater standard of negligence than real guns. I mean, that is what that law effectively did. That law said that if you sell a toy gun, then you are going to be subject to a higher standard of negligence if that gun misperforms than a gun company is going to be held to if its gun—its real gun—misfires. When you explain that to somebody in your State, whether you are in a red State or a blue State, they scratch their heads. It doesn't make sense to them.

Mr. KAINE. Finally, Senator, if I could do this, I know as part of standing on this floor, you are not standing here over words in draft legislation, you are standing here because of people. I sat with you, and we talked about people in your community who had been affected. I would love to tell you the story about just one Virginian, if I could, and then I would love to have you comment on the story I am going to tell you. I could tell a lot of stories about a lot of different people, but one just epitomizes to me so plainly this challenge, and it is a story of a man named Liviu Lebrescu.

Liviu Lebrescu was one of the people who were killed at Virginia Tech. He was a professor of aerospace engineering. He was an amazing professor. On April 16, 2007, when Seung-Hui Cho came into Norris Hall and started shooting people, he stood in front of

the door and told his engineering students to try to get out of the window so that they would be safe. He blocked the door, and Seung-Hui Cho was shooting bullets through the door. He kept saying: Hurry, hurry, hurry. Until the last breath he took, he told students to hurry. Everyone in his class got out the window except one other student, Minal Panchal, who stayed behind and encouraged others to go ahead of them.

Professor Lebrescu was one of the 32 killed that day. Here is the amazing thing about Liviu Lebrescu that I just find myself continuing to contemplate. Liviu Lebrescu was 76 years old. He was born in the 1930s as a Jew in Romania. When Hitler and the Nazis started to sweep across Europe, he and his family were put into labor camps and concentration camps. But this amazing survivor, who was a young boy and a teenager, survived the Holocaust. Most of his family was killed. He survived the Holocaust, and he was a teenager with a lot of his family gone. A lot of people who had been through that experience in Romania decided to leave, they were so shattered, but he said: This is my home. My family is gone. This is my home. I am going to stay in Romania.

Then the Soviet Union took over Romania, and they asked that he renounce his Judaism, and he wouldn't do it. Then they asked that he pledge allegiance to the Communist Party, and he wouldn't do it.

He had gotten a Ph.D., and he was a well-recognized engineer, but suddenly, first, he couldn't travel to go to academic conferences, and then second, he was going to lose his job.

This Holocaust survivor had to live under Soviet communism and be persecuted, but he wouldn't give up his faith, and he wouldn't give up his moral integrity. He kept trying for a better life.

Finally, in 1977, when he was past 40, he was allowed to immigrate to Israel, and he moved to Israel. That had been his dream. And he was a teacher in Israel.

In 1985, he got a 1-year teaching fellowship at Virginia Tech in Blacksburg to teach engineering. He came in 1985 for a 1-year fellowship, and he kept renewing it year after year after year because he found in Virginia, he found in America, he found in Blacksburg a community that he loved and a community that he cared about.

So somebody who survived a holocaust of the Nazis and who survived the Soviet oppression of his native land couldn't survive the holocaust of gun violence in this country.

There is one more thing about Liviu Lebrescu. It is about the day he was killed because it was a very different day for him than it was for his students. It was a Monday. It was April 16, 2007. That day was a special day in the Jewish faith for somebody who was Jewish. It was Yom HaShoah from sundown on April 15, 2007, until sundown on April 16. It is the day to remember the Holocaust. For Jews worldwide and people who care about Judaism worldwide, it is a day to remember the Holocaust.

When you remember the Holocaust, well, it is one thing to reflect upon it, but it is another thing to reflect upon it as a Holocaust survivor. What you reflect upon is the perpetrators and the gravity of the tragedy that they perpetrated. You reflect upon the victims who lost their lives, and you reflect upon the survivors. You reflect upon the heroes, and you also reflect upon the bystanders.

So while the students who went into that class on the morning of April 16 weren't thinking about Yom HaShoah, Liviu Lebrescu was.

I have to believe that when that shooting started on that day where he was thinking about what he had been through, then he was faced with an existential—am I going to be perpetrator? Am I going to be a victim? Am I going to be a survivor? Am I going to be a bystander? Am I going to be a hero? He chose to be a hero, and he lost his life. He chose to be a hero, and he lost his life.

Would I do that? Would I stand in front of a door, block it, take bullets, and tell my students to get out the window? Would I do that? I cannot honestly stand here and say that I would. I can't say that I would have the courage of Liviu Lebrescu. He was a hero. I can't say I would be a hero.

But in this body, we don't have to be heroes; we just have to not be bystanders. We have been bystanders in this body. We have been bystanders in this Nation as this carnage of gun violence has gone from one tragedy to the next. To cast a vote, that is not heroic. To stand up and say, ''We can be safer tomorrow. We can protect people's lives,'' that is not heroic. That is just saying I will not be a bystander. And that is all we have to do—stop being bystanders.

Mr. President, I would just ask my colleague from Connecticut if he has any close on that, and I appreciate the chance to engage in this dialogue with him.

Mr. MURPHY. I thank the Senator from Virginia. That is as compelling a case as can be made.

Before I yield the floor for a question from Senator BLUMENTHAL, who has been here with me and Senator BOOKER for every one of the now 12 hours we have been standing here, I want to put that challenge to stop being a bystander to the body in very personal terms. This, for Senator BLUMENTHAL and me, is rooted in our history as well.

I was not more than 30 days from my election to the Senate—a celebratory moment in my life—when I was sitting on a train platform, waiting to go to New York City with my then-4-year-old and 1-year-old to see the Christmas lights, when I got the call about the shooting at Sandy Hook, and Senator BLUMENTHAL and I were there hours later. And there are certainly days when I wish I wasn't there and I didn't witness the things I saw and connect with the tragedy that was evidenced that day. But our challenge from those families is to stop being bystanders, and there are similar stories of heroism that maybe I will get the chance to tell later tonight from inside those classrooms, but a letter I keep with me is from a mother whose child survived Sandy Hook.

So let me just read an excerpt from it before yielding the floor to Senator BLUMENTHAL, to make this challenge real from a mom who thinks about this every day. She said:

> In addition to the tragic loss of her playmates, friends and teachers, my first grader suffers from PTSD. She was in the first room by the entrance to the school. Her teacher was able to gather the children into a tiny bathroom inside the classroom. There she stood with 14 of her classmates and her teacher, all of them crying.
>
> You see, she heard what was happening on the other side of the wall. She heard everything. She was sure she was going to die that day. She didn't want to die for Christmas.
>
> Imagine what that must have been like. She struggles nightly with nightmares, difficulty falling asleep, and being afraid to go anywhere in her own home. At school, she becomes withdrawn—crying daily, covering her ears when it gets too loud, and waiting for this to happen again. She is six, and we are furious.

I want to read the rest of this to challenge us to stop being bystanders.

> [We are] furious that 26 families must suffer with grief so deep and so wide that it is unimaginable. Furious that the innocence and safety of my children's lives has been taken. Furious that someone had access to the type of weapon used in this massacre. Furious that gun makers make ammunition with such high rounds, and our government does nothing to stop them. Furious that the ban on assault weapons was carelessly left to expire. Furious that lawmakers let the gun lobbyists have so much control. Furious that somehow someone's right to own a gun is more important than my child's right to life. Furious that lawmakers are too scared to take a stand.

This mother of a child who survived one of those Sandy Hook classrooms finishes by saying:

> I ask you to think about your choices. Look at the pictures of the 26 innocent lives taken so needlessly and wastefully, using a weapon that never should have been in the hands of civilians. Really think. Changing the laws may inconvenience some gun owners, but it may also save a life—perhaps a life that is dear to me or you.
>
> Are you willing to risk it? You have a responsibility and an obligation to act now and to change the laws. I hope and I pray that you do not fail.

This was written by the mother of a girl who survived the massacre at Sandy Hook.

I yield to my colleague from Connecticut—who has been here with me and Senator BOOKER since the beginning, 12 hours ago—for a question, without losing my right to the floor.

Mr. BLUMENTHAL. Thank you. And I will ask a question of my colleague and friend from Connecticut, but first I want to thank all my colleagues who

have been here over these 12 hours off and on, speaking so powerfully, as our friend from Virginia just did about his experience.

Every one of us has this kind of experience that brings us here and binds us together in this cause because we have seen the flesh and blood and emotional impacts. And I want to read a letter also from a Newtown survivor—another. I read one earlier. This is from someone who lived through Newtown and wrote me after Orlando, and she said:

> As a Newtown teacher who was in lockdown at the Middle School on 12/14, this work is particularly important to me. That could just have easily been my classroom, and I find it abhorrent that we have chosen as a nation to be complacent in the face of mass shootings. It is incumbent upon us, our elected officials to enact meaningful change in order to save lives.

I urge and implore citizens around the country, people who are watching this proceeding, who are listening to the powerful words of my colleagues—most especially Senator MURPHY—to let us know that you hear us, and equally important to let the other side of the aisle know, which right now is vacant—completely empty. This side is full, the other side is empty. Let them hear how you feel, the same way this teacher who lives in Trumbull, CT, let me know how she feels.

There is a lot of talk these days in our politics about the need for change—on the Presidential campaign, in the Senate campaigns, at every level of our elected process. Politicians are telling people they will change things in Washington. Well, we can give people change in our laws, in our enforcement practices, in our culture. It all has to change for lives to be saved. It isn't only new laws, there has to be more resources for the enforcement of that law.

The background check is actually an enforcement tool. Expanding that check gives law enforcement the ability to stop people already prohibited by law from buying guns. The terrorist watch list and the Attorney General's discretion based on evidence to stop people engaged or preparing for terrorism to be barred from buying guns is an enforcement tool. It protects people. So people should demand changes not just in the abstract and in general terms but in the way we deal with guns.

This day has been enormously meaningful because of the reaction it has provoked across the country in our offices, the phones that have rung, the tweets that have emanated, and the messages we have received in every form, but it must be followed by action. In this Chamber we hear words. This place is filled with words. It is what we do in this place—we talk. But actions speak louder than words. Now is the time for action. Enough is enough.

Give us the votes. Give us the votes on these amendments. Let us vote. That is the reason we are here. Let us act to fulfill the expectations and the wishes of the American people who are begging for us to take meaningful action. We need to do our job. That is our job—to act and to protect the American people.

I would ask my colleague from Connecticut whether he believes we can reach a resolution here that will permit us to act, whether reasonable minds can come together, whether we can forge consensus involving the other side of the aisle, whether we can bridge the partisan gaps and come together in a meaningful way—as we have done on veterans issues, on immigration reform, and on other issues, where we may not have crossed the finish line in the House of Representatives but, in the past, we have succeeded in bridging our differences. Is that possible?

I want to hear from the American people that they think it is not only possible but necessary, and it is our job.

Mr. MURPHY. I thank the Senator for that question, and I guess we both agree that of course it has to be possible. There just aren't many moments in which the American public is so resolute in their belief that we should do something and this place is so resolute in its belief it should stay on the outside of consensus. There just aren't many issues where the American public has decided at a 90-percent rate that we should act and we refuse to do so.

So my belief is, democracy doesn't allow for this condition to persist for very long, but I will be honest with my colleague. The burden is not so much on us. The burden is on our Republican friends to come to the table with proposals that mirror those that are supported by the American public.

Today, the proposals we are asking for votes on enjoy the support of 90 percent of Americans—increasing the range of background checks and making sure terrorists don't get weapons. So given the fact the American public supports our position, frankly, it would be irresponsible of us to agree to something that is an abandonment of those fundamental beliefs on behalf of Americans.

Our frustration is that we have had lots of time to work out a compromise. It was 6 months ago when we last had a vote on the issue of terrorist access to weapons, and we still have not had any effort, any outreach from the Republican side of the aisle, to try and find common ground. So the answer is, of course, yes, we can find that common ground, but there has to be another party to work with.

I would commend my Republican friends to take a look at the language Senator FEINSTEIN filed today. It is not her original bill that was 18 pages long. The bill she filed today is a simple bill of about 2 to 3 pages, which simply gives to the Attorney General the ability to put a system in place whereby individuals who have demonstrable connections to terrorist organizations cannot buy weapons and a clear exit ramp for individuals who are on that list wrongly to be able to purchase firearms.

So I think that amendment has addressed the concerns Republicans have raised, and I hope, if we can get an agreement to bring that amendment to a vote, they will see it as that consensus product and allow us to adopt it.

I thank Senator DONNELLY again for joining us, and I yield to the Senator from Indiana for a question without losing my right to the floor.

Mr. DONNELLY. I have a question for the Senator from Connecticut, and it is, Is this vote as simple as it appears?

We are all moms and dads—all of us in the Senate and the Gallery—many of us, all of us, and these 49 beloved people in Orlando all had moms and dads who today are absolutely crushed. The unthinkable has occurred, the same as at Virginia Tech, in my colleague's State, the same as at Charleston, the same as the little children from Newtown, CT, in the home State of my two colleagues here. As I said, every one of these is a precious child.

Is there any mom or dad anywhere on this floor or in our Senate who, when you look at this, wouldn't say: We can avoid this, these tragedies, by saying someone on the terrorist threat list shouldn't be able to buy a gun or that we expand background checks to online sales or gun shows so they are just the same as if you buy them at the local store in town? These two bipartisan proposals are what we are talking about.

My question is, Are these as simple as they appear? And why on earth not only would any mom or dad be against them but anyone on the Senate floor?

Mr. MURPHY. I think this is a wonderfully simple question which a lot of people are probably asking: What is the problem? Is there a catch? Why isn't there consensus? The simple answer is that there is no catch, and there is no secret agenda. There is no alternative story line. This is about saying that if you are on the terrorist watch list, you shouldn't buy a gun, period, stop. And if you want to buy a gun in a commercial sale, you should prove that you are not a criminal first, period, stop. Those are the only two things that we are asking for a debate and a vote on—no secret agenda, no hidden prefaces. That is it.

I thank Senator DONNELLY, and I yield to my great friend who has been with us for a majority of the evening here on the floor. He has not yet posed a question. I yield to my friend from Hawaii for a question without losing my right to the floor.

Mr. SCHATZ. I thank the Senator from Connecticut and the senior Senator from Connecticut for their leadership. Before I ask my question, I want to read something I received just about a half hour ago from a constituent:

> Dear Senator Schatz, I am following the filibuster online and though I know you don't need more convincing about what we

need to do, I thought to reach out to you anyway. Like many Americans I felt so paralyzed since Sunday's shooting in Orlando. On Sunday afternoon I brought my 4-year-old to the [University of Hawaii] campus for a film screening and I found myself, for the very first time, strategizing about where to sit and what I would do if there was an active shooter and how I could best cover my son's body if we couldn't escape. I am not an anxious person by nature but I refuse to accept that powerlessness to gun violence must be our accepted ''new normal.'' I work diligently at my job and as a mom to care for my own kids and the community of students I work with and am intentional in trying to create opportunities for their growth and learning. So it seems completely insane that in 2016 we have nothing more inspiring to offer a nation of families other than hoping that loved ones are not ''in the wrong place at the wrong time.'' That is totally unacceptable to me and I am willing to help with any community or national efforts to bring about necessary change. . . . I have personally sent postcards . . . to every Senator who voted against background checks. Please let your supporters in Hawaii know what we need to do. I will show up. #notonemore

Your constituent, Vanessa Ito.

I really want to thank Senator MURPHY for his leadership in this. This is really moral leadership. I was in the Presiding Officer's chair. Both Senator MURPHY and I were new to the Senate under very, very different circumstances, in a lot of ways both tragic circumstances. But I was in the chair and CHRIS MURPHY gave his maiden speech. He was my friend. We had sort of just met and become fast friends. The first speech he gave was on this topic, and I understood his personal passion. But what he is doing now is bigger than that. He has displayed physical courage, emotional courage, and political courage that I think we couldn't imagine even at the beginning of the week. And even though all of us are committed to this issue, he shocked our conscience in that caucus room and laid down a marker for all of us to do better and to do more.

I just want to say one thing before I go into a sort of preamble to my question, and that is this: My instinct about this is that our political opponents absolutely rely upon our being despondent. I think they absolutely rely upon the idea that we will give up by the end of the week—that we get our memo that this week is the National Defense Authorization Act, next week is the Commerce-Justice-Science appropriations measure, and every week it is a different topic. Donald Trump will say something and distract the national media, and everybody will move on.

But here is why I am so hopeful about what has happened today. It is not just that we have a bunch of Members of the Senate on the floor pretty late at night. It is very difficult to get any of us together for anything other than lunch—for anything—and yet here we are. Senator MURPHY did some recruiting through staff and everything else, but this was organic. We saw what was happening, and we wanted to offer our moral support—and not, frankly, to him as a friend and a colleague but to everybody across the country who deserves people who are going to fight on this issue.

The other really exciting thing that is happening is outside of the Senate, and that is more important. The gallery doesn't usually get more and more crowded through the day. People visit, people do their Capitol tour, and they come and check out the gallery—and we are yammering at each other or we are voting and we are shuffling around—and then they leave. But what is happening in the gallery physically is that people are actually coming to see that something meaningful has happened. Senator MURPHY's phone lines are ringing off the hook. CHRIS MURPHY himself is the No. 1 trending topic on Facebook. And it is not about CHRIS MURPHY. It is about the sense that maybe we can actually do something here. Maybe we can actually do something here.

So for all of the people who are watching this online or observing it on Twitter or hearing about it for the first time, I want people to understand that this is the continuation of a movement, but this is an inflection point. This is a point at which we are not going to accept that if 90 percent of the public is demanding that we take action, the Senate and the House won't. That is unacceptable to me.

Since I got to the Senate alone, there have been nearly 1,000 mass shootings. That is not 1,000 people killed. That is 1,000 mass shootings. Over 40,000 Americans have been killed by guns, and there are zero changes to our gun laws. The shooting in Orlando was the worst mass shooting event that our Nation has ever seen in one night—49 people killed and 53 shot and injured. Those numbers are shocking, but here is what I think is even more shocking—and Senator BOOKER mentioned this both in public and in private: Since then, more than that many people have been killed as a result of gun violence. This happens all of the time.

Now, the Orlando situation was uniquely shocking because of the public dimension, because of the homophobia, because of the awful, graphic, shocking violence in one place at one time for one purpose—to strike terror in people's hearts and to strike terror in the hearts of people who are gay. So that was uniquely shocking. But in terms of the number of people killed, this was actually pretty similar to any other day in the United States.

So my first question for Senator MURPHY is—you haven't taken a break, you haven't had a meal, you haven't been able to interact with your son or your wife except in the gallery and at your podium. I guess my question for you is this: Do you feel momentum now? Do you feel momentum now?

Mr. MURPHY. I thank the Senator for that question, and I appreciate your talking about how this happened organically. We didn't decide to do this until this morning. We certainly had been talking about the need to show that we were sick and tired of the normal trajectory of thoughts and prayers being sent out and then a dissipation into nothingness, as is the trend line after these tragedies. We knew we had to do something different. But what is wonderful about this is that much of this is organic. This is now a dozen colleagues who are on the floor at close to midnight this evening, and the gallery is increasing in numbers at this very time. I think the last I saw, 100,000 people were talking about this right now on Twitter. It has been the top trending topic all day long. Thousands of calls are coming in to our office. I hope this is a moment in which we all get to remind ourselves that this change will not happen without vigilance—that it is not just going to be this moment. It is going to have to be repeated moments in which we engage the consciousness of this Nation.

So I do feel momentum here. We are hopeful we will be able to proceed to at least votes on these measures so we can show the American public where everybody is. If we don't win those votes, we will live to fight another day. But these are galvanizing moments, and it is heartwarming to know that there are so many colleagues who have stepped up to the plate to take part.

Mr. SCHATZ. I thank the Senator from Connecticut. I would like to ask a question specifically about the terrorist gun loophole. It seems obviously straightforward to everyone that we would want to prevent terrorists from getting guns, and yet we can't get the other side of the aisle to even show up, let alone to vote to close this loophole. As we know, last year 53 Senate Republicans voted against closing the terrorist gun loophole that allows known or suspected terrorists to get guns. They had several excuses. But I kind of want to go through the main complaint, and that is that there was not enough due process for these individuals. That is just plain false. There are several layers of due process, starting with the procedures that are available to anyone who does not pass a background check when trying to buy a gun. Anyone denied a firearm transfer has the right to find out the reason for the denial, submit correcting information to the Attorney General, and even bring a civil action against the government.

The bill that Senator FEINSTEIN has introduced—of which I think every Member of the Democratic conference is a cosponsor—provides additional due process. A person denied a firearm transfer because he or she was determined to be a known or suspected terrorist can challenge the determination in court. According to the FBI:

A range of quality control measures are used to ensure that the Terrorist Screening Database contains accurate and timely information. This includes regular reviews, periodic audits, and post-encounter reviews conducted by the Terrorist Screening Center

and the agencies that nominated the record to ensure the information continues to satisfy the applicable criteria for inclusion.

Just yesterday, the majority leader stated the obvious—that nobody wants terrorists to have firearms. But what is really being proposed? The bill being proposed by Senator CORNYN—a very skilled and good legislator—is just not viable. The Republicans who would vote for this bill over Senator FEINSTEIN's proposed legislation would keep the loophole wide open, because this bill is unworkable. It will require law enforcement officials to prove to a court that a gun buyer has already committed an act of terrorism instead of stopping likely terrorists ahead of time. Or the government would have to prove to a court that there is probable cause that a gun buyer will commit an act of terrorism.

So in order to stop somebody from buying a gun, you have to show that this person is going to commit an act of terrorism. Now, I am not the lawyer—and I am looking around and seeing a number of lawyers on the floor. But my instinct is if you have probable cause that someone is about to commit an act of terrorism, you don't allow a database to be pinged and say: I'm sorry, sir; we can't give you your gun today. You would arrest that person. You would detain that person.

So my question for Senator MURPHY is first about this proposal from Senator CORNYN, and whether you think it would be workable. And then, if you wouldn't mind fleshing out—even if we are able to solve this so-called terror gap issue, if you would talk about straw purchases and the gun show loophole and how we have to be complete in our strategy—that even if we solve this problem legislatively, there are gaping holes in our security when it comes to this issue. I would like you to talk us through how all of these issues work together. Because one thing I know about Senator MURPHY is that he is deadly serious about actually solving this problem. You don't want to run on this problem. You don't want to tweet on this problem. You want to actually fix it because you feel it in your gut.

(Mrs. CAPITO assumed the Chair.)

Mr. MURPHY. I thank the Senator for bringing up this bogeyman issue that continues to come up about due process. Let's first be clear that there is a double standard here. There is not a single Member of the Republican majority who decries the lack of due process when it comes to individuals who are denied the right to fly because of their inclusion on this list. Nobody stands up and says that there isn't the ability to grieve the fact that you are on the list of those individuals who are prohibited to fly. Yet there is some special consideration that is supposed to be given to an individual who is deemed to have an association with a terrorist group who wants to buy an assault weapon. It would seem almost the opposite. Maybe that individual should be given extra consideration.

Of course, this idea that has been proffered in the Cornyn amendment that we voted on in December is laughable. It is not a serious attempt to solve this problem in that it would provide for a court determination and a court process before anybody on that list would be denied a firearm. That individual would have to walk into a gun store. The gun store would say, no, you have been flagged by the Department of Justice, and we are going to call them to see if they would like to take you to court over the next 72 hours in a process that no one knows what it would look like. There would be potential discovery, the ability to rebut the claim that you were a terrorist. It would be a laughingstock, a mockery of the judicial process.

I think those who have supported the amendment probably know that. They are voting for it so they can claim that they supported something other than the piece of legislation that the majority of Americans support, which is the simple addition to the list of those who are prohibited from buying weapons of individuals who are on the terrorist no-fly list.

I will state very quickly as to your second question, yes, of course, if you are serious about solving this problem, you can't just put those individuals on the no-fly list, on the list of those who are prohibited from buying weapons. You actually have to also close that loophole that allows for thousands upon thousands of gun sales to occur at gun shows and online because a terrorist or a would-be terrorist may get denied at the bricks-and-mortar gun store, but then they can later that day go online or that weekend go to a gun show at the convention center and buy a weapon. So you have to do both, which is why we are asking for both of these votes.

Mr. SCHATZ. I thank the Senator from Connecticut. I believe firmly—and I really appreciated the conversations between him and Senator KAINE about the Second Amendment. I am a Second Amendment Democrat. A lot of us are. I believe firmly that as Senator SCHUMER said, you can't pick the amendments you like and pick the amendments you don't like. I believe that we can protect the Second Amendment while protecting communities from gun violence.

As stated by the late Justice Scalia, ''Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.''

To Senator MURPHY, I would like to ask him, how does he view the Second Amendment fitting into this conversation? Speaking of bogeyman, I think that there is this sense that if you are for reasonable restrictions on purchasing a gun, that you are against guns. It seems to me, at least in the State of Hawaii, that people who are the most concerned with gun safety, the people who impart gun safety to their children, the people who do this right are gun owners, are hunters, are people who even have a gun for protection.

So the question I have for the Senator is, What is the right balance, both under the law and from the perspective of keeping our people safe?

Mr. MURPHY. This may sound strange, but you look to Justice Scalia for that balance. He writes in the majority opinion in Heller, a decision that a lot of our friends disagree with, that the Second Amendment right is not an unlimited right, just like all of the other amendments that Senator KAINE and I spoke about.

In an interaction that I had with Senator UDALL earlier in the day, we were remarking that neither of us believe that this really was a debate about the Second Amendment. This has nothing do with the Second Amendment because the Second Amendment very clearly, as interpreted by the Supreme Court very recently, is a right that comes with conditions. There are certain weapons that civilians shouldn't be able to own, and there are certain individuals who shouldn't be able to own any weapons at all if they have lost that right through, for instance, the commission of a felony. We just shouldn't accept this juxtaposition that gets made between those who say that you either support the Second Amendment or you want to stop criminals from getting guns at gun shows. These two goals are not mutually exclusive.

Every single one of us can be a supporter of the Second Amendment and recognize, as the Supreme Court has very clearly, that there are limitations on that right; for instance, your ability to lose that right if you committed a crime or if you have had known association with terrorist organizations.

Mr. SCHATZ. Thank you. I believe the Senator from Wisconsin has a question for the Senator.

Mr. MURPHY. I yield to Senator BALDWIN for a question without losing my right to the floor.

Ms. BALDWIN. Thank you. Through the Chair, I would like to ask the Senator from Connecticut a question, actually about a number of things—about the need for us to stand united as a country in the fight against hatred and terrorism and easy access to what are really weapons of war. It is about 6 hours ago that I came to the floor to participate in this very important discussion.

Mr. MURPHY. That was 6 hours ago?

Ms. BALDWIN. Yes.

Mr. MURPHY. Wow.

Ms. BALDWIN. One of the things I did was read through the names and tell a little bit about each of the 49 victims of the shooting in Orlando. I am not going to do that again, but I do want to display their beautiful faces because I do think telling these stories is such an important part of creating the resolve we need as a nation, as a nation united to take action. Not to repeat too much of what I said earlier

this evening, but our thoughts and prayers are no longer enough.

It gets me thinking about what will it take, how many mornings do we have to wake up to news of a shooting in an elementary school or college campus, a theater where people are gathering for a chance to escape and enjoy a movie, or as we learned last Sunday morning, a nightclub during June, which is Gay Pride Month, where people were celebrating the accomplishments of a movement and enjoying themselves and recognizing that we still live in a world with discrimination but feeling safe among friends, colleagues.

It was an act of hate. It was an act inspired by terrorists and terrorism, and it couldn't have happened without such easy access to a weapon of war. We offer our thoughts and prayers, but our thoughts and prayers simply are not enough. Again, it makes me think of what will it take? I am ashamed it has taken us this long.

Earlier I read some names. Now I am going to share a list of catastrophic events. Each one brought terror to a community, brought grief and sadness to families, and they have been reduced to ways of referring to them much in the way that we decided to call the terrorist attacks on September 11, 2001, 9/11.

If you just look back a decade, and this is not a database of all of them, but it is a database of many of the mass killings in our country: the Amish school shooting in Lancaster County, PA, in 2006, killed 6, wounded 5; the Trolley Square shooting in Salt Lake City, UT, in 2007, killed 6, injured 4. You heard Senator KAINE talking moments ago about the Virginia Tech massacre in Blacksburg, VA, in 2007, 33 dead, 23 wounded; the Crandon shooting in Crandon, WI, in 2007, 6 dead, 1 wounded; the Westroads Mall shooting in Omaha, NE, in 2007, 9 dead, 4 wounded; the Kirkwood City Council shooting in Kirkwood, MO, in 2008, 6 dead, 2 wounded; the Northern Illinois University shooting in DeKalb, IL, in 2008, 6 dead, 21 wounded; the Atlantis Plastics shooting in Henderson, KY, in 2008, 6 dead, 1 wounded; the Carthage nursing home shooting in Carthage, NC, 8 dead, 3 wounded; the Binghamton shooting in Binghamton, NY, in 2009, 14 dead, 4 wounded; the Fort Hood massacre, Fort Hood, TX, in 2009, 13 dead, 30 wounded; the Coffee shop police killings in Parkland, WA, in 2009, 4 dead, 1 wounded; the Hartford beer distributors shooting in Manchester, CT, in 2010, 9 dead, 2 wounded; the Tucson shooting in Tucson, AZ, 6 dead, 13 wounded, including my dear former colleague in the House of Representatives, Gabby Giffords; the IHOP shooting in Carson City, NV, in 2011, 5 dead, 7 wounded; the Seal Beach shooting in Seal Beach, CA, in 2011, 8 dead, 1 wounded; the Su Jung Health Sauna shooting in Norcross, GA, in 2012, 5 dead, 0 wounded; the Oikos University killings in Oakland, CA, in 2012, 7 dead, 3 wounded; the Seattle Cafe shooting in Seattle, WA, in 2012, 6 dead, 1 wounded; the Aurora theater shooting in Aurora, CO, in 2012, 12 dead, 58 wounded; the Sikh temple shooting in Oak Creek, WI, in 2012, 7 dead, 3 wounded; the Accent Signage Systems shooting in Minneapolis, MN, in 2012, 7 dead, 1 wounded; the Newtown school shooting in Newtown, CT, in 2012, 28 dead, 2 wounded; the Mohawk Valley shootings in Herkimer County, NY, in 2013, 5 dead, 2 wounded; the Pinewood Village Apartments Shooting, Federal Way, Washington, in 2013, 5 dead, 0 wounded; the Santa Monica rampage in Santa Monica, CA, in 2013, 6 dead, 3 wounded; the Hialeah apartment shooting in Hialeah, FL, in 2013, 7 dead, 0 wounded; the Washington Navy Yard shooting in Washington, DC, in 2013, 12 dead, 8 wounded; the Alturas tribal shooting in Alturas, CA, in 2014, 4 dead, 2 wounded; the second Fort Hood shooting—I can't believe I have to say that—in Fort Hood, TX, 3 dead, 12 wounded; the Isla Vista mass murder in Santa Barbara, CA, in 2014, 6 dead, 13 wounded; the Marysville-Pilchuck High School shooting in Marysville, WA, in 2014, 5 dead, 1 wounded; the Trestle Trail bridge shooting in Menasha, WI, in 2015, 3 dead, 1 wounded; the Charleston church shooting, Charleston, SC, in 2015, 9 dead, 1 wounded; the Chattanooga military recruitment center shooting in Chattanooga, TN, in 2015, 5 dead, 2 wounded; the Umpqua Community College shooting in Roseburg, OR, in 2015, 9 dead, 9 wounded; the Colorado Springs shooting rampage in Colorado Springs, CO, in 2015, 3 dead, 0 wounded; the Planned Parenthood clinic in Colorado Springs, CO, in 2015, 3 dead, 9 wounded; the San Bernardino mass shooting in San Bernardino, CA, in 2015, 14 dead, 21 wounded; the Kalamazoo shooting spree in Kalamazoo, MI, in 2016, 6 dead, 2 wounded; the Excel Industries mass shooting in Hesston, KS, in 2016, 3 dead, 14 wounded; the Orlando nightclub massacre in Orlando, FL, this past Sunday, 49 dead, 53 wounded.

What will it take? How many times do we have to wake up to these tragedies?

I have the honor of representing the State of Wisconsin, and as you heard me read through that list, you heard that my home State, which I love, is not immune to these acts of violence. I just want to talk about some of the mass shootings in Wisconsin in recent years.

In November of 2004, during hunting season in Sawyer County, six hunters were killed and two were wounded.

In March of 2005, a gunman burst into the Church of Living God congregation during church services and fired 22 rounds, killing 7, including the pastor and his family.

In June 2007, five people were killed by a gunman, including twin infants, their mother, and two other victims in Delavan, WI.

In October of 2007, six young adults were killed during a party in Crandon, WI.

In August of 2012, a gunman killed six and wounded four, including an Oak Creek police lieutenant, when he opened fire at the Sikh Temple of Wisconsin during Sunday morning services. He had a semiautomatic pistol, and as I mentioned, murdered worshippers before he was killed by the police. He also injured four others, including one of the responding police officers, whom he shot 15 times.

The victims of the Sikh Temple shooting were Satwant Singh Kaleka, age 65, and founder of that Sikh Temple; Paramjit Kaur, 41 years old; Prakash Singh was 39 years old; Sita Singh was 41 years old, Ranjit Singh, age 49; Suveg Singh, age 84.

Just a couple months after the Sikh Temple shooting in Oak Creek, WI, a gunman killed three and wounded four when he opened fire inside a salon and spa in Brookfield, WI. The shooter was the estranged husband of an employee and entered the Azana Spa in Brookfield armed with a .40-caliber handgun and murdered three people, including his wife, and injured four others, including a pregnant woman.

The victims of the Azana Spa shooting were Zina Haughton, age 42, the shooter's estranged wife. According to witnesses, she heroically tried to stop her husband from harming others before being killed. Cary Robuck, age 32, and Maelyn Lind, age 38, were also victims.

In June of 2015 in Wisconsin a gunman killed three, including two men and an 11-year-old girl, on the Trestle Trail bridge in Menasha, WI.

We also had some success in thwarting what could have been horrendous mass killings in our State.

In late January 2016, a plan for a mass shooting at a Masonic temple in Milwaukee was thwarted by the intensive work of the FBI, and the plotter was arrested and criminally charged. I think it is important to note that while I have talked about these mass shootings, these mass casualty events, we lose so many Americans on a daily basis to violence in our communities, and it is an epidemic. Since those shootings in Orlando on Sunday morning, throughout the country we have seen at least that many deaths due to gun violence.

In Milwaukee, the local newspaper has taken to creating a homicide tracker. They are literally counting the homicides because they are so rampant. So far this year, their homicide tracker notes 51 homicides. This is just in one city in Wisconsin. Eighty-two percent of those homicides were caused by people using guns rather than other means.

I just want to tell you one more name and one more story. In May, last month, a little girl in Milwaukee named Zalayia Jenkins approached a patrol officer and asked if they could keep her safe. The next week, 1 day before Zalayia's tenth birthday, she was shot by a stray bullet while watching television inside her house. She died 11 days later.

Whether these murders were perpetrated in violent communities, whether they are the acts of terror and terrorists, whether they are hate crimes, the fact remains that we have to tackle this. When will be the time? The time is now.

It is amazing for me to see so many of my colleagues on the floor of the Senate as the hour nears midnight in Washington, DC. We have a bill before us in the Senate that is the appropriate opportunity to take up this measure offered by my colleague from Connecticut and another colleague, Senator FEINSTEIN from California. It is the Commerce-Justice-Science appropriations bill. We can't let another moment pass without a vote, without doing everything within our power to make the world a little safer, to do more than hold these victims and their families in our thoughts and prayers. Thoughts and prayers are no longer enough.

Earlier today my colleague from Connecticut talked about the power of this moment and how people are taking to social media and urging their elected officials to listen and act. I want the people's voice to be heard. I want it to be so deafening that our colleagues who suggest that the American public for some reason isn't behind this—we know the opposite to be true. We know how much support there is for universal background checks and for doing something as common sense as making sure that people who are on the terror watch list are not eligible to purchase guns, something as simple as allowing the FBI to deny a firearm sale to somebody who is not able to fly on a commercial plane because they are being investigated for terror. In addition to tweeting, I ask Senator MURPHY, what would he urge people to do right now to help us act?

Mr. MURPHY. Madam President, I thank the Senator for this question, which is at the center of this moment. This can't just be about the 30-some odd Senators who have taken to the floor over the last 12 hours. And by the way, we have now been on the floor for over 12 hours.

This has to be about something bigger. This has to be about a national movement that commands this place to act. It has happened before, and it has to happen here. It means voters have to elevate this issue on their priority list. It means more people have to start asking questions about why their Members of Congress, why their Senators, are voting in a way that is contrary to the vast majority of their constituents. It means everyone in this country deciding not to accept what exists today as the status quo.

And let's remind everyone, as Senator DURBIN has over and over again, that what exists today is not just a regularity of mass shootings; that prior to 2008, it happened at the pace of one per every 2 months—these are the big shootings—that now happen once every single month. It is also the regularity of gun violence that happens in our cities, such that kids in Hartford, CT, explained to me a year ago that police sirens and ambulance sirens are their lullaby at night because it is just a regular facet of their existence. The American people can't accept that either.

Let me just say before I turn the floor over to Senator MERKLEY how proud I am of all of our colleagues, not just for joining in but for the way in which we have conducted this debate over the last 12 hours. We are angry at a lot of people, but I am really proud that this debate has been on the level and that we have tried to remain as dispassionate as we can about the path forward.

Let me add one statistic to the mix. I just heard that my office has received 10,000 phone calls today. I actually have no idea how my office could handle 10,000 phone calls, so I asked to double and triple check that number. We only have two phones up front. But we have apparently received 10,000 phone calls today encouraging all of us to continue on this mission.

I appreciate the work that is being done by the staff on the floor. They are staying and laboring extra hours. We know that is not in their job description. This is the professional staff who man the desks and also the political staff within both caucuses and the personal staff. There are a lot of people who didn't know they were going to be staying this late tonight, including those who are reporting our words, and I thank them as well.

I want to acknowledge that there is progress being made as we speak on trying to find a path forward. So I want to thank those on both sides of the aisle who are working to try to find a way forward to take these votes.

We are hopeful at this hour. We still have more to say, and at this point I will yield for a question to Senator MERKLEY without relinquishing my right to the floor.

(Mr. ROUNDS assumed the Chair.)

Mr. MERKLEY. Thank you. I appreciate the opportunity to ask a question of my colleague from Connecticut.

Earlier I came to the floor and I was reflecting on the connection between Connecticut and Oregon in terms of the shooting in Sandy Hook and the shooting we had last year at Umpqua Community College, the 10 individuals who were killed at Umpqua Community College. But as I was pondering during the day, my head was going further back in time to 1998 when I was running for my first race for State legislature. Our primary was held May 19 of that year, and I was immersed in this primary. I was running a race against two former State representatives and the head of the water district, and I was the individual who had never run for office and never held office, and I assumed I would lose. But on May 19 when the results came in, I had won the primary.

Two days later, on May 21, a young man who had been expelled from his school—his name was Kip Kinkel—Thurston High School in Springfield, OR, took the guns from his house. He murdered his parents. He proceeded to go to Thurston High School. He had with him a 9mm Glock. He had a .22-caliber semiautomatic rifle, he had a .22-caliber Mark II pistol, and he had 1,127 rounds of ammunition. His goal was to shoot as many students, to kill as many students as he could. He shot a lot of students. Two died and twenty-five were wounded. As he exhausted the ammunition in his semiautomatic rifle, he had to reload the magazine, and as he did that, he was tackled by one student who was already wounded, six others piled on, and the carnage ended. But he had only begun to tap into the 1,127 rounds of ammunition he was carrying. Thank goodness that individual, that student, Jacob Ryker, succeeded in stopping him when he was reloading that rifle.

The year went on. November was the general election. I was elected to the Oregon House. The Oregon House came into session in January of 1999, and we said: It is time to fix the background check system we have in our State. It is time to close the gun show loophole.

What makes no sense is to have this background check system when you go to a gun store and then no background check system when you go to a gun show. And we knew that many people who had felony backgrounds were seeking to acquire guns. We knew that many people who were deeply mentally disturbed were seeking weapons. They were being turned away at the gun store, and they were going to the gun show or they were going to the classifieds. So we tried to pass that bill to close that background loophole, the gun show loophole, and we failed. We could not muster the majority, just as this body has not been able to muster the majority to address the complete illogic of this situation.

Then the citizens of Oregon took this into their own hands. They petitioned for an initiative. They put it on the ballot, and the citizens of Oregon voted overwhelmingly—by a huge margin—they voted overwhelmingly to close the gun show loophole. But it would be many years later—not until 2015—that the legislature would take the additional step of closing the classified ads loophole, or the Craig's List loophole, as it is often called.

So in Oregon, if you go to a gun store or a gun show or to a Craig's List listing, you have to go through a background check. But someone who is turned away in Oregon can go to any of a number of States across our country, bypass that background check, buy those guns, and come back to our home State.

It makes no sense to have a national system without national effectiveness. And I so much appreciate my colleagues being here tonight to talk about this, to talk about the fact that those who are on a terrorist list should be on a list to deny guns, and that

those who are denied guns—to have it effectively, you have to have a background check system.

My State is a State that loves guns. We are a State with incredible wilderness. People love to hunt. They love to target practice. They love to just shoot guns. And they love the Second Amendment and nature. But they voted for the background check system because they knew it didn't make sense to have guns in the hands of felons or deeply disturbed individuals because of the carnage that comes from that.

There is another story I wanted to share that is related to 1998. This story fast-forwards from the primary election in May to the general election in October, November. So it was as we were approaching that first Tuesday in November, the general election, which would be held November 3. The day was October 6, so roughly a month away—a month before—a young man named Matthew Wayne Shepard was offered a ride home by two other young men, Eric McKinney and Russell Henderson. They didn't give him a ride home. They took him out to a very rural area near Laramie, WY. They tied him to a fence because he was gay. They robbed him, they pistol-whipped him, they tortured him, and they left him there to die. It was 18 hours later that a bicyclist riding past saw this young man still tied to a fence. The bicyclist thought that Matthew Wayne Shepard was a scarecrow but went to investigate, realized it was a young man, and proceeded to get help. Matthew was extremely damaged. His skull was fractured, his brain stem absolutely inflamed. He never regained consciousness. He died six days later.

It was a hate crime that rocked the Nation. It was a hate crime that shocked the conscience. These crimes were happening with some regularity—these hate crimes against our LGBT community—but this one caught the attention of the Nation, and a bill was crafted, the Matthew Shepard Hate Crimes Prevention Act. That bill was championed by my predecessor in office, Gordon Smith, but it didn't get passed until I came to the Senate in 2009—not because I came but because it took that long to build the support on the foundation that others had laid in the years before. So we passed that hate crimes act, but the hate crimes act doesn't stop the discrimination against the LGBT community. It doesn't stop the promotion of hate.

I am going to be submitting a resolution, and I thought I would read it tonight. It is a resolution that Senator MARK KIRK has agreed to cosponsor, that Senator BALDWIN has agreed to cosponsor, that Senator CORY BOOKER has agreed to cosponsor, and I hope many others will join us in this. It says the following:

(1) Equal treatment and protection under the law is one of the most cherished constitutional principles of the United States of America.

(2) Laws in many parts of the country still fail to explicitly prohibit discrimination against lesbian, gay, bisexual, and transgender . . . individuals.

The failure to actively oppose and prohibit discrimination leaves our LGBT individuals vulnerable based on who they are or whom they love; vulnerable to being evicted from their homes; vulnerable to being denied credit or other financial services; vulnerable to being refused basic services in public places, such as restaurants or shops, or terminated from employment or otherwise discriminated against in employment.

(4) To allow discrimination to persist is incompatible with the founding principles of this country.

(5) Failure to ensure that all people of the United States are treated equally allows a culture of hate against some people in the United States to fester.

(6) This hate culture includes continuing physical assaults and murders committed against LGBT individuals, and particularly against transgender individuals, in the United States.

(7) The events that transpired on June 12, 2016, in Orlando, Florida, were a horrifying and tragic act of hate and terror that took the lives of 49 innocent individuals and injured 53 more. The victims were targeted because of who they were, who they loved, or who they associated with.

(b) It is the sense of Congress that—

(1) it is time to end discrimination against LGBT individuals and stand against the culture of hatred and prejudice that such discrimination allows;

(2) it is incumbent on policymakers to ensure that LGBT individuals benefit from the full protection of the civil rights laws of the Nation; and

(3) Congress commits to take every action necessary to make certain that all people in the United States are treated and protected equally under the law.

That is the philosophy embedded in our Constitution—equal treatment and equal opportunity. It is the spirit of anti-discrimination that is our higher self that we should treat each individual with respect, each individual with dignity. It is the principle of opportunity for all that cannot take place when discrimination interferes. It is the spirit that we have carried along a long journey—a journey in which we have reached out to embrace individuals who were excluded.

Our original practices in this Nation operated under the vision of full opportunity for all, but it was a flawed vision. It was a vision that didn't include Native Americans. It was a vision that at that time didn't include individuals who were minorities. It was a vision that at that time didn't include women. But over time we have reached out and started to make that incredible picture portrayed in our founding documents and in the hearts of our Founders a reality. We have done so in step by step along an arc. It was Martin Luther King who said that ''the moral arc of the universe is long but it bends towards justice.'' But that bending takes place because ordinary mortals say they are determined to make it happen. They apply themselves to that effort, whether in their everyday life with the individuals they encounter and work with and live with and worship with and recreate with or in the lives of legislators who work within their institutions to say: We are changing hearts, but let's change our laws as well.

We have the 1964 Civil Rights Act as a foundation, a milestone, an anchor, a foundation of laws against discrimination, but when you read the 1964 act, you don't see any protections for our LGBT community. Now many of us have put forward a law called the Equality Act that would remedy that, that would use the foundation of the 1964 Civil Rights Act to extend full equality for the LGBT community.

It is unbelievable that today in America you can get married to someone you love in the morning and announce it in the afternoon and be fired from your job—legally fired from your job or evicted from your apartment before nightfall because your marriage demonstrates that you are gay or lesbian or transgender or bisexual. Some States have remedied that, but we haven't done it as a nation. And when you have a legal structure that embraces discrimination, that fosters a culture of discrimination among some. Let's end that. Let's end that structure of law. Let's pass the Equality Act.

I am sure it will be sometime before they call up the act in hearing in committee. That shouldn't be the case on something so profound, so important. It should have had a hearing right after it was introduced, and we will keep pushing for that hearing. We hope it can get to the floor, but in the meantime, let's stand behind a sense-of-the-Senate that it is way past time for us to address this issue of discrimination that fosters this culture of hatred. We saw that culture in full demonstration the night of October 6, 1998, when Matthew Shepard was tied to a fence, brutally assaulted, tortured, and left to die. We saw that culture of hatred in Orlando, FL, with the deaths of so many beautiful young people on that tragic night.

So we have before us two challenges. Let's address simple measures that can make a difference—that terrorists shouldn't have access to guns and that we should have a background check system that actually works, so gun shows and classified ads are treated the same as a purchase at a gun shop.

Let's decrease the size of the magazines. When Kip Kinkel took 1,127 rounds of ammunition and 3 guns to his school to kill as many of his schoolmates as he could, he was stopped because he ran out of ammunition and had to reload, and those 2 seconds gave a fellow student, Jacob Ryker, an opportunity to tackle him. He probably saved dozens of lives that day.

We have the challenge before us of these simple improvements in our background check system, in our terrorist list, and in our gun magazines, but we also need to end the discrimination that is embedded in the law that treats millions of Americans as second-

class citizens and can foster among some, unfortunately, and contribute to a culture of hatred against those individuals. So let's do both.

Tonight I am so honored to be here with my colleagues sharing in this joint effort to say enough is enough. Let's not hide from these issues. Let's have a vote on these issues. Let's be accountable to our constituents on these issues. That will not happen if my colleague from Connecticut cannot get a vote on the proposal he is putting forward.

I wish this room right now had every desk filled. The beautiful speeches my colleagues have been giving, the reflections, the insight, the wisdom, the earnestness, the grief. But the room is not full. We need our colleagues in the majority to join us in this conversation that affects the lives of so many people in America.

What happened in Orlando, FL, not only killed 49 individuals, but it shattered their families, it shattered the community, and it shattered and reverberated throughout this Nation. And this—perhaps not to the same degree, but this type of violence goes on and on and on.

I believe my colleague from Connecticut has said that a major event of this nature, of multiple deaths, occurs every month. If you look at the events of person-on-person violence, if you look at what happens in our cities across this country, our rural areas across this country, every day there are acts of violence. Every day there are acts of hate crimes against our LGBT community. So let's do both of these.

We ask and we hope that citizens across the country will weigh in with those Senators who may not be here tonight and may not have been here this afternoon and may not have been here when this conversation started over 12 hours ago; that they might hear at least a reverberation, that the thoughts issued here reverberate back through the country and come back in those phone calls and in those letters to our colleagues' offices; that they might be aware and they might read the stories so many citizens could tell of an incident that might have been averted if we had a better system of laws on background checks and if we got rid of the discrimination embedded in our laws in this country.

So I ask my colleague from Connecticut, is it your hope, is it your aspiration that this body will indeed embrace and have a full dialogue—not just one side of the aisle but on both sides of the aisle—and that will lead to votes on these very significant proposals so that we can act to make America a better place?

Mr. MURPHY. I thank the Senator from Oregon for his passion on both of these topics and for laying out the challenge for us, which is to move forward on these consensus proposals to close the terrorist loophole, to expand the number of sales that are subject to background checks, and to make sure everybody who buys a gun through a commercial sale has to prove they are not a criminal, but linking together what I would call doubling down on inclusiveness that has to happen in the wake of Orlando.

An incident like this has a tendency to pull a community apart. Yet what we know is that the way to prevent this kind of tragedy from happening again is for to us recommit ourselves to inclusiveness and to tolerance and to fighting discrimination.

I can't say anything more than the Senator said with respect to that commitment as it applies to LGBT Americans. I do hope we are able to move the Equality Act through this body. I think we are in a long and frustratingly slow transition to a place that we all know we are going to get to, which is the full right to individuals no matter their sexual orientation.

I also know that coming off this tragedy, there is going to be a tendency to marginalize another community, and that is the Muslim community in this country. As we talk about our efforts to build an inclusive society, we have to remember that the way in which we make our Nation safe is by building these inclusive communities where Muslim Americans feel a part of the whole, not feel excluded, because it builds and plays straight into the recruiting rhetoric of these terrorist groups if we are divided, if we push people out to the extremes.

So I think this is a very important message for us all to hear, that fighting terrorism, whether it be hate-based crimes or politically based crimes inspired by terrorist groups—we combat it best, yes, when we tailor our gun laws to make sure that those who are thinking about these crimes, these horrific murderers, don't get guns, but also when we build these inclusive communities, which acts as a pretty strong prophylactic to terror.

I yield to the Senator from Pennsylvania for a question without losing my right to the floor.

Mr. CASEY. I thank the Senator from Connecticut. The question I pose will center on not just why we are here, what the two measures are we are hoping to get a vote on, but why we seek to have support for those—first, to have support to get a vote in and of itself, and then to get support from our colleagues.

I want to take us back to two scenes, one I referred to earlier today but one that I had just remembered tonight that is a painful memory for a lot of people in Pennsylvania.

I did want to say this first as well. I had mentioned earlier a Pennsylvanian who had lost her life in Orlando in the terrible incident of this weekend. What I did not mention was a second Pennsylvanian, and I should have. The second person from Pennsylvania who was killed in that murderous rampage at the nightclub was a graduate of McCaskey High School in Lancaster, PA.

Ortiz-Jimenez, 25, known to his friends as ''Drake,'' was a native of Santo Domingo in the Dominican Republic, according to his Facebook page. It also says he studied law in Puerto Rico. It goes on from there to talk about his life, but I did want to pay tribute to him as well. He was one of the 49 killed in addition to Akyra Murray, who I mentioned before. She was only 18 years old and lost her life as well.

The two scenes I wanted to bring us back to include, of course, Charleston, SC. We are remembering that day of horror as well. We had an incident this weekend in a nightclub. In Charleston it was in a place of worship, and in Sandy Hook it was in a school, a school classroom. All of these settings were where people, I think, should have some reasonable expectation of some measure of safety, but even now that is at risk because of the horror of gun violence.

Today, I mentioned earlier as well: Let's remember the national number. By one estimate, 33,000 lives are lost each year through gun violence. That is why when you add up all the well-known incidents, it doesn't add up to anywhere near 33,000 because as the Senator from New Jersey, Mr. BOOKER, reminded us, there are a lot of places in between where the numbers go not just into the thousands but literally the tens of thousands, because of what happens on our streets day after day.

But here is the reason I raise Charleston.

We know that took place at the Emanuel AME Church, often called ''Mother Emanuel,'' in Charleston. Nine people were shot in their place of worship by a young man with hate in his heart. That was a hate crime murder—certainly an act of domestic terrorism. It had no connection to anything international, nothing about ISIS or international connections.

The second incident I will mention has that same characteristic, hate and murder domestically, nothing having to do with some inspiration from a terrorist organization.

But here is the remarkable feature of what happened after Charleston, what some of the family members did. They were so courageous, just like so many others of these families who have lived through this. After the massacre, the relatives of those killed attended a bond hearing where the accused shooter appeared. They didn't attack him, they didn't yell at him, they didn't scream at him, they didn't convey their justifiable anger, even outrage, which we all would consider a justifiable feeling of vengeance, of score settling. However you want to call it, they didn't do that. Instead, what did they do? They forgave him.

Nadine Collier, the daughter of Ethel, who had been killed in the church that day, said to the killer:

> You took something very precious from me. I will never talk to her again. I will never, ever hold her again. But I forgive you. And have mercy on your soul.

So said Nadine Collier, a remarkable testament to forgiveness, to mercy, which is almost superhuman.

I am not sure I could have done that. I am not sure many people could have.

She wasn't the only one. Other relatives took their turn one after another expressing pain but always showing grace and praying for mercy.

None of us or very few of us—and I count myself among those who could not—could do that in that circumstance. That was Charleston, SC.

Let me take it back in time. I was so moved that Senator BALDWIN mentioned, when she was doing that chronology, that she started in 2006, 10 years ago. I mentioned Lancaster County before, Lancaster, PA. The first incident she mentioned was so-called Nickel Mines, a small community in Lancaster, this Amish community. It is this great community of faith of industriousness people and a community that is bonded together by their work ethic, by their faith, and by their families.

Even that tranquil community—that community which has enjoyed for generations a kind of tranquility that many other communities would not—was subjected to violence.

Ten years ago, this coming October, a man entered a one-room Amish schoolhouse in Nickel Mines, PA, with a cache of weapons, including a 9mm pistol, two shotguns, a stun gun, two knives, two cans of gunpowder, and 600 rounds of ammunition, into this small community of the Amish community.

He executed five girls and wounded six others before taking his own life. It is hard to comprehend the horror of that scene, just like so many others we talked about.

Yet on the very same day, as the shooter committed this heinous act, a grieving grandfather told young relatives: ''We must not think evil of this man.'' ''We must not think evil of this man.''

I mentioned both of those scenes, scenes of the kind of bloodshed, tragedy, and horror that we cannot even imagine. I certainly cannot. But in both instances you had very close relatives in the immediate aftermath of the killings expressing mercy and forgiveness. Nadine Collier saying:

> But I forgive you. And have mercy on your soul.

And the Amish grandfather said: ''We must not think evil of this man.''

We are not asking anyone in this Chamber to do anything like that. We are not asking anyone here to forgive someone who just murdered one of their family members. We are not asking someone in this Chamber to do something which is, in a sense, superhuman. We are just asking people to support two votes.

In this place, when you are a U.S. Senator you are judged on a number of scales, but you are mostly judged on how you vote. That is what we are supposed to be doing here—how you vote. And that becomes the scorecard of your work. That becomes one of the measures against which people will make a judgment about you. So we are not asking people to do something that is all that difficult. I know there might be some political difficulty to it but, come on, this isn't like having to forgive someone who just murdered your loved one and you are standing in front of them. This isn't as difficult as what the families of all these places mentioned went through—Nickel Mines, PA, all the way through Sandy Hook Elementary School in Newtown, CT, and all the way to Orlando, FL. We are not asking people to do anything very difficult. All you have to do is put your hand up and then put it down twice if you are going to vote for it. And if you want to vote against it, so be it.

But at least put your hand up to allow a vote on two simple measures that will begin—just begin—the long journey to rectify a substantial national problem that takes 33,000 people every year. All we are asking for is a start, a foot in the door, maybe even a toe in the door—but just a start to do something about this problem we have to reduce this number.

No one can convince me that the greatest country in the history of the human race cannot begin to tackle this problem. This idea that there is nothing we can do, that all we need to do is enforce the law just doesn't make sense anymore. It really, really doesn't if you look at the facts.

In essence, there is nothing we can do, some say in Washington, other than enforce the law and just hope that good law enforcement every day of the week is going to save 33,000 lives. That is not logical. It is not tenable based upon the facts. To me, it is unacceptable.

So I would ask the Senator from Connecticut, a very simple question. What are we asking people to do, Members of the Senate, in the next couple of days and asking them as well as we are asking Members of the Senate to do something which puts them in any risk beyond political risk?

If you could just reiterate for us what is at stake here, why we need to take at least these two actions, and how we can best begin to solve this problem.

Mr. MURPHY. I thank the Senator from Pennsylvania for his comments and the question. Of course, the answer is that there is absolutely no risk involved in the votes that we are hopeful to bring forward in the Senate. Why? Because these are propositions that are supported by the vast majority of the American public. There is no controversy over either of these issues.

The risk is in doing nothing. The risk is in continuing to allow for this very large loophole for would-be terrorists to walk through.

I won't read it again, but several times on the floor today I have read this quote from a now-deceased Al Qaeda operative in which he very clearly advertises to recruits here in the United States:

> You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check. . . . So what are you waiting for?

This is one of Al Qaeda's top operatives, directing individuals in the United States to take advantage of this loophole. We have seen this trend line away from other means of terrorist attacks to the assault weapon, to the firearm. So we should pay attention to this trend and do something about it.

The real risk is doing nothing, Senator CASEY. There is no risk in voting for this. You will be celebrated by the American people. After tonight, I hope there will be even more who will join our call.

The real risk is in standing pat and allowing for ISIS to recruit straight into the loophole that we have created. Think about what we are doing. We are selling guns to the enemy knowingly if we allow our set of laws today to persist. That is why we have to move forward and enact these commonsense measures.

With that, I yield to Senator KING for a question, who has been great to be with us for the majority of this late evening, without losing my right to the floor.

Mr. KING. I wish to discuss with the Senator and bring back the point we were discussing some 4 hours ago. It is hard to believe that it was some 4 hours ago, but this is really a national security discussion. This is really a national security discussion because of the changed nature of our adversaries and the changed strategy that they have for attacking us.

But first I want to go back to the Constitution, and purely by coincidence today I am wearing the Constitution. My daughter bought me this tie at the Library of Congress, and it is the handwritten version of the Constitution. You can see ''We the People'' in very large letters.

Why are governments formed, why are constitutions written? Going back to the earliest human societies, the fundamental function of bestowing power on the government is to protect you. Security is the fundamental, most sacred obligation of any government. And our Framers recognized that because in the preamble to the Constitution—the heart of the document, why we are doing this—the Framers were explaining to posterity, and two of the fundamental purposes, among several others, are to ensure domestic tranquility and provide for the common defense—the basic function of any government and the explicit function of our government.

Now, here are three important dates: 1812, 2001, and 2016. There is 1812 because that was the last time an adversary violated our shores. That was when Washington was burned by the British. It was the last invasion of America until 2001, but 2001 and 1812 have some similarities because 2001 was, in effect, a foreign invasion. It

was plotted abroad, it was planned abroad, and people came here from outside of our shores and attacked our country.

Now, in response to that attack in 2001, we mobilized a number of resources. We developed ways of protecting our aircraft, we developed great intelligence, an ability to determine when people were plotting against us, and indeed we sent our blood and treasure and young people to Afghanistan because it was a haven for terrorists. That was the reason we went there and in fact are still there—to keep that country from becoming an incubator for terrorists to attack this country, and we have been effective. We have been effective in preventing an attack on our country from abroad.

So as is always the case with warfare, our adversaries have developed a new strategy, and that is why the third date I mentioned is 2016. It was in the last few years, particularly in the last year, as ISIS has begun to be beaten back and to lose its territory in Syria and Iraq, that they have developed a new strategy which doesn't involve sending people here. It doesn't involve sending arms here or bombs or anything else. It involves using the Internet to radicalize people who are already here—often they are U.S. citizens—and then turn them against us. That is the new nature. This is terrorism 2.0. That is the nature of the struggle we are in now, and that is why the amendment that is being proposed makes so much sense from the point of national security.

If we discover an arms cache in Syria, we bomb it, but if ISIS wants to attack us here with terrorism 2.0, we sell them weapons. It makes no sense. The first rule of warfare is disarm your enemies, if you can, and that is exactly what we are talking about.

I think a lot of people just say: Well, this is just another gun control debate. We are talking about gun control. We are talking about national security. We are talking about defending ourselves from a strategy that relies upon people being able to acquire guns easily in this country—people who are terrorists or who are inspired by the terrorists or who want to be terrorists. And we can't have a bill that says you have to have probable cause to show you have already committed a terrorist act. That is too late. It has to be prevented, and that is what we are talking about here today.

So I think it is very important to remind ourselves that this is really a national security bill, and it makes no sense to close the terrorist loophole unless you close the gun show loophole because the terrorists aren't stupid. The terrorist APB they send out from somewhere else in the world to tell somebody to get a gun and kill people will also say, by the way, do it at a gun show or do it online because they will not check you.

My colleague already read a quote from the Al Qaeda operative who explicitly told people to do that. So if we don't do both things, it really is a false security. We are kidding ourselves. So we have to, one, close the terrorist loophole. I would venture to say 90 percent of the American people agree to that. If you were to walk up to people on the street and say: Do you think people should be prevented from getting on airplanes but they should be able to buy guns, they would look at you like you were crazy. That doesn't make any sense.

Yes, there are constitutional provisions built into the amendment we are talking about that allow people who are wrongfully on that list to have an opportunity to get off the list and to contest that designation. So this isn't some kind of wholesale violation of the Second Amendment. This respects the Second Amendment and is based upon the premise that due process is available in this situation.

Then we have to close the gun show loophole and the online loophole because otherwise doing the first thing just isn't going to be effective. So the two things together, to me, are national security and personal security because of all the other tragedies that we have talked about tonight that don't involve Al Qaeda or ISIS or al-Nusra or al-Shabaab or any of the other terrorist organizations but involve our individual citizens being killed in just stunning numbers. Since we have started talking here today—since the Senator took this floor—a dozen people have been murdered by guns—one an hour, 24 hours a day, 365 days a year.

So we have a national security reason to do this, and we have also—remember, the preamble, and I will finish with my question. The preamble has two pieces: provide for the common defense. That is what I have been talking about—national security. Insure domestic tranquility. That means keeping people safe here, not from enemies abroad but from criminal elements within our own society—again, the most fundamental and sacred obligation of ''we'' as a government. If we don't do this, we are committing constitutional malpractice. We are not abiding by the most sacred obligation in our Constitution—to keep our people safe. It can be done consistent with the Second Amendment, respectful of the Second Amendment, but in a way that will fundamentally realize the promise the Constitution makes to all Americans; that their government will protect them from foreign attack and from domestic unrest.

So I ask the Senator: Does he view this as, in large measure, a national security issue?

Mr. MURPHY. I thank the Senator from Maine, especially because, as he mentioned in his previous comments, he sits on the Intelligence Committee and so he is, frankly, privy to information he likely cannot state on the floor but is directly on point, which is this notion these terrorist groups, whether it be Al Qaeda or ISIS, now are more dependent than ever on inspiring and launching lone-wolf attacks. Why? Because they are losing ground in Syria and in Iraq, and this notion there was going to be an inevitable caliphate that was going to grow and prosper and control large amounts of territory in the Middle East is no longer a reality.

As someone earlier today said on the floor, there is a record-low trickle of American citizens today going abroad—maybe it was my colleague from Maine—to join Al Qaeda, which suggests how their pull, how their gravitational pull has been greatly reduced.

It means there are right ways and wrong ways to engage in this second front, this effort to try to launch lone-wolf attacks. The wrong way is to marginalize Muslim communities in this country by telling them they are less than, by telling them they are threats, by nature of their ethnicities or their religion, to the United States.

Mr. KING. Will the Senator yield for a question?

Mr. MURPHY. I will yield for a question.

Mr. KING. On February 15, 2015, Dabiq, which is the sort of public newspaper of ISIS, published an explicit strategy for what they hope will become a worldwide conflict. The strategy is that westerners will fall into the trap of persecuting Muslims and drive them into the arms of radicals. That is the strategy.

So to the extent that we persecute and marginalize these overwhelmingly peaceful citizens who want to be citizens of our country or citizens of other countries in the world, we are doing their job. They said that is what we want to do and indeed some people in our society have fallen into that trap and are doing it. This is exactly what they want because they want this to be a war between Islam and the West. Do we really want to radicalize 1.6 billion people and 3.3 million here in this country, the vast majority of whom want nothing more than what the rest of us want, which is to raise our families and live our lives and enjoy the benefits of this wonderful country.

So I agree with the Senator and would ask him if he concurs that if we are marginalizing people of any faith, then in this particular case we are driving them into the arms of our adversaries.

Mr. MURPHY. The name Dabiq itself, which is the name of the publication this organization—that ISIS sends to the rest of the world is rooted in a spot that is representative to this terrorist group of the historic clash between East and West. So the entire orthodoxy of ISIS is based on this idea that we convince would-be converts that this is a fight between the Muslim faith and the Christian faith, which just again speaks to the fact that there are right ways and wrong ways to go about fulfilling the mission my colleague has articulated in the preamble of the Constitution.

The wrong way is to blame these attacks on everyone who shares the Muslim faith. The right way is to target the very small subset of individuals of any faith who have connections to terrorist groups. The good news is that because of a network of surveillance we have endorsed, we can do much better than before in finding what individuals have that contact with terrorist groups, and when we find that out, it simply makes sense that we shouldn't sell them weapons.

I thank the Senator.

Mr. KING. I thank the Senator for his answers and for his leadership on this issue.

Mr. MURPHY. I would say in yielding to Senator DURBIN for a question, just personally, it has meant so much to me to have Senator DURBIN on the floor for almost the entirety of the now 13-plus hours. He is frankly a hero to those of us who showed up relatively late to this fight for justice on the issue of combating gun violence. I am so thankful to Senator DURBIN for being here consistently with us, and I yield to him for a question without losing my right to the floor.

Mr. DURBIN. I would like to propose a question to the Senator from Connecticut, but before I do, first I would like to thank the Senator who is presiding at this early morning hour. I thank him and his fellow Senators who made this possible.

A special thanks to staff. They have been thanked before, but they should be thanked again for their diligence and patience during this conversation and debate on the floor of the Senate.

And a special thanks to the pages who stayed late, late tonight and will have stories to tell about that night when the Senate went into the morning and we were there. So you will be able to tell those stories when you get back home to your families and friends, but it is a historic debate and it is an important debate and it is one that will affect your lives and the lives of the many people you treasure on this Earth.

We come to this floor at this early morning hour—a quarter to 1 here in Washington, DC, as the Senator from Connecticut noted, more than 13 hours after he first took the floor—to discuss the critically important issue about the safety and security of America.

When I think about what we are facing here, as has been said by the Senator from Maine, we are dealing with a new strategy by terrorists. I can remember the day of 9/11, 2001, in the room just a few feet away, when a little after 9 in the morning we quickly turned on the television to see that planes were crashing into the World Trade Center in New York. By the time the second plane went in, we knew it wasn't an accident. Then there was a crash at the Pentagon, black smoke billowing over the mall, and we were quickly advised to evacuate the Capitol of the United States. We did. We raced for the exits and went outside, we stood on the lawn and didn't know which way to turn, feeling that the next plane was headed for the Capitol dome. That was the threat we faced and the reality of that threat right here in this building, that some terrorists—unimaginable—would use an airplane to attack us. That was the weapon.

Well, it was a bitter lesson, and 3,000 innocent Americans died. We changed America. Osama bin Laden changed America. The way we went to the airport, when we arrived, how we arrived, what we carry, what we wore became part of our defense of America, and for 15 years it has become a routine. Our children and grandchildren have grown up with it. They couldn't imagine a day when you didn't go through intense security at an airport. But before 9/11, it virtually never happened, and when it did it wasn't very reliable.

What we are talking about is a new strategy, a new tactic by terrorists. That is why this debate is about more than just this horrible tragedy at Orlando. It is about a pattern that is emerging of those who are radicalized and marginalized and turn to guns that they can buy legally in the United States to threaten us. How serious are these guns? In an earlier meeting, I made a mistake of calling it an automatic weapon. The weapon that was found to have been taken in by this man in Orlando is a semiautomatic weapon. The difference, of course, is with an automatic weapon, you hold the trigger and it bursts all the cartridges in the magazine, as many as you have. With a semiautomatic, you literally have to pull the trigger each time. But let me give an idea of what that meant.

In the early morning hours at the Pulse nightclub in Orlando, a brief video was uploaded to Snapchat by one of the victims, Amanda Alvear. It was the last video she ever shot because she died. What the early moments of the massacre sounded like came through on the Snapchat video: a frantic drumbeat of shots, 17 or more shots in 9 seconds, one shot per trigger pull in a continual barrage. Today the FBI told us there were hundreds—hundreds of shots fired.

So when we talk about a potential terrorist with a gun, it is a terrorist with the capacity to kill hundreds of people. That is the new tactic. And that is why this conversation is not just about the Second Amendment in theory; it is about keeping America safe in fact from the new wave of terrorism.

When the Senator from Connecticut took the floor, it was for two reasons. We said them and we should say them again—to make sure that if someone is suspected of being a terrorist, they cannot legally purchase a weapon in America, and particularly not this kind of weapon that could create such carnage and kill so many innocent people. Secondly, that this terrorist, once realizing he is stopped by the legal process, can't go through the extraordinary process of going to a gun show. I have been by these gun shows in the armories and gymnasiums across Illinois. They all come piling in to show their weapons and sell their weapons, and people buy them in bulk. And rarely—in some States, in Indiana for example, for many sellers there is no background check. Do you want to buy more than one, a Glock pistol? How much money do you have? Do you want to fill up the trunk of your car and take them in to the city of Chicago? Be my guest. This is exactly what happens. Of course, now the Internet is another source.

Are we so certain of the security of America that we are not going to protect our families and our friends and the people we love from the next attack, from the next would-be terrorist? I don't know if this man in Orlando was truly associated with a terrorist organization. The investigation is underway. Some of the things he said were nonsensical when it came to identifying himself with these terrorist groups. I don't want to dismiss that possibility. Let the FBI investigate that in its full range to find out whether he was associated. But then who is the next one? And will the next one have access to some weapon that can kill so many innocent people at once? That is what this conversation is all about. It isn't about some age-old debate on the floor of the Senate. It is about the new world we live in. The Senator from Maine made it clear. The Senator from Connecticut read directly from terrorists who were instructing those who would kill Americans how to get it done most efficiently. That is what we are trying to stop. That is what this is all about. It will be great if at the end of this we not only get these amendments called, but maybe even a bipartisan agreement on stopping terrorists from buying guns in America to threaten innocent people in Orlando, in Connecticut, in Illinois, in Maine, in New Jersey.

I would close by first thanking Senator MURPHY and Senator BOOKER, who has been a stalwart supporter and friend throughout this debate. I believe he has tried to stand by Senator MURPHY literally throughout. I say to Senator BOOKER, thank you for bringing to our attention at our caucus lunch yesterday the fact that this is about more than mass murder. It is about the murders of Americans that go on every day, every hour. In the cities that we love, innocent people die because of it. It is all part of the same conversation and the same debate. I thank the Senator for bringing that message home. It touched me because of what we are enduring in my State of Illinois and the city of Chicago.

I say to Senator MURPHY, it has been a long day. Here we are, a new day. I hope it is a new day for our country—a new day when we start looking seriously at putting an end to this gun violence and this carnage and doing a

smart, sensible, commonsense thing to make sure that those who would be terrorists don't have access to the most lethal killer weapons available in gun stores and gun shows across America.

My close is a simple question. At the end of this battle there are more to be fought, not just on this issue but on the issue of military-style weapons being sold to civilian populations. But let's save that for another day. I would just ask the Senator in closing what he is feeling as he watched his colleagues give up their time during the course of yesterday and the early hours of this morning in terms of the intensity of feeling and the stories that he heard that I hope have inspired him as they have me.

Mr. MURPHY. I thank the Senator from Illinois. I thank him for setting an example of how to speak truth to power in this body. We have talked over the course of this afternoon about the influence of special interests and how they have affected this debate. There is simply no one in the U.S. Senate who, over a period of time, has ignored special interests and money and power and just done and said and fought for the right thing over and over again. To the extent that people like Senator BOOKER and I made the choice to run for this body even amidst its reputation for dysfunction, it is because we hoped that when we got here we could maybe—we could maybe—equal some portion of the example that the Senator has set. So personally—and I think I can speak on behalf of Senator BOOKER and Senator BLUMENTHAL and myself. Certainly, for me it has meant so much that the Senator has been here for the totality of this debate. I say to Senator DURBIN, thank you.

It has meant just as much to me to have all our colleagues here today. It has meant the world to me to have Senator BLUMENTHAL, my partner, engaging in this together and to have Senator BOOKER, as was mentioned, in an act of wonderful sympathy, make the decision to stand on his feet for the duration of this time as well.

This has been organic. We sent out the word that we thought this was something important, but this really happened of its own volition. Everything that has happened outside of this Chamber today and tonight, with the hundreds of thousands of interactions, the ten thousand phone calls that have just come into our office alone speak to the wellspring of desire there is in this country to act—to act on the issue of the epidemic of gun violence.

Of course, what we have proffered here are two simple measures that we think we are on our way to perhaps getting votes on. But we don't want votes; we ultimately want agreement. Hopefully, the momentum that comes from today and tonight and the 13 hours that we have been on the floor will get us there.

I will yield for a question at this point, without losing my right to the floor, to Senator BOOKER.

Mr. BOOKER. I thank Senator MURPHY very much for what I think has been one of the more remarkable exhibitions of grit and toughness. Senator MURPHY has not only been on his feet, not only has not left the floor to use facilities, but he has stood in the saddle and has been for this entire time—as our colleagues have flowed through this Chamber, he has been answering question after question after question after question on a topic that he is passionate about, on a topic about which he feels deeply and personally. I just want to thank him for his leadership because it has captured the attention of our Nation.

This filibuster right here—I know a little bit about social media. This filibuster right here has been the focus trending on Twitter, the focus of Facebook. It has created media attention on a problem because in a sense the Senator is giving hope. His very intention of coming here has met the urgent need that the public has seen that this auspicious body, this greatest deliberative body on the planet Earth, this Senate, designed by the Constitution to deal with the biggest problems of our land—this body would not just go on with business as usual. What the Senator chose to do is to say: Enough. Stop. We are going to have a discussion about an issue that is not just on the minds of the American public but is grievously affecting the hearts and the spirit of our Nation.

Tens of thousands of people since Sunday have been standing around our country in vigils, in solidarity, expressing their pain and expressing their sorrow but expressing the feelings they have that we should be better than to allow such grievous, terroristic, hateful acts to happen on our soil. While the American public has been stepping up, this body today had a different plan—to move on a piece of legislation, to barely acknowledge this.

So before I want to really reframe this, I just want to say to the Senator, thank you for the courage that you have put forth to say: Enough is enough. No business as usual; we are going to stop, and we are going to push for two commonsense amendments that cannot end gun violence in America, cannot stop terrorist activity here and abroad, but they can take a step—a constructive step—toward beginning to choke the flow of commonality of these incidents on American soil. As has been said time and again, as has been said by a number of Senators today, what reason was our government organized in the first place? We heard ANGUS KING—wearing the Constitution on his tie—talk to that preamble: common defense, domestic tranquility.

So I want to frame this again. But the first frame, I just have to say—the Senator and I talked about it after caucus lunch yesterday, we talked about it during the day, and we talked about it last night. I say to the Senator, you are not talking about it today; you are doing it—no business as usual. For that, I am grateful.

It is merited that we also thank the many people who are involved. When the Senate is open past midnight, hundreds of people have to be here as well—not just the people you see here on the floor. The pages are in their first days, and this is one of their seminal experiences. Not the folks who are working behind the dais there, not the great Republican colleagues who have had to man that chair, but there are security guards and subway operators and the people who are seating folks in the gallery.

I want to say thank you, and I want to point out the fact that CHRIS has helped to pay for food for not only a lot of the folks here but including the Republican cloakroom. I appreciate you, Senator MURPHY.

Now I want to get to the framing of what this is about because there has been a lot talked about tonight, most of which I agree with, a lot discussed, a lot far afield, but you came here with a purpose around two issues that are common sense; one is that in the United States of America, if our investigatory authorities see people as threats, are investigating people because they are believed to be desirous of committing acts of terrorism on American soil—people who have already been banned, in some cases, from flying on airplanes—we should take a step, we should make it the law of this land that the person who is a suspected terrorist, that person who can't get on an airplane, that person also should not be able to buy an assault rifle.

That is so commonsense that as you said earlier today, perhaps 4, 5 hours ago, many people in America are shocked when they realize that a terrorist loophole actually exists. What you are fighting for, Senator MURPHY, is not radical. It is not out of the box. It is common sense.

What is even more important is that in this day and age, when partisanship does cripple this body from time to time on big issues, this issue is actually not partisan. Study after study has shown, survey after survey, poll after poll says overwhelmingly Americans agree with this. In fact, over 80 percent of American gun owners say we need to close the terrorist loophole. In fact, over 70 percent of NRA members say we should close the terrorist loophole.

What nation when they are at war—where your enemy is actually trying to incite terrorism in your country, when your enemy is explicitly saying exploit this loophole—would keep that loophole wide open, where it is easy for someone with terroristic aims to hurt, injure, destroy, and kill? But you took it one step further, and I was happy this morning to work on an amendment with you that says you can't just close a terrorist loophole and leave open, as you called it hours ago, a backdoor for those terrorists to use. That means if you do background

checks, they need to be universal because if it is just the brick-and-mortar gun retailers, you go there and you are going to have to do a background check.

By the way, those background checks stop people every single year, not just people who may be suspected of terrorism. Frankly, they stop criminals, but we now know that we are a nation of change, where the buyers of weapons have migrated from the brick-and-mortar stores now to another market, often online or gun shows. Unless we close those avenues for terrorists to use, they are going to use them—so very much common sense again. The second thing that you were saying today is that we need to close the terrorist loophole, and we need to make sure we are doing universal background checks. That is the reason we are here—the grit of a Senator and the common sense of two amendments that are very critical.

For a moment, I want to tell you what was perhaps the most touching time for me in this 13, 14 hours. I actually checked the rules, and you can't acknowledge people who are in the Gallery. They are not here now, so I am not acknowledging anybody who is here, but your wife and child showed up. When I heard you talk as a parent about the love of your child and how you did something that is so important for us as Americans—in fact, I think it is at the core of who we are that this is what our country calls us to do, which is to take courageous steps of empathy and say, when other people's children are dying, that is not their problem. It triggers empathy in me. I think of my own child. I think about my niece. I think about my nephew. I think about my family.

There is a privilege in this country that is a dangerous type of privilege. It is the type of privilege that says if something is not happening to me personally, if a problem is not happening to me personally, then it is not a problem. It is not a problem if it is not happening to me personally.

That is contrary to what we say about ourselves as a country. The spirit of this country has always been we are all in this together. We all do better when we all do better. If there is injustice in our midst affecting another family, another State, another neighborhood, then that is an injustice that is threatening the whole.

Senator MURPHY, this is one of your core values. It is expressed by great Americans. It was expressed by Martin Luther King in perhaps one of the greatest pieces of American literature, the ''Letter from a Birmingham Jail,'' this idea that if something is going on wrong in Connecticut, if a tragedy happens there, if children are murdered there, that is not Connecticut's problem, it is our problem. Dr. King said:

> Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a common garment of destiny.

So, to me, that is a core element of our Nation. It is what our Founders understood when they said we are in this together. The very Declaration of Independence ends with a nod toward that interdependence, toward that interwoven nature. It was said by our Founders on the Declaration of Independence, right at the end, that in order for this Nation to work, we must be there for each other. We must care about each other. We must invest ourselves in each other. If an injustice happens to my brother or my sister, it is affecting me. That Declaration of Independence ends with those words: ''We mutually pledge to each other our Lives, our Fortunes and our sacred honor.''

Now we see these tragedies, and I don't want to believe that we are becoming numb to them. We see them as some distant reality and not as a personal attack because when you attack one American, you attack us all. When you have an avenue where you can make a difference to preserve and protect life and you do not claim it, to me, that is a sin.

There is a great writer, great thinker, Nobel laureate, who once said to the effect that the opposite of love is not hate, it is indifference. The opposite of love is not just hate, it is inaction—lack of caring, lack of compassion.

What gets me upset about this issue is that we have commonsense tools that have been enumerated by wise colleagues of mine. We have legal scholars in our caucus who understand clearly that there is no absolute right when it comes to freedom of speech. As has been quoted many times, the majority opinion in the Heller case, there is no absolute right to bear arms. It has been said by multiple Senators, just closing the terrorist loophole doesn't infringe on the rights of any American to bear arms, of any American sportsmen, any American seeking self-defense. This is just saying that if you are someone who is believed to be a terrorist, you should not be able to purchase a gun. If you are somebody on that no-fly list, you should not be able to purchase a gun. Even with that, as you pointed out, there should be due process so that if you have to grieve that, there is a process for you to grieve being on that no-fly list.

When I see the Senator's child come here to listen to her father, when I see parents—many of my colleagues have children. I hope that when we hear about a mass shooting, we don't just say I am praying for those families but begin to think that what is happening to my fellow American is a threat to me. It is happening to us all. We all are lesser as a result of it. We have to think to ourselves, ''How would it feel if I fail to act, to do what is right, to close a terrorist loophole?'' What if right now that person our enemy is working to radicalize, what if right now that person in our country whom our enemy is working to inspire, what about that person who right now is seeking to do harm to Americans, what happens if they exploit that loophole tomorrow, next month, next year? What happens if they exploit that loophole, and this time they go to a playground, a train station, a movie theater, a school, a church, and it happens to be your playground, your movie theater, your school, your church, your child?

If you know there is something we can do to stop our enemy from getting arms and doing us harm—and we have seen now from San Bernardino to Orlando, FL, the terrorists are looking to do us harm—and we can stop our enemy with a commonsense amendment that is believed and supported by the majority of Americans, the majority of Republicans, the majority of gun owners, the majority of NRA members, yet this body can't do that, then we are setting ourselves up for future acts of violence and terror that could have been prevented. What if it is our child or our family or our community or our neighborhood?

There is one more step I have to mention, I say to Senator MURPHY. There is one more step that is important to this because if you close the terrorist loophole and make sure those terrorists cannot exploit the backdoor, if you make sure those background checks are universal—again agreed to by the majority of Americans, the majority of Republicans, the majority of gun owners, the majority of NRA members—you are also going to benefit by creating a background check system that stops criminals from getting guns, that better undermines their ability to get their hands on weapons that they want to carry out violence in our neighborhoods, communities, and our cities. That is where it gets deeply personal to me. As the Senator has for his child, every American has for their kids. We have big dreams. This is a nation of dreams. We have something called the American dream, which is known across the globe. It is a bold dream. It is a humble dream that this is a nation where our children can grow up, have the best of opportunities. Our children can do better than us. It is the American dream.

But the challenge I see with American reality, where we have such liberal access to weapons by people who are criminals, what that has resulted in—I have seen it myself—is so many children taken, killed, murdered, time and time again, every day, every hour. Time and time again, another dream destroyed, another dream devastated, another dream murdered. And those are not just my words. I have seen it across my State. I have seen it in our cities and on our street corners where shrines with candles and Teddy bears are set up, marking place after place and street after street where children have been murdered. I have stood on too many street corners looking down at bodies—13-year-olds, 14-year-olds, 16-year-olds murdered in our Nation with a regulatory that has not been seen in

wars past. I have been to funerals with parents begging us to do something about the violence in our country. I have seen children who are living, yet live with trauma and stress because they hear gunshots in their neighborhoods.

We have the power to stop this, and we can't assume that these problems are not ours. Langston Hughes said it so poetically: ''There is a dream in this land with its back against the wall, to save the dream for one, we must save the dream for all.'' How many children's dreams must be destroyed by gun violence before we do the commonsense things we agree on to begin to shrink those numbers?

It is written in Genesis that when Joseph's brothers see him approaching, with murder in their eyes, they said, ''Here cometh the dreamer, let us slay him, and see what becomes of his dreams.'' We have lost so many, and so many have been slain, but the dream of America can't die. There are people who want to take it from us. They want to inject it with fear and hate. The dream of our country cannot die.

There are rules and loopholes that allow madmen, terrorists, and criminals to get their hands on assault weapons. We cannot let the dream of our country die and be dashed and killed. We can do something about it, and it is unacceptable, when you have the power, to do nothing.

We, those of us elected to this body, are the caretakers of that dream. We are the torch with the light, the hope, and the promise of this country that still attracts so many. Hundreds of millions of people in our Nation believe, as do so many people outside of our Nation, that we must make sure that we form a more perfect union, where we see that unfinished business, the work to be done, and answer the call of our citizens.

I return to where I began. There have been literally thousands of Americans who have taken to the streets this past week. I saw them in New Jersey. I read about them in California and Florida. I see them in Washington, DC, here in our Nation's Capital.

Today I am proud that my friend has decided that that dream was worth fighting for, that the call of our Nation had to be answered, that that dream demanded something more than business as usual. Senator MURPHY has stood on this floor for 13-plus hours.

I don't know how long it will take, but I know that closing the terrorist loopholes and closing the avenues for terrorists to go online or to gun shows is just doing what makes common sense to keep us safe. I know we will win this battle. It is not a matter of if, it is a matter of when.

As the hour grows later and later and this filibuster drags on, I just wish to address one more item. Senator MURPHY and I both know from the thousands of calls to his office that one of the problems we happen to have is that we allow our inability to undermine our determination to do something; that when you have a majority of people who believe in something, often the only thing that stops us from achieving it is not that we can't—it is not a matter of can we, it is this: Do we have the collective will?

I know from scanning social media that there are thousands of people watching this right now. As Senator MURPHY speaks to our colleagues and speaks to the Chair, my question is, Can my friend speak to those people tonight, many of whom were cynical about this body but found a little bit of hope by your action? Can my friend take a moment to speak to them about how we can keep fighting this fight and what they can do to press forward and how we can make the dream of our Nation stronger, mightier, and more just so that a week or a month from now, we are not gathered together and mourning our Nation about dreams that were dashed by violent terrorists?

(Mr. DAINES assumed the Chair.)

Mr. MURPHY. Mr. President, I thank my friend for the question, and I thank him for standing, quite literally, with me every second of these last 13-plus hours. I thank my friend from Connecticut as well, who is about to speak, for doing the same.

It is nice to have friends. It is nice to have friends who are committed to the same thing as you are, but it is just nice to have friends.

It doesn't have to be like this. There are so many things in this country that we accept as inevitable, true, and unchangeable, and we are right on the precipice of getting to the point in this country where we accept this level of gun violence and gun homicide as just a normal facet of life in this country. I know it because I heard the kids in the North End of Hartford tell me that the sound of ambulances and police sirens is their goodnight lullaby. They are used to falling asleep to the response of the next shooting.

I knew it at the beginning of this week, when, as the news was filled with not just another mass shooting but the worst mass shooting in the history of this country, this body signaled that it wasn't going to take up any measures to combat the epidemic of gun violence in the wake of the worst mass shooting in the history of this country. It has felt like we have fallen upon the precipice of accepting this as the new normal in this country.

All we are doing tonight is standing here and talking. We are asking for a vote. And I think, as I will speak to in a moment, we have gotten to a place where we are going to get votes on these important amendments, but all we are doing here is talking.

Senator BOOKER was right when he said that what has happened this afternoon and this evening is a platform for sustained and collective action that demands that this not be just a one-time phenomenon, that this passion you heard from dozens of Members of the Senate who came down here organically just because they cared sustains throughout the day, the months, and the years.

As I said earlier on this floor, great change movements are defined by their obstacles and failures, and we have already had a bunch of failures when it comes to our fight for gun violence measures. We lost a big vote on the floor of the Senate in 2013. There are State legislatures that have gone in the other direction and made it easier to get weapons. We lost a vote here in December when we tried to expand our background check system to make sure that people who are on the terrorist watch list are captured by it. We have had our share of defeats and losses.

As it turns out, we will get to have votes on these amendments, and maybe we will lose those too. But every great change movement in this country is defined by persistence in the face of obstacles and failures, and this change movement isn't defined by what we do here, it is defined by the 90 percent of Americans who believe in the righteousness of what we are proposing.

Frankly, we aren't in the business of changing the minds of millions of Americans; we are in the business of changing the minds of a few dozen Members of Congress. It doesn't sound that bad when you put it that way, right? We don't have to convince the broad electorate that something has to change; we just have to convince a few people here. And that can happen—it can—but it won't happen through Senator BOOKER, Senator BLUMENTHAL, and me coming down here and doing this week after week; it will happen because members of the public decided to make those 10,000 phone calls that somehow plausibly fit themselves into the phone lines to my office today. Those phone calls need to go to every other office in the Senate and House over the course of the coming days, weeks, and months as we lead up to these meaningful votes. This is an issue that voters prioritize when they go to the voting booth. They need to pay attention to whether their Member of Congress is voting with or against them when it comes to commonsense issues like expanding background checks to cover gun shows and Internet sales and making sure terrorists don't get guns. It is a commitment to never lose that sense of empathy which has to be at the root of this.

Luis Vielma was 22 years old when he was shot and killed late Sunday night in Orlando in the largest mass shooting in American history. He had been so excited that night because he was hosting a friend of his who was visiting from Miami. He wanted to show him this wonderful nightclub that he had found, this place where the community could come together and celebrate themselves. His father Jose suggested that the two of them come over to his house for some homemade Mexican food, but Luis was so excited to have a great time that night with his visiting friend that he put off his dad and said:

I am going down to the club. I am heading downtown.

On his way to the club, he texted to his dad: ''I love you.'' Those were the last words Jose ever heard from his son.

His family said that he went to the club that night to dance. ''Oh, and he can dance and get down,'' a family friend said. ''Yes, he can.''

He was born in Florida, but he loved the Mexican national football team, adored his family, liked to play tricks on his younger brother, and was a huge Harry Potter fan. He had a job at Universal Studios. He worked on the Harry Potter ride, and that was a big deal to Luis.

Upon hearing of his death, J.K. Rowling tweeted out a tribute to him. His job at Universal was a passion for him because he loved Harry Potter, but it was also paying for his education. He was studying to be a physical therapist at Seminole State College.

His friend Will Randle said:

> Luis was by far the best person I knew. He inherently made us all better people by simply existing around us. Part of him will always live on in every good decision that I make.

Kelly, a friend of his on Facebook, asked: ''How could this happen to someone so kind?'' How could this happen to anyone?

In December of 2015, Jonathan Aranda was shot and killed in the morning hours of December 8 in New Haven, CT. He was 19 years old. He had just graduated from Eli Whitney Technical High School in Hamden, CT. In a statement, the superintendent of schools talked about the devastation in the entire educational community because of the loss of this beautiful young man. His cousin said he was hard-working, and he was well-liked. He worked at Brook & Whittle, a packaging company in Guilford. He was getting out of work. He had stopped at a friend's house to talk about cars, and then, bam, this senseless act of violence happened.

His friend said that he was quick to lend a hand when you needed help and he wouldn't ask for anything in return. He worked the third shift and he came home, and then he helped his friends and his family. His younger sister said that he was a humble and loving person, and he never picked fights. A very, very likeable kid, said his cousin. He didn't have a problem with anybody.

Luis Vielma was 22 years old when he was killed on Saturday night in the worst mass shooting in the history of this country. This shooting has gotten a lot of publicity, and it has prompted us to come down to this floor and demand change. But nobody in this country knows about Jonathan Aranda. He was killed in December of last year on the streets of New Haven, and his family and friends and his educational family mourn for him, but he didn't make headlines. There are the 80 others that day on December 8 who died didn't make headlines either, but their deaths are just as meaningful, just as impactful, and just as unacceptable as the 50 people who died late on Saturday night, early Sunday morning in Orlando.

It doesn't have to be like this. That is why we have come to the floor this evening.

I am going to turn the floor over to Senator BLUMENTHAL in a moment. Actually, I will turn it over to Senator BOOKER for some comments and then to Senator BLUMENTHAL. But let me just finish these remarks by talking about the families of Sandy Hook. Senator BOOKER was talking about courageous acts of empathy. I think it is a wonderful turn of a phrase. I think about the courageous act of empathy inherent in the decision made by the families of those murdered in Sandy Hook to come to the Congress to argue in 2013 and then again in 2014, 2015, and 2016 for background checks, because if you know the facts of the case in Sandy Hook, background checks on sales at gun shows or with respect to online sales wouldn't have mattered in that case, because that sale was done with a background check. To the families of Sandy Hook, what would matter much more is a ban on military-style assault weapons like the kind that was used to kill every single kid that was shot in Sandy Hook or a ban on high-capacity magazines.

Let me tell you this. There are kids who survived that shooting. They survived that shooting because the shooter fumbled when he went to reload and a handful of kids snuck out. But because he was using 30-round magazines, he only had to reload a handful of times. Had he been forced to reload after discharging 10 bullets rather than 30 bullets, there are a lot of families in Newtown who think there would be more kids alive today. That mattered to them. But they came to Washington in a courageous act of empathy to argue on behalf of Jonathan Aranda, who was still alive in the spring of 2013 when we took that vote. They came to this Congress to argue on behalf of those still living on the streets of this country who could benefit by an expanded background check system that would stem the flow of illegal weapons on their streets. Had we been successful, had we been able to pick up a few more votes to persist and beat that filibuster, maybe Jonathan Aranda would be alive today. Had we years ago passed a law that puts people who have had an intersection with the FBI with respect to terrorist connections on the list of those who are prohibited from buying guns, maybe that network would have caught up with Omar Mateen, and he would never have bought the weapon that he used to kill those in Orlando.

Those are all maybes, but life isn't always a game of certainties. What we have been asking for here today is to just take a step forward and take a vote on two commonsense measures that can start to show that we have the ability to make progress as a body. There is a laundry list of other things that everyone who has spoken wants to happen. Our families in Sandy Hook have a laundry list of other things that they want to occur. But we want to start with these two commonsense measures.

Through the Chair to Senator BOOKER and Senator BLUMENTHAL, I think we can report some very meaningful progress over the course of these 13 hours. When we began this debate on the floor, when we declared that we were not going to move forward on the CJS bill without a commitment to talk about what happened in Orlando, to talk about how we fix it, and when we began, there was no commitment, no plan to debate these measures. It is our understanding that the Republican leader and the Democratic leader have spoken and that we have been given a commitment on a path forward to get votes on the floor of the Senate on a measure to assure that those on the terrorist watch list do not get guns, the Feinstein amendment, and an amendment introduced by myself and Senator BOOKER and Senator SCHUMER to expand background checks to gun shows and to Internet sales.

Now, we still have to get from here to there, but we did not have that commitment when we started today, and we have that understanding at the end of the day. There is no guarantee that those amendments will pass. But we will have some time to take the movement that existed before we started and maybe is a little bit stronger now and try to prevail upon Members to take these two measures and turn them into law.

So I am deeply grateful to be standing here at now 1:40 in the morning with both of my friends who started here with me now going on 14 hours ago. I gladly yield to my friend Senator BOOKER for a question and any final comments that he has.

Mr. BOOKER. This is my final question. I ask the Senator one more time, will you yield for a question?

Mr. MURPHY. I yield for a question without relinquishing my control of the floor.

Mr. BOOKER. I just want, again, to say thank you to you. We started this about 13 and a half or almost 14 hours ago with business as usual. We started almost 14 hours ago with no focus on these issues in this body. We started this 14 hours ago with something as obvious as closing the terrorist loophole not on the agenda of the Senate.

This filibuster—your standing tall, your multiple colleagues standing with you, over 2 dozen representing States from East to West—and this measure is standing here together. It now seems that we at least will have a vote on those two things, the closing of the terrorist loophole and the expanding of the terrorist block so that we have background checks that can block terrorists who seek to get weapons through secondary avenues. So that is a good step. It is not everything I

would have hoped for out of this day. But it seems clear to me that we have some work to do in changing the hearts and minds of some of our colleagues so these measures that have failed in the past can pass now.

For those of you who don't know the history of this body, a lot of the most prideful legislation of America—let's take the Civil Rights Act, for example—failed many, many, many times. But those who kept fighting and didn't give up or didn't give in to cynicism were able to break that measure on the floor. This has happened with many pieces of legislation, from the abolishing of slavery to a woman's right to vote.

Sweet Honey in the Rock is a group that I love. They sing a song called Ella's Song, where they say: We who believe in freedom cannot rest. We who believe in freedom cannot rest until it is won.

So my hope is that this filibuster, now going into its 14th hour, didn't just win a vote on these two amendments, didn't just stop business as usual, didn't just get a chance to have a final determination at least on these two amendments, but that it happened to do something else, Senator MURPHY. My hope is that it helped to push back on cynicism. I think cynicism is a refuge for cowards, that cynical people basically throw up their hands and say nothing can change. Thank God people who are fighting for our freedoms in this country didn't give in to cynicism and stop fighting. Thank God that those who have reasons to be cynical about government didn't fall into that trap of cynicism, didn't take that refuge for cowards and kept fighting in this body for so much of the legislation that we take for granted, from workers' rights to the rights of immigrants.

So my hope, Senator MURPHY, if I can express it to you, is that not only will we fight to win the vote on these two amendments—one by DIANNE FEINSTEIN in closing the terrorist loophole and the other authored by you, me, and Senator SCHUMER to expand background checks—but my hope is that this filibuster did not just get those four votes but will mobilize it and engage more people to reach out to their Senators.

I really appreciate the fact that your office got 10,000 calls. I appreciate the fact that your effort has been trending on social media, but that is nothing calling you, who already support this, and not reaching out to Senators who are deliberating over whether to support this or not.

We are all here because folks not only didn't take that refuge for cowards through cynicism, that toxic state that debilitates us from being agents of change, but we are also here not just because of people who shun cynicism but because of people who embrace love. Love—I use that word very purposefully—love of country, love of patriotism necessitates loving your country, men and women, and if you love your country, men and women, you don't just tolerate them. I think that is kind of a cynical aspiration for this country, that we will be a nation of tolerance, stomaching each other's right to be different. If we are a nation of love, love doesn't just stomach someone's right to be different. Love actually sees the truth of who we are. We each have value, worth, and merit. We need each other. We are interwoven in each other's destiny. And if there is injustice facing you, it affects me, and I have to work to correct that.

I am here, Senator BLUMENTHAL is here, Senator MURPHY is here, and all of the people who are working here, we are here because of this conspiracy of love of folks who didn't just take care of themselves and their families, they got engaged in their country, in their communities, in their neighborhoods. They did it for others. They served, they volunteered, and they sacrificed.

So we are on another inflection point in America's history, with the worst mass murder in our country's history. You cannot control always what happens to you, but you can control your response to it. Let our response to this hateful act be love. Let our response to this terroristic act seeking to scare us be courage.

Let us in the days ahead act with love and courage, as demonstrated by our engagement with our political system—pressing, pushing, letting our representatives be heard from in this body that we want them to support commonsense initiatives, the closing of the terrorist loophole and expanding that with background checks that shut off the back door for terrorists to exploit to get assault weapons to do repeats of what we saw. With that kind of courage, with that kind of love, our enemies do not win. We do. With that kind of courage, that kind of love, we don't stumble, we don't stop, we don't hesitate, equivocate, or retreat; we advance this country toward its highest ideals that we will be a Nation with liberty and justice for all. We are all families. From inner city communities to suburban, from rural to urban, all communities should enjoy safety, security, strength, and prosperity.

So with that, I ask the question, does Senator MURPHY agree that we have not just achieved this first step of stopping business as usual, letting this body go on, but actually getting two measures that were not on this agenda until this action began? Does the Senator believe that is not enough, and with thousands of people watching, people on social media now, we need to get more engagement to begin, as the Senator said earlier, not to change the hearts and minds of all Americans—frankly most of America is with us—but to start focusing on the Senators that will be deliberating over the coming hours, maybe days, about these specific pieces of legislation?

Mr. MURPHY. I thank the Senator. This is an important start, but it is not sufficient.

What is unacceptable is to do nothing. What would have been unacceptable is to spend this entire week on legislative business that was irrelevant to the epidemic of gun violence that has been made more real than ever by the tragedy in Orlando. So I thank the Senator for helping us convene our colleagues over the course of 14-some odd hours. I think we can report having made progress, but certainly not enough.

I will yield for a question to my friend Senator BLUMENTHAL, who has been on the floor with us for the entirety of this time, standing with me, and frankly I have been standing with him, my senior Senator in this fight since 2012. I yield to him for a question without relinquishing control of the floor.

Mr. BLUMENTHAL. I thank Senator MURPHY. And I join in thanking all of the staff who have worked over this day and into the night and into the next day at great personal sacrifice and at great benefit to the U.S. Senate.

I want to thank my colleague Senator BOOKER for his eloquence, his perseverance, and his dedication to this cause, and Senator MURPHY for his courage and strength in this cause that brings us here today, tonight, tomorrow, and in the days ahead because this experience is, as he has said, only the next step, and this legislation is only a next step.

We have talked a lot in great—and some of it very powerful and compelling—terms about what is at stake here. Certainly the reason we are here has to do with the deadliest mass shooting in the history of the United States. But the numbers are important. Numbers are cold, hard, and stark. Forty-nine people were killed in that single attack in Orlando, but in an ordinary day in America, dozens of people are shot without any notice. It is not a headline, barely a mentioning. Certainly there are no speeches on the floor of the U.S. Senate. The fact is that gun homicides are a common cause of death in our Nation—the greatest, strongest Nation in the history of the world—killing about as many people as car crashes, and in direct contrast to the experience of other countries where, for example, in Poland and England, only about one out of every million people dies in a gun homicide—about as often as when an American dies from an agricultural accident or falling off a ladder. These numbers come from the New York Times of just a few days ago, June 13, which I ask to be printed in the RECORD if there is no objection.

Mr. MURPHY. I would ask the Senator to withdraw that request at this time.

Mr. BLUMENTHAL. I will offer it at another time. Thank you.

The point is that we can do something about these numbers. We can reduce them, and we can save lives if we adopt commonsense central measures

such as are going to be debated specifically and given a vote in the U.S. Senate.

A result of our staying—our colleagues and the three of us staying—is no more business as usual. Enough is enough. Let's listen to the American people. There is a consensus. The poll numbers show that 90 percent of the American people think we should have background checks. The majority of gun owners and the majority of people also think that someone suspected of terrorist activities based on evidence should be barred from buying a gun. That is a national consensus, as well, and makes good common sense. If we are at war with ISIS—and we are—we should stop ISIS inspired or supported terrorists in this country from buying guns. If we think ISIS is trying to create extremist violence here that leads to the kind of attack that we saw in Orlando, those individuals who are motivated by the twisted, pernicious, insidious ideology of hate should be barred from buying a gun. These determinations are not based on speculation; they are based on evidence and facts under the measure that we have proposed, and they provide due process for someone to have his name removed if that determination is made in error that he is on the list or that he is barred from buying guns.

The details are important, as they are in every law, because they are a guarantee of due process and individual rights. The same is true of background checks. Somebody who is mistakenly on the NICS list should have that name removed. But facts are important; evidence is critical. That is what is involved in these measures, which are a start.

Laws work when they are enforced. We know they work in Connecticut because there was a 40-percent reduction in some crimes in the wake of the permit to purchase laws passed in 1994. That study was recently done by researchers at Johns Hopkins University and the University of California, Berkeley, saying to those doubters or skeptics that the permit-to-purchase laws passed in Connecticut in 1994 actually were a huge success for public safety.

My colleague from Connecticut has cited other efforts that show that laws work when they are enforced, and national laws are important because Connecticut cannot itself create the kind of protections that our citizens deserve. Borders are porous to the trafficking of guns. Guns have no respect for State boundaries, nor do the traffickers, so we need national laws to protect the citizens of every State.

We are here because there is a national consensus in favor of those laws, and we know that we have an obligation and a historic opportunity to be changemakers in this body. The American people want change on both sides of the political aisle. We know that voters want Washington to change, they want the political system to change, they want our laws to change, and they want the system of public financing to change, so that the public interest, not special interests, will prevail. Other measures surely should be sought—the repeal of the unique immunity and shield from accountability that gunmakers have, the inability of a protective order to protect against domestic abusers that have guns, the absence of laws to protect against straw purchasers and illegal trafficking. There ought to be national laws, again, that provide those protections.

Of course, even for licensed firearms dealers, a person whose background check is not completed in 72 hours can still buy a gun, even though if the background check had been completed, he would have been barred. That is the reason that in Charleston, SC, nine people were murdered by Dylann Roof, who obtained that gun even though he was in effect legally barred from buying a gun because the background check was not completed within 72 hours.

There are many more steps that need to be taken, and even with the passage of measures that we are advocating today, there is no single solution.

We are only at the beginning of the efforts to pass these measures, but we have at least changed this debate. We have changed the context of this consideration, and the reason is that Senator MURPHY has shown the leadership that he has shown. We are grateful to him for it, and we will continue this fight together.

So my question, generally, to my colleague from Connecticut is, How should we close tonight, and isn't he glad there will be no more questions?

Mr. MURPHY. I thank Senator BLUMENTHAL for the final question. Let me reiterate my thanks to everyone who has persisted this evening—for all of our colleagues who have come down to the floor to join in this exercise, and, again, to all of the staff and the pages who, indeed, just showed up a week ago for standing with us and for their commitment to public service and to those who sat in the Chair. I have done that for an overnight session or two. I know it is not exactly the way to plan to spend your Wednesday evening. Most importantly, I thank Senator BOOKER for standing with me quite literally since 11:20 this morning and Senator BLUMENTHAL for being a perpetual friend and partner.

I woke up this morning determined to make sure that this wasn't going to be a lost week, and I have been furious since those days following Sandy Hook. I have been so angry that this Congress has mustered absolutely no response to mass shooting after mass shooting in city after city that is plagued by gun violence, such that the children who grow up in the east end of Bridgeport or the north end of Hartford live through stress and trauma that affects their brains in irreparable ways.

I am embarrassed that it took me so long to become a convert to this issue. I am embarrassed, frankly, that it took the tragedy in Sandy Hook for me to wake up to the fact that people all around this country, in Newark, in cities in my State, have been living through this horror without attention from this body. There is no silver lining to what happened in Newtown, but inarguably what has happened in the 4 years since has been the focus of attention from all over this country on the inaction of this body and the failure of it to respond, and that is what is so perplexing to me. We have disagreements over what should be done, but what I have not understood is why we don't even attempt to find common ground on this floor—why, week after week, there is not a single vote or debate scheduled on any of the measures that have been proposed to try to stop this carnage. There hasn't been a debate scheduled on the floor of the Senate. There haven't been debates in committees. I am not saying we aren't doing important work, but there are 30,000 people dying every year on the streets of this country. Those whom they leave behind—their moms, their dads, their little sisters and brothers—don't get the total indifference we portray.

I know we are not indifferent. I know, in talking to my Republican colleagues, that they feel just as deeply about the loss in Orlando and about the loss in New Haven or Chicago or Newark as we do. I know there is a commonality of emotion here that betrays the story line we portray to the American people.

This exercise over the course of the last 14 hours in many ways has been a plea for this body to find a way to come together on answers, because it is devastating. It is devastating to the families who live through this trauma to watch the U.S. Senate do nothing, absolutely nothing, week after week. Think about that. Sandy Hook was 4 years ago, 3½ years ago, and Congress hasn't passed a single measure that would make the next mass shooting, the next murder of kids in this country, less likely.

I don't know what the vote is going to be—if we are successful, as we believe we will be, in getting these votes—but I do know it will be another chance for our colleagues to come together on two measures that we have carefully selected as being the most likely to get bipartisan votes.

That is why we chose to demand votes on these two measures—A, because they are significant, they will make a difference, and B, because they are as noncontroversial as you can get.

The American people have already made up their minds. They want a background check system that captures potential terrorists. They want to make sure everybody who buys a gun through a commercial sale has to prove they are not a criminal before they buy it. The American people have made up their minds.

We chose to ask for the two least controversial provisions possible that

still will do a world of good. I am pleased that we are on a path to get those votes. It is a necessary but insufficient response to the carnage that we witness in this country every single day.

This is personal to all of us. Senator KAINE said it well earlier tonight—that we have scar tissue, but it is razor-thin scar tissue compared to those today in Orlando who are living through the catastrophe of losing a 21-year-old son in the prime of his life or losing a 24-year-old daughter with all of her potential ahead of her. Our scar tissue is there, but it is tiny.

I close by telling a story that I told during my first speech on the floor of the Senate. I introduce you to Dylan Christopher Jack Hockley, who in this picture is age 6. According to just about everybody who knew him, it was impossible not to fall in love with Dylan Hockley if you met him. He loved video games, and he loved jumping on the trampoline and watching movies. He loved munching garlic bread. He had dimples, he had blue eyes, and he had this very mischievous little grin. You can see it here. And he is wearing one of his favorite shirts. His beaming smile would light up almost any room he was in. He loved to cuddle. He loved to play tag every single morning with the neighbors at the bus stop. He liked to watch movies, the color purple, and he loved seeing the Moon. He loved eating his favorite foods, especially chocolate. He was so proud that he was learning how to read, and he would bring a new book home every day. Most importantly, he adored his big brother Jake, who was his best friend and his role model.

Dylan's mom Nicole, who has been a champion in the cause of ending gun violence in the country, always thought that Dylan was, in her words, ''a bit special, a bit different.'' She said:

> He was late to develop speech. He was late to learn to crawl, and there was always a little something about him, but we couldn't put our finger on it.

He said he only liked bland foods and he wanted only plain spaghetti. He had a habit of flapping his hands when he got excited. He would put his hands over his ears when he heard sudden or loud noises. He was diagnosed with autism, but, as his father points out, autism is a spectrum with many different facets to it.

Dylan loved repetition, and he would watch his favorite movies over and over again—''Up,'' ''Wall-E,'' and ''The Gruffalo.'' He would find a particular portion of that movie that he loved and he watched that portion. He would rewind, he would watch it, he would rewind, and he would watch it. When he watched his favorite parts, his laugh was infectious.

Dylan was struggling with autism as a student at Sandy Hook Elementary School, but he was a special boy who was going to turn into a special young man.

He idolized his brother Jake, but he idolized someone else as well. He idolized a woman named Anne Marie Murphy. Anne Marie Murphy was his special education teacher and his personal aide. Over the course of the beginning of his first grade year, they formed a bond, a deep bond that is often hard to form for kids with autism like Dylan. Their bond was so tight that he had a picture of her on the refrigerator, along with his class. Every day when he would walk by the refrigerator, he would point to the picture and say ''There's my class! There's Mrs. Murphy!'' It meant something to him to have that relationship, and he loved going to school in large part because he knew he had someone there who loved him back.

Senator BOOKER has talked about the expectations that we should have for each other, that expectation of deep, passionate love for each other. Dylan and Anne Marie Murphy had it.

Senator BLUMENTHAL and I got to Sandy Hook Elementary School after most of the families had come to realize that their loved ones weren't coming back, that their little boys and girls were probably lying on the floor of those classrooms. We still saw and heard things that I think we both wish we didn't hear and see.

When Nicole Hockley was standing in or outside the firehouse, when she came to the slow, awful, crippling realization that her little boy was not coming back, she had a moment where she thought to herself, maybe Anne Marie will come back and she will tell me what happened to my little boy. Then she had a second thought: that Anne Marie probably wouldn't leave Dylan if he was in danger.

When Adam Lanza walked into that classroom and aimed his military-style assault weapon with clips attached to it, holding 30 bullets, Anne Marie Murphy probably had a chance to run or to hide or to panic. Instead, Anne Marie Murphy made the most courageous decision that any of us could imagine. Instead of running, instead of hiding, instead of panicking, Anne Marie Murphy found Dylan Hockley and embraced him. Do you know how we know that? Because when the police entered the classroom, that is how they found Dylan Hockley—dead, wrapped in the embrace of Anne Marie Murphy.

It doesn't take courage to stand on the floor of the Senate for 2 hours or 6 hours or 14 hours. It doesn't take courage to stand up to the gun lobby when 90 percent of your constituents want change to happen. It takes courage to look into the eye of a shooter instead of running, wrapping your arms around a 6-year-old boy and accepting death as a trade for just a tiny, little, itty piece of increased peace of mind for a little boy under your charge.

So this has been a day of questions. I ask you all this question: If Anne Marie Murphy could do that, then ask yourself what you can do to make sure that Orlando or Sandy Hook never ever happens again.

With deep gratitude to all of those who have endured this very late night, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

MORNING BUSINESS

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

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

CHARITIES HELPING AMERICANS REGULARLY THROUGHOUT THE YEAR ACT

Mr. HATCH. Mr. President, today I wish to discuss a topic that has been near and dear to me my entire life: the importance of charities and charitable giving to the well-being of America. I am taking this moment to discuss this issue for several reasons.

Late last year, Congress managed to make permanent a few of the temporary charitable tax provisions that I have supported for years. Since then, two of my esteemed colleagues, Senator THUNE and Senator WYDEN, have introduced legislation to enact several more important charitable tax provisions. And later this week, the Alliance for Charitable Reform, the Council on Foundations, and the Independent Sector will send its members to fan out across Capitol Hill to tell Members of Congress and their staffs about the good and essential work charities and nonprofits perform every day in America.

Alexis de Tocqueville wrote in ''Democracy in America'' of the importance of intermediate associations that stand between the individual and a centralized state. The Catholic Church speaks about subsidiarity, the principle that matters ought to be handled by the least centralized competent authority. To put these insights into constitutional terms, the Federal Government cannot—and should not—do it all. The truth of these moral and legal principles is embodied in the work of America's churches and charities, which have played a critical role in securing the welfare of Americans throughout our Nation's history when faced with difficulties like war, natural disasters, and economic recessions and depressions.

And it is no secret that our economy has been growing much too slowly in recent years. That means that a healthy, well-resourced charitable community is essential to the well-being of those in need. As State and local governments grapple with budget deficits and revenue shortfalls and as Americans face unemployment, stagnant wages, and lower workforce participation, people in need are turning for help in ever greater numbers to churches, charities, shelters, and other social welfare groups.

But charities need resources to meet these needs, and charitable giving by generous and civic-minded Americans is where it all starts. That is why I have defended the tax deduction for charitable giving and I have resisted attempts by some to raise revenue for reckless government spending by reducing the incentives for charitable giving. As my friend and colleague Senator WYDEN, the ranking member of the Senate Finance Committee, has said: ''The charitable deduction is a lifeline, not a loophole.''

It is essential that charities have sufficient resources to carry forward the good works our society so desperately needs them to perform. It makes perfect sense to provide the greatest tax incentive for giving to the donors with the greatest capacity to give. These donors, the ones in the high marginal tax brackets, are the very donors that are in a position to give substantial amounts to charity. It should come as no surprise that for nearly 100 years the Tax Code has provided such an incentive.

And the charitable tax deduction is truly special. It is the only deduction that encourages you not to spend or invest your income, but to give it away. Every charitable gift has one thing in common: The donor is always left worse off financially, but society is made better.

So, yes, I am a champion of the charitable sector. And in addition to defending the charitable deduction, I have promoted positive improvements in the charitable tax law. Some of these proposals have been enacted. For example, last year, Congress made the IRA charitable rollover a permanent feature of the Tax Code, as well as the deduction for contributions of food inventory to charity. Congress also extended public charity status to agricultural research organizations associated with a university.

But there is more to do.

Two colleagues that are leading the way in this Congress are Senator THUNE and Senator WYDEN. They recently introduced the Charities Helping Americans Regularly Throughout the Year, or CHARITY, Act. This bill would complete some of the unfinished business from previous years. For example, it expands the group of organizations eligible to receive charitable IRA distributions, it makes a much needed reform to the private foundation excise tax, and it allows foundations to own businesses devoted to philanthropy.

We got close to passing some of these proposals late last year. They didn't make it over the finish line, but we ought to revisit them and try to pass them this year. These provisions, taken together, will help advance the causes of worthwhile charities by allowing American taxpayers to more freely donate their own resources. That is a good thing in my book, and that is why I intend to help my colleagues on the Finance Committee process the CHARITY Act and enact it into law.

Thank you.

TRIBUTE TO RECIPIENTS OF THE CONGRESSIONAL AWARD

Mr. MCCONNELL. Mr. President, I want to share with my colleagues the names of this year's winners of the Congressional Award. Established in 1979, the Congressional Award is a way for the U.S. Congress to recognize the achievements of young Americans aged 14 to 23 years old. It rewards them for success in four vital areas: volunteer public service, personal development, physical fitness, and expedition-exploration.

Recipients choose the activities in each area that interest them and set goals that will challenge them and help them grow. If they are successful, they earn bronze, silver, and gold certificates and medals. Along the way, they have gained new skills and earned greater confidence and positioned themselves to become productive, well-rounded, and accomplished citizens.

Each year in June, a ceremony is held here in the Nation's Capital to present these young people with their Congressional Awards. I want to personally congratulate every one of this year's winners for their achievements and for the example they set for others. By improving their own talents, the recipients of the 2016 Congressional Awards are strengthening their communities and our Nation.

Mr. President, I ask unanimous consent that a list of this year's recipients of the Congressional Award be printed in the RECORD.

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

2016 CONGRESSIONAL AWARD RECIPIENTS

Gabriel Cutler, Sean Villeneuve Jr., Adriana Tapia, Jacob Massie, Cydney Kaslar, Catherine Liang, Conor Hassett, Gianna Chien, Dominic Solari, Griffin Ansel, Claire Dashe, Meghan Leong, Ariane Tsai, William Chen, Terence Lee, Benjamin Dotson, Madison DeBruin, Sienna Santer, Brandon Chen, Mark A. Hanson, George McGuigan, John Monday, Kanhai Shah, Ken Iwane, Carl Xue, William Gutzman, Erica Kang, SungMin Shin, Michael Simic, Bryan Denq, Claire YeaLee, Devin Kanzler, Elizabeth Sams, Brandon Winner, Angela SoyChon, Lynn Kim, Jaewoo Han, Steve Han, Brandon Ho, Sora Jeong, Timothy Joo, Kayla Kang, Charlotte Kim, Jay Kim, Vivian Kim, Joanne Lee, Junsu Lee, Robert Lee, Sarah Lee, Bonnie Lei, Emily Mun, Esther Park, Joo Min Yeo, Jae-Hee Yoo, Sang Yun, So Hee Ki, Jeong Inn Lee, Hannah Park, Karan Shah, Joseph Bastien, Sarah Chen, Kayla Jahangiri, Chris Jiang, Alexandra Lee, Samuel Sugarman, Chelsea Barrows, Karl Garrett, Thomas Meiser, Christina Bear, Lauren Lang, Eric Zhang.

Meredith Karle, Duncan Khosla, Allegra Molkenthin, Charlotte Wechsler, Shaleen Thakur, Sonal Thakur, Shyla Blackmon, Jelisa Jackson, Aliya Centner, Safia Centner, Peter Lee, Parker Coye, Varun Singh, Evan Albury, Gabriel Coughlin, Richard Coughlin, Laura Drake, Drew Dubauskas, Robert Ferruggia, Madeline Horowitz, Samantha Keating, Cristina Kodadek, Morgan McDonald, Regina Murphy, Noah Pack, Shikha Patel, Austin Paxson, Thomas Pinkham, Mary Powers, Koushal Rao, Hunter Russo, Joseph Russo, Tyler Wilkinson, Jillian Wrieden, Gabriel Del Campo, Joshua Puchferran, Jade Gibson, Dimitri Godur, Kara McDonough, Julia Abelsky, Elizabeth Harvey, Katie RoseDionne, Noah Smith, Billy McGahan, Kathleen Stueve, Elyssa Turnbull, Cheyenne Quilter, Eric Summers, Kelly Turney, Sarah Close, Christian Cooper, Sarah Stephen, Maddy Peticolas, Robert JamHuber.

Caroline Luehrmann, Carissa McAfee, Tiffany Dattel, Nikhil Kuppuswamy, Megan Nalamachu, Ryan Olson, Melissa Rosenthal, Gavin Zhu, Noah Gillis, Amanda Otten, Ben Otten, Audrey Moore, Gabrielle Moore, Garima Dewan, Mahima Dewan, Lynda Loucif, Rachel Steadman, Lillian Bermel, Sophia Duplin, Catherine Upton, Elizabeth Monger, Megan Selby, Samuel Chestna, Justin Conner, Emily Staunton, Christian Kunau, David Kunau, Benjamin Baker, Hillary Burgess, Molly Chamblee, Karynton NDuke, Dee-Ivy Franklin, John ''J.J.'' Hitt, Marisa Laudadio, Katherine Penney, Katherine Taylor, David Huff, Meghana Bharadwaj, Nicholas Kahan, Olivia Long, Kaitlynn Allen, Joel Moss, Edayla Talley, Kristin Walther, Emily Gustafson, Amelia Smith, Madison Grooms, Emily Berg, Katrina Nesbit, Marian Sanchez Romo, Andrew Eisert, Megan Feldmann, Stephen Baird, Andrew Geldreich, Philip Ballas, Alexander Brescia, Alexander Bruman, Paige Crain, Elizabeth Emberger, Amaya Liles, Khushbu Patel, Shannon Renshaw, Andrew Sooy.

Alexis Vanaman, Olivia Weldon, Jennifer Farmer, Madeline Farmer, Neharika Pitta, Isaiah Udotong, Christian Boujaoude, Vishvajit Mohan, Harsha Pavuluri, Ruchi Raval, Abhay Sampat, Samay Sampat, Viraj Sampat, Jessica Janneck, Nishi Shah, Trevor Somers, Richard Stelfox, Abigail Campbell, Mary CatheGreeley, Marissa Grillo, Laura Mondadori, Brian Handen, Winona Guo, Marc Klinger, James Borovilas, Sarah Primiano, Jason Pymento, Thomas Walsh, Madeline Fouts, Cameron Martel, Navkiran Aujla, Stephanie Shum, Edward Moran, Isaac Smith, William Casstevens, ApolinaireBrown, Chloe Harty, Kaitryana Leinbach, Sam Maxwell, Caroline Schauder, Quinn Schneider, Julianna Viveiros, Savannah Bell, William Ruff, Ishan Rola, Hannah Chappell-Dick, Micah Karr, Morgan Karr, Rachana Raghupathy, Elise Radzialowski, Mara Radzialowski, Weston Clark, Nick Schwartz, Gabriela Rueda, Puspa Chamlagai, Ganesh Gurung, Reena Gurung, Shiva Gurung, Ashley Hoyle, Ah Mu Htoo, Mura Htoo, Dhan Karki, Mu Mu, Cing San Nuam, Thayku Paw, Krishna Powdyel, Dhan Tamang, Bawitha Tling, Dhaka Kharel, Katherine Hung, Rachael Eddowes, Katherine Mars, Kyla Martin, Brian Agnew, Cameron Hayes, Ye Eun Kim, Binod Poudel, Madeline Reich, Jared Stevenson, Brianna Yarnoff, Swata Alagar, Cindy Hsieh, Ava Lesko, Marsha Girish, Heather Smith, Briana Minter, Lucy Tomforde, Claire Cromley, Frank Masuelli.

William Ford, Colby Janecka, Hugo Guerra, John Craig, Gabriela Font, Sohan Gadkari, Alisha Kashyap, Christian Barham, Joseph Beatty, Emily Hall, Andrew Zelewski, Akshay Malhotra, Aleskar Villarreal, Anna Nemec, Travis Purser, Ahmet Selimoglu, Patrick Sharpe, Matthew Dunmire, Lizzy Mothershead, Robert Bishop, James ReedHuston, Rhianna Shaheen, Kelsey Barklund, Kameron Mize, Hunter GraJernigan, Emma Westerhof-Shultz, Divya Wodon, Naina Wodon, Luke Beasey, Snigdha Madiraju, Samantha Lane, Michael Park, Bryan Shin, Christian Pugh, Alyssa LaFleur, Alexandra Coleman, Gerald Johnson, Christine Chen, Sophia Miller, Daniel Saphiere,

Olivia Coon, Noah Schuetz, Sarah Burton, Francesca Hinkle, Ashlynn Johnson, Amelia Rosmarin, Abigail Shockley, and Cristian Soles.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. DURBIN. Mr. President, I am very concerned about section 563 in the Senate-passed fiscal year 2017 National Defense Authorization Act related to access by institutions of higher education, IHE, to military installations purportedly for advising and support services.

The provision opens the floodgates to military bases and servicemembers for for-profit college recruiters. It guts the President's Principles of Excellence Executive order meant to protect servicemembers from aggressive or abusive recruiting practices on military installations by requiring that an IHE be granted access to a military installation if it has entered into a memorandum of understanding with the Department of Defense, DOD, and has been approved to provide services by the installation's educational service officer. Regardless of other factors which may be of concern to DOD—investigations and lawsuits, infractions of the MOU, etc.—if an IHE convinces a base's educational service officer to grant them access, there is nothing DOD can do to stop it.

In addition, the provision provides preferential treatment to IHE's that enroll large proportions of servicemembers. Providing access to installations based on how many servicemembers an IHE enrolls instead of the actual needs of the servicemembers at those installations does nothing to help improve services for enrolled servicemembers. Instead, it further entrenches the big for-profit players whose business models rely heavily on servicemembers. Those institutions will be able to tout their statutorily guaranteed increased access to military installations when recruiting.

Finally, as passed in the Senate, section 563 does not limit advising and support services to an IHE's currently enrolled students. There have been well-documented cases of IHE's using access to military bases gained under the guise of offering advising and other services for recruitment. The Senate-passed language does not limit an IHE's contact with servicemembers, once on base, to students it currently enrolls. This creates the opportunity for IHE's to clandestinely or openly use their access to recruit other servicemembers to their programs.

Because of the potential harm this provision in the Senate-passed bill will cause to servicemembers—giving near unrestricted access to for-profit college recruiters at a time when most major companies are under State or Federal investigations or lawsuits—I joined Senator BROWN, along with Senators WARREN, BLUMENTHAL, MURRAY, FRANKEN, CARPER, MARKEY, MURPHY, REED, BOXER, HEINRICH, and SANDERS, to introduce an amendment to remove section 563 from the bill. Military and veterans groups including the Air Force Sergeants Association, Association of the United States Navy, Blue Star Families, Iraq and Afghanistan Veterans of America, Military Officers Association of America, Student Veterans of America, Veterans Education Success, and Vietnam Veterans of America submitted a letter in opposition to the provision. The attorneys general of California, Maine, Connecticut, Maryland, District of Columbia, Massachusetts, Hawaii, Minnesota, New York, Iowa, and Pennsylvania also wrote of their opposition.

Not only is the provision harmful, but it is unnecessary. IHE's already have the ability to gain access to military installations for certain legitimate educational activities. I will work with others who are opposed to this provision to get it removed in conference.

MASS SHOOTING IN ORLANDO

Mr. LEAHY. Mr. President, Marcelle and I, along with all Vermonters, were devastated by the news of the attack in Orlando, and our hearts go out to the victims and their families. All Americans deserve to feel safe in their communities regardless of their race, age, sex, ethnicity, religion, or sexual orientation. In the wake of the worst mass shooting in American history, all of us must stand with the people of Orlando who have been so shaken by this hateful act of terrorism and violence. And in particular, as we celebrate Pride Month, we must stand with and support the LGBT community, both in Orlando and throughout the Nation.

We are so thankful for the law enforcement officers and first responders who rushed to the scene in the middle of the night to confront the killer and save lives. We also are grateful for the work of the doctors and nurses who fought and continue to fight to save even more. My wife, Marcelle, is a registered surgical nurse, and we have been deeply moved to see the outpouring of support by people across Florida and the country who are donating blood and doing what they can to support the victims and their families.

In the wake of tragedies like this, whether the victims are members of the LGBT community, African-American church parishioners, first graders in an elementary school, college students, moviegoers, or others in our community, we are called as Americans to come together in solidarity. We come together in grief and in shock. We come together in support of the victims, their families, law enforcement personnel and first responders, and the entire community. And we come together to try and find a way to prevent further acts of senseless violence. We are at our best as a nation when we come together. When we are united in strength and in courageous acts of selflessness and kindness, our country can move forward with a greater sense of purpose and hope.

We must not allow ourselves to be divided by the bigoted actions of a murderer or by any fear that the killer sought to foment. He took an assault rifle into a nightclub, one that was known as a special place in Orlando's LGBT community. He fired on a crowd of innocent, unarmed people. This man was no fighter and certainly no soldier. This was either the act of a murderous bigot trying to shroud his hatred by professing allegiance to ISIL or the actions of a cowardly terrorist seeking to paralyze and divide us with fear—or perhaps both. In either case, we cannot let his heinous acts lead us to turn on one another.

Some are already using this horrific attack as an opportunity to further divide us. The Republican Party's presumptive Presidential nominee continues to peddle his corrosive rhetoric of fear by proposing to ban all Muslims from entering the country. This week he went even further by suggested that the entire Muslim American community was somehow complicit in this heinous act. This is irresponsible fear-mongering—plain and simple. It is guilt by association. And it makes us less safe. We should all condemn this bigotry and reject attempts to foment fear and hatred. We are stronger and safer when we reject such attempts to divide us.

The Republican standard bearer has also questioned the motivations and patriotism of the President of the United States. These insinuations are dangerous. They are beyond the pale, and I reject them emphatically and categorically. I call on every Member of this body to do the same. We are a better nation than this.

The American people are rightfully demanding action instead of rhetoric. They are tired of hearing that the tragedy in Orlando and the countless others we have endured are not about our gun laws. We must recognize that we have a security weakness in this country and ISIL is exploiting it. Our enemies know that in the United States you can go online or to a gun show and buy a gun. You don't need to have identification. No background check will be run. You can simply acquire a semi-automatic weapon that can kill dozens of people in a matter of minutes.

We must have universal background checks. That is simply common sense. We have had background checks for decades. I am among millions of responsible gun owners in this country who undergo background checks when we purchase a firearm. And, like millions of responsible gun owners, I understand that this check is necessary to help keep guns out of the hands of criminals and terrorists. It is common sense that we need to close the loopholes that allow people to evade background checks altogether. And we must also make sure that the background checks are effective. That means giving law enforcement the power to stop

a suspected terrorist, or someone who has recently been under investigation for terrorism, from buying a gun. It is also common sense that assault weapons designed for the battlefield have no place on our streets, in our schools, in our churches, or in our communities. I have moved and supported an assault weapons ban for this simple reason.

These changes make sense, and they fix glaring vulnerabilities in our system. This is not about politics. This is about keeping Americans safe. This is about stepping up and taking action and not just resigning ourselves to the repeated call for moments of silence, tragedy after tragedy. I am a responsible gun owner, and I do not take this issue lightly. I have fought for years to pass these commonsense measures, and I will continue to do so.

Americans have shown throughout the course of history that we can live up to the principles of freedom, equality, and liberty that have guided us for so long. Now is the time to stand defiantly against the petty politics of fear. Despite what others may say, we are a great nation. Now is the time for Congress to act to pass commonsense measures that have languished for too long and could save American lives.

BUDGET COMMITTEE COST ESTIMATE—S. 2837

Mr. ENZI. Mr. President, I wish to offer for the RECORD the Budget Committee's cost estimate of S. 2837, the Commerce, Justice, and Science Appropriations Act for Fiscal Year 2017.

The reported measure provides $56.3 billion in discretionary budget authority for fiscal year 2017, which will result in discretionary outlays of $64.4 billion.

The reported bill matches its section 302(b) allocation set forth in S. Rept. 114–273 for budget authority for both the security and nonsecurity categories, and matches the 302(b) allocation for outlays.

The bill is not subject to any budget-related points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 2837, 2017 COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal Year 2017, $ millions)

	Budget Authority		Outlays	
	Security	Nonsecurity	Total	Total
Senate-reported bill:	5,117	51,168	56,285	64,409
Senate 302(b) allocation:	5,117	51,168	56,285	64,409
2016 Enacted:	5,101	50,621	55,722	63,872
President's request:	5,102	49,522	54,624	64,468
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:	0	0	0	0
2016 Enacted:	16	547	563	537
President's request:	15	1,646	1,661	−59

NOTE: Details may not add to totals due to rounding.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. ALEXANDER. Mr. President, Senator MURRAY and I rise today to speak about our shared concerns with language included in this year's National Defense Authorization Act, NDAA.

Section 578 of this year's National Defense Authorization Act, NDAA, is an inappropriate place from which to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

Legislative language is included in the NDAA this year that dictates disruptive policies on public schools that would create a complicated and confusing system where one school system follows established background checks under State or local law, while a neighboring county must now comply with a new unfunded Federal mandate. This language should not be included in the final version of this bill.

The U.S. Senate takes seriously the goal of ensuring the safety of the more than 50 million children in our 100,000 public schools, including federally connected children. These issues have been and should be discussed, debated, and legislated within the appropriate committees of jurisdiction. Measures related to education are within the jurisdiction of the Senate Health, Education, Labor, and Pensions Committee under Rule XXV of the Standing Rules of the Senate, as well as within the jurisdiction of the House Committee on Education and the Workforce under Rule X of the Rules of the House of Representatives for the 114th Congress.

So while it may be appropriate for the Armed Services Committee to dictate background check policies for the 172 schools operated by the Department of Defense, it is not appropriate to use the authorization bill for the Department of Defense to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

These 20,000 public schools, out of 100,000 total, are being singled out because they receive ''Impact Aid'' funds from the Federal Government under title VII of the Elementary and Secondary Education Act, ESEA, of 1965. The purpose of the program is to ''fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement.''

According to the Government Accountability Office, 46 States already require background checks of some kind for all public school employees, and 42 States have established professional standards or codes of conduct for school personnel. Section 578 of the NDAA would create confusion for all those States and localities, as they are forced to navigate two sets of potentially conflicting background checks policies.

As chairman and ranking members of the Senate HELP Committee, Senator MURRAY and I worked tirelessly last year to pass a long-overdue reauthorization of the Elementary and Secondary Education Act. Our law, called the Every Student Succeeds Act, addressed the issue of background checks.

I now want to yield to my colleague, Mrs. MURRAY, to speak on this issue.

Mrs. MURRAY. Mr. President, I thank the Chairman of the HELP Committee, Senator ALEXANDER, for his comments.

I share his concerns that section 578 of the National Defense Authorization Act bill is not the right way to ensure students can learn in safe and secure school environments, and will impose unfair and unreasonable requirements on more than 1,200 schools districts across the country. Criminal background checks are a critically important means to ensure that students are safe in our schools, and that is why they are required in 46 States. But the language of section 578 will force the 1,225 school districts that receive Impact Aid funds—and which are in almost every State—to have two separate criminal background check systems for different schools and different employees within a single school district. It is costly, duplicative, poorly conceived, and should not be part of a Defense authorization bill.

In my State of Washington 628 schools, about a quarter of our public schools, receive Impact Aid funds and would be subject to a separate expensive set of background checks that differs from the background checks already conducted. In the chairman's State, 571 schools receive Impact Aid funds and would be subject to this different standard. It is fundamentally unfair and not beneficial to students to ask our schools and our school districts to assume the costs of these checks, which are similar to but not exactly the same as those already conducted in our States.

Our highest priority is making sure students in schools across the country are protected. But I agree with the chairman that section 578 of the National Defense Authorization Act, NDAA, is not the right way to help schools effectively protect their students. As the Chairman already noted, the reauthorization of the Elementary and Secondary Education Act that occurred less than a year ago took a major step forward in protecting unsuspecting students and families from school employees suspected of abuse in previous positions. We incentivized schools and districts to report cases of suspected abuse to law enforcement and made it far more difficult for schools to quietly allow suspected abusers to seek employment in another State or school district. The amendment that provided those protections was adopted by a vote of 98–0.

While this was an important step forward, I continue to look for ways to build on it and continue our work making sure students are being protected most effectively. Unfortunately, rather than taking the important step of extending similar protections for students to schools operated by the Department of Defense, the bill instead overrides a comprehensive Department of Defense criminal background check regulation that provides strong new protections to students and is less than a year old. NDAA section 578 imposes a background check system with serious problems on DOD schools and then further extends that problematic background check system to non-Department of Defense schools all over the country.

Section 578 imposes a system of criminal background checks that prohibits people from working in any capacity in these schools if they have committed low-level offenses having nothing to do with violence or children. Unlike the laws in 29 States, as well as the new Department of Defense regulation, section 578 of the NDAA offers employees no way to demonstrate mitigating circumstances and requires that employees are terminated while appealing a finding, even though these records are often inaccurate or incomplete.

Section 578 is unnecessary, expensive, unfairly creates competing background check systems in States across the county and, most importantly, is not the right way to ensure our schools are safe. This provision is not within the jurisdiction of the Armed Services Committee, and I join the chairman in his position that it should not be included in the final bill.

Mr. President, I thank the Senator for engaging in the colloquy.

DACA 4-YEAR ANNIVERSARY

Mr. MENENDEZ. Mr. President, I wish to speak on this fourth anniversary of the Deferred Action for Childhood Arrivals Program, DACA, for all of the young men and young women it has helped bring out of the shadows—young men and woman who came to this country as children and, because of DACA, have had the security of temporary deportation relief and work authorization so they could achieve their full potential as young Americans.

I celebrate DACA's anniversary with great pride and tremendous hope. For years, I pushed hard to make this program a reality.

I have spoken directly—and frankly—to the President many times about granting long-overdue administrative relief to DREAMers, who are Americans in every way except for a piece of paper.

And 4 years ago, with the tireless advocacy of DREAMers and the power of their individual stories, with the help of the immigrant community, community leaders in cities and towns across America, and countless Members of Congress, the President took action and changed the lives of thousands of young men and women, allowing them to fully contribute to the country they call home—the only country they have ever known. DACA recipients are part of our communities in all 50 States.

New Jersey ranks ninth in the Nation, with over 34,000 approved DACA applications. These young people have been granted the most important thing they could have: the peace of mind that comes with temporary protection from deportation and the ability to work and contribute.

Since its inception, DACA has harnessed their talents in measurable ways and is a success today because of the President's bold Executive actions in June of 2012. In an immigration system as flawed as ours, DACA has been a beacon of hope, one shining light leading the way toward fairness, justice, and a better life for so many immigrants looking for a chance to succeed in America as Americans.

The numbers tell the story. DACA has been granted to approximately 728,000 young immigrants. It has strengthened our economy. A survey by the National Immigration Law Center and the Center for American Progress found that after obtaining DACA, more than two-thirds of recipients were able to secure a job with higher pay and their wages rose by an average of 45 percent.

Higher wages are not just good for DACA recipients, but for all Americans; it stimulates economic growth and translates into more tax revenue.

DACA has allowed young Americans to open bank accounts, get a driver's license, go to college, and prepare for a stable, economically secure, and financially solvent future for themselves and their families.

There is no question in my mind—and the numbers prove it—that DACA has been a model of success, and that success has been shaped by the courageous young men and women who decided to come forward, register with the government, subject themselves to a background check, work hard, and take advantage of every single opportunity that DACA provides.

These young men and women and their families represent who we are as a nation. They embody the spirit of American life, which has always been shaped by the hopes, dreams, and courage of those who have made this country their home.

In the absence of comprehensive immigration reform, DACA allows these young people to live with dignity and without the fear of deportation—the fear of being separated from their families. Now, they are our newest college students, teachers, and small business owners.

So here we are—with the perspective of 4 years of DACA success, 4 years of dreams fulfilled, potential reached—and proof that all of America benefits when an undocumented individual steps out of the shadows—proof that, when we give people a chance, they can make it on their own ingenuity, skill, and hard work, and they will not only contribute to the economy, but to the strength of America.

With the lessons of 4 years of DACA, it should be clear that we need to build upon DACA's success, not turn our backs on extending fair opportunities to those who are willing to work hard for them.

For many, the dream began with DACA. For others, the dream remains only a dream, delayed because of the politically motivated lawsuit of U.S. v. Texas. A case which has blocked the President's more recent Executive actions, Deferred Action for Parents of Americans and Legal Permanent Residents, DAPA, and expanded DACA from being implemented.

These new programs provide temporary relief from deportation and a work permit to parents of U.S. citizens and lawful permanent resident children and a larger group of DREAMers.

The case is currently before the Supreme Court, and we expect the Court to issue a decision this month.

I attended oral arguments on April 18 and remain hopeful that the Justices will see through the hate and the political theater, and that it will be clear that our Nation governs by its values, that we favor building bridges instead of walls.

And I am not alone in that hope. I was joined by 224 Members of Congress in filing an amicus brief outlining the legality and importance of implementing the President's DAPA and expanded DACA programs.

We felt the need to show our support for the President's actions while pushing back against the jingoism, isolationism, and xenophobia of those who insist on leaving millions of families, millions of parents of U.S. children stuck in the shadows.

With this case, the Supreme Court has an opportunity to do something positive: to provide temporary relief from deportation and a work permit to almost 4 million parents of U.S. citizens and lawful permanent residents.

It would allow the current DACA program to be expanded to benefit almost 300,000 more DREAMers. Combined, these programs would help almost 5 million immigrants waiting for a chance to come out of the shadows.

And we know, at the end of the day, when all is said and done, DAPA and expanded DACA have one dramatic impact that cannot be denied: They give young people and their parents the peace of mind every family deserves—to be able to build their lives together.

It is my sincere hope that the politics of what is happening in this lawsuit and with the immigration rhetoric in general will be abundantly clear to the Supreme Court and we will have a positive ruling that allows expanded DACA and DAPA to move forward, bring some order, and keep hard-working families together.

I believe the Supreme Court will agree that the President's Executive actions are within his legal authority, that they represent the very best of American values and a fundamental respect for family unity. This is a pivotal legal battle over what amounts to the basic humanity of American immigration policy. I am not exaggerating when I say that people's lives and families are at stake.

It is personal. I have spoken to police chiefs, teachers, religious leaders, moms and dads, and U.S. citizen children, and it is clear that these policies are just and humane to keep these families together.

Ultimately, the only way to fix our broken immigration system is for Congress to pass comprehensive immigration legislation. I will continue to fight for comprehensive immigration reform that will fix our Nation's broken immigration system once and for all, not just because it makes good economic sense, but because it is the right thing to do—because we are a nation of immigrants.

DACA's success should further encourage Congress to move forward, fortified by the conviction that comprehensive immigration reform is a fight worth fighting for.

But today I join my colleagues in commemorating DACA's anniversary as a day that marks 4 years of smart and successful policy, as a step in the right direction, and as a foundation upon which we can continue to build. The foundation that the Supreme Court should look to when ruling on DAPA and expanded DACA.

Let's work to extend the American Dream to all.

REMEMBERING MITCHELL WINEY

Mr. DONNELLY. Mr. President, today, I wish to honor West Point Cadet Mitchell Winey of Chesterton, IN, who tragically passed away along with eight other soldiers during a military training accident at Fort Hood, Texas, on June 2. He was 21 years old.

Mitchell was everything a parent hopes for in a son. He was kind, hard-working, and someone the community of Chesterton was proud to know. He was an honor roll student, captain of the soccer team, prom king, and class president for 4 years at Chesterton High School. Mitchell was a born leader, who lived his life in service to others. He was someone who inspired his friends and family to step outside of their comfort zones and try new things. He was also the friend who came home on leave and immediately visited a fellow student he used to tutor.

In 2013, I had the honor of nominating Mitchell for the U.S. Military Academy at West Point, after he came to my office seeking to fulfill his dream of serving our country and becoming a West Point cadet. In his application for an academy nomination, Mitchell wrote, ''Attending one of the United States' service academies will help me grow to be the best officer I could become. Through all the rigorous leadership, communication, and military training, any of the service academies would help me grow to not only be the best person I could be, but the best officer I could possibly be.''

At West Point, Mitchell was an emerging leader in his class and a dedicated cadet. Mitchell personified the ideals and values of West Point—duty, honor, and country—as he pursued a major in engineering management and excelled both academically and athletically as a member of the Ski Patrol and founding member of the newly formed freestyle ski team.

The loss of Mitchell is felt by West Point, Chesterton, and the State of Indiana. He touched many lives and left an impact on all who knew him. Mitchell will be remembered not only for his selfless service but for his positive attitude, contagious smile, caring nature, love of life, as well as for the love he had for his family, friends, and our country.

Mitchell is survived and deeply missed by his parents, Tim and Margo Winey, and his sister, Paige Winey-Scheuer. His loss is felt by his fellow cadets, the entire Chesterton community, and all who had the pleasure of knowing Mitchell. Let us always remember and emulate the shining example this dedicated, modest young man set for us, and honor him for his commitment to serving his fellow citizens. May God welcome Mitchell home and shed his grace on his family, friends, and fellow cadets.

ADDITIONAL STATEMENTS

225TH ANNIVERSARY OF CROYDON, NEW HAMPSHIRE

• Ms. AYOTTE. Mr. President, today I wish to honor Croydon, NH, a wonderful community in Sullivan County that is celebrating the 250th anniversary of its founding.

Croydon sits atop the plateaus between the Connecticut and Merrimack Rivers. The charter of Croydon was signed by Colonial Governor Benning Wentworth and witnessed by Theodore Atkinson on May 31, 1763. Named for a suburb of London, England, Croydon was incorporated and granted to 71 individuals.

In the spring of 1766, individuals hailing from Grafton, MA, made their way to Croydon to begin the settlement process. On June 10, 1766, the Chase family became the first family in Croydon. The first town meeting was held March 8, 1768, and since that time, the population has grown to include 764 residents as of the year 2010.

Known for its mountainous terrain, Croydon is home to many peaks and hills. Croydon Peak is the highest location in Sullivan County with an elevation of 2,756 feet, and it extends across the western portion of the town. Pine Hill lies in the eastern part. Due to Croydon's access to the Sugar River, the town is well-fertilized, which encouraged residents to become skilled in agriculture and raising cattle.

Croydon's most notable landmark is the ''Little Red School,'' which is reported to be the longest continuously operated one-room schoolhouse since the late 1700s. Little Red first opened in 1794 and today is the schoolhouse for the third and fourth grade classes.

In the year of 2016, we join together to honor the 250th anniversary of Croydon. Croydon has contributed greatly to the State of New Hampshire. I am proud to salute its citizens and recognize their accomplishments, their love of country, and their spirit of independence.●

TRIBUTE TO DANIELLE TA'SHEENA FINN

• Ms. HEITKAMP. Mr. President, I want to congratulate Danielle Ta'Sheena Finn, a resident of the great State of North Dakota, on being crowned the 2016–2017 Miss Indian World.

The Miss Indian World competition is the largest and most prestigious cultural pageant for young Native women and was recently held during the Gathering of Nations Powwow at the University of New Mexico in Albuquerque. Twenty-four contestants from across the United States and Canada were judged on public speaking, personal interview, talent presentation, traditional dance, and essay. Throughout the competition, contestants demonstrated an in-depth knowledge of their culture and tribal history. Danielle won ''Best Public Speaking'' and ''Best Personal Interview.'' Her traditional talent was an explanation, song, and dance of the Lakota Penny Dress.

Danielle is the first tribal member from the Standing Rock Sioux Tribe to be crowned Miss Indian World. At 25 years old, she is a 3rd-year law student at Arizona State University and will graduate a semester early in December. Danielle also has a degree in criminal justice and a minor in international

business from Minot State University. In 2014, the Center for Native American Youth recognized Danielle as a prestigious ''Champion for Change,'' which she achieved through a national nomination process for aspiring young Native leaders. Danielle also served as an intern in my Bismarck office where she displayed a sense of leadership. Through her internship, I had the opportunity to see firsthand the compassion she has for others and her eagerness to make a positive difference.

Danielle plans to use the platform of Miss Indian World to advocate for suicide prevention and higher education. As a speaker of her traditional Lakota language, Danielle also plans to advocate for Native language preservation. The National Congress of American Indians has declared Native languages to be in a state of emergency. According to the United Nations Organization for Education, Science, and Culture, 74 Native languages stand to disappear within the next decade. Equally alarming, scholars project that without immediate and persistent action, only 20 Native languages will still be spoken by 2050.

As Congress works to support Native youth and address their holistic needs that include behavioral and mental health issues, it is heartening to see Danielle be a strong voice in areas so critical to helping her tribe and community members succeed. I wish Danielle the best as she travels and advocates in her role as Miss Indian World, an ambassador for all tribal nations. It is truly a great honor to have such a talented young woman represent North Dakota and Indian Country on the world stage.●

MESSAGE FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5049. An act to provide for improved management and oversight of major multiuser research facilities funded by the National Science Foundation, to ensure transparency and accountability of construction and management costs, and for other purposes.

H.R. 5053. An act to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns.

MEASURES REFERRED

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

H.R. 5049. An act to provide for improved management and oversight of major multiuser research facilities funded by the National Science Foundation, to ensure transparency and accountability of construction and management costs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5053. An act to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5754. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clofentizine; Pesticide Tolerances'' (FRL No. 9942–23) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5755. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerances'' (FRL No. 9946–75) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Agriculture , Nutrition, and Forestry.

EC–5756. A communication from the Principal Deputy Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to a consolidated budget justification display that includes all programs and activities of the Department of Defense combating terrorism program (OSS–2016–0810); to the Committee on Armed Services.

EC–5757. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the global defense posture (OSS–2016–0830); to the Committee on Armed Services.

EC–5758. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC–5759. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to core depot-level maintenance and repair capability and sustaining workloads; to the Committee on Armed Services.

EC–5760. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Trade Acknowledgment and Verification of Security-Based Swap Transactions'' (RIN3235–AK91) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5761. A communication from the Regulatory Liaison, Office of Natural Resources Revenue, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties Inflation Adjustment'' (RIN1012–AA17) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Energy and Natural Resources.

EC–5762. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indiana; Ohio; Disapproval of Interstate Transport Requirements for the 2008 Ozone NAAQS'' (FRL No. 9947–71–Region 5) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5763. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit a State Implementation Plan; New Jersey; Interstate Transport Requirements for 2008 8-hour National Ambient Air Quality Standards for Ozone'' (FRL No. 9947–77–Region 2) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5764. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of California Air Plan Revisions, Eastern Kern Air Pollution Control District and Yolo-Solano Air Quality Management District'' (FRL No. 9946–38–Region 9) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5765. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia Infrastructure Requirements for the 2012 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9947–76–Region 3) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5766. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; UT; Revised format for Material Incorporated by Reference'' (FRL No. 9945–65–Region 8) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5767. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–008); to the Committee on Foreign Relations.

EC–5768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Argonne National Laboratory-West, Scoville, Idaho, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5769. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Lawrence Livermore National Laboratory, Livermore, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5770. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Idaho National Laboratory, Scoville, Idaho, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5771. A communication from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Purchase and

Usage of Weapons for 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–5772. A communication from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Public Assistance Program Alternative Procedures: Fiscal Year 2015 Report to Congress—Fourth Quarterly Status Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–5773. A communication from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Public Assistance Program Alternative Procedures: Fiscal Year 2015 Report to Congress—Third Quarterly Status Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–5774. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974; exemptions'' (RIN3095–AB91) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5775. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5776. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2015; to the Committee on Commerce, Science, and Transportation.

EC–5777. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Categorical Exclusions'' (RIN2132–AB29) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURR, from the Select Committee on Intelligence:

Report to accompany S. 3017, An original bill to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 114–277).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2017'' (Rept. No. 114–278).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

Coast Guard nomination of Rear Adm. Marshall B. Lytle III, to be Vice Admiral.

Coast Guard nomination of Vice Adm. Fred M. Midgette, to be Vice Admiral.

*Blair Anderson, of California, to be Under Secretary of Transportation for Policy.

*Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2020.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. NELSON (for himself and Mr. KIRK):

S. 3058. A bill to require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mr. SULLIVAN):

S. 3059. A bill to reauthorize and amend the John H. Prescott Marine Mammal Rescue and Response Grant Program and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Ms. HEITKAMP, Mr. PORTMAN, Mr. VITTER, Mr. GARDNER, Mr. ROBERTS, Mr. ISAKSON, Mr. JOHNSON, Mr. BENNET, and Mr. COONS):

S. 3060. A bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements; to the Committee on Finance.

By Mr. MANCHIN (for himself, Mr. KIRK, and Mr. PERDUE):

S. 3061. A bill to establish a national commission on fiscal responsibility and reform; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. TILLIS):

S. 3062. A bill to require the Federal Trade Commission to consider including smart grid capability on Energy Guide labels for products; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 207

At the request of Mr. MORAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 207, a bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes.

S. 314

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 425

At the request of Mr. BOOZMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 425, a bill to amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs.

S. 551

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 865

At the request of Mr. TESTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 865, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 1566

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

S. 1686

At the request of Ms. BALDWIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1686, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of personal service income earned in pass-thru entities.

S. 1737

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1737, a bill to provide an incentive for businesses to bring jobs back to America.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2390

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2390, a bill to provide adequate

protections for whistleblowers at the Federal Bureau of Investigation.

S. 2484

At the request of Mr. SCHATZ, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2484, a bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes.

S. 2736

At the request of Mr. THUNE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2736, a bill to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

S. 3034

At the request of Mr. CRUZ, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 3034, a bill to prohibit the National Telecommunications and Information Administration from allowing the Internet Assigned Numbers Authority functions contract to lapse unless specifically authorized to do so by an Act of Congress.

S. 3039

At the request of Mr. KING, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3039, a bill to support programs for mosquito-borne and other vector-borne disease surveillance and control.

S. 3053

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Oregon (Mr. WYDEN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 3053, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S.J. RES. 35

At the request of Mr. FLAKE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act'' .

S. CON. RES. 35

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

S. RES. 373

At the request of Ms. HIRONO, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. Res. 373, a resolution recognizing the historical significance of Executive Order 9066 and expressing the sense of the Senate that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be a repetition of the mistakes of Executive Order 9066 and contrary to the values of the United States.

S. RES. 482

At the request of Mr. RUBIO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

S. RES. 483

At the request of Mr. ALEXANDER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 483, a resolution designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Ms. HEITKAMP, Mr. PORTMAN, Mr. VITTER, Mr. GARDNER, Mr. ROBERTS, Mr. ISAKSON, Mr. JOHNSON, Mr. BENNET, and Mr. COONS):

S. 3060. A bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, for much of this Congress, I have been working on a bipartisan basis to correct a little understood provision in the Affordable Care Act, ACA, that punishes small businesses for attempting to help their employees purchase individual insurance.

That is right, this provision actually punishes businesses that want to do the right thing and help their employees obtain health insurance coverage.

This is a result of so-called market reforms in the ACA, which based on IRS guidance generally prohibit employers from reimbursing their employees for the cost of health insurance the employee purchases on the individual market. An employer who does do this faces a $100 a day per employee penalty.

This fails to meet the common sense test, particularly when it comes to farmers, ranchers, and small business owners who frequently do not have the resources to offer a traditional group health plan to their employees.

These businesses have no obligation under the ACA to offer any form of insurance. However, they would like to do what they can to help their employees obtain coverage. This is a practice that should be commended, not penalized.

This is why last June 1 introduced the Small Business Health Care Relief Act with Senator HEITKAMP. Under our bill, small businesses would once again be able to do something many have done for years. Namely, reimburse their employees on a pre-tax basis for the purchase of health insurance on the individual market.

Since introduction, Senator HEITKAMP and I have been working, along with Congressman BOUSTANY and THOMPSON in the House, with the Joint Committee on Taxation and Treasury to get feedback on our bill to ensure it works as intended.

I am pleased today to see that this hard work is starting to bear fruit. The Ways and Means Committee marked up and favorably reported to the full House a slightly revised version of our bill with bipartisan support.

In hopes of continuing this momentum, Senator HEITKAMP and I are reintroducing this revised version of the Small Business Health Care Relief Act in the Senate today.

This new version mainly makes improvements to the bill to ensure the bill will work as intended. Further, in order to address cost concerns, the bill imposes a generous limit on the amount an employer may provide to their employee to purchase individual insurance. This limit is set at $5,130 for individuals and $10,260 for a family. These amounts are indexed for inflation going forward.

I am pleased that our bill continues to have strong support from the small business community, including the National Association of Home Builders, the National Association for the Self-Employed, the National Federation of Independent Business, the Council for Affordable Health Coverage, the American Farm Bureau, and many more.

This legislation should be a no brainer for anyone who supports small business. I hope with today's action in the Ways and Means Committee, it is only a matter of time before this legislation becomes law. I urge all my colleagues to work with Senator HEITKAMP and me to see to it that this becomes a reality.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4685. Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

SA 4686. Mr. SHELBY proposed an amendment to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra.

SA 4687. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4688. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4689. Ms. MIKULSKI (for herself and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4690. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4691. Mr. MURPHY (for himself, Mr. SCHUMER, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4692. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4693. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4694. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4695. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4696. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4697. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4698. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4699. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4700. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4701. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4702. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4703. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4704. Mrs. FISCHER (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4705. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4706. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4707. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4708. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4709. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. BOOKER, Mr. UDALL, Mr . CARPER, Mr. MARKEY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. WARNER, Mr. KAINE, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. CASEY, Mr. BROWN, Mrs. GILLIBRAND, Mr. KING, Mr. SCHATZ, Ms. KLOBUCHAR, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4710. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4711. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4712. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4713. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4714. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4715. Mr. HELLER (for himself, Mr. VITTER, Mr. CRAPO, Mr. PAUL, Mr. LEE, and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4716. Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4717. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4718. Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4719. Ms. BALDWIN (for herself, Ms. MIKULSKI, Ms. HIRONO, Mr. SCHUMER, Mr. BOOKER, Mr. MERKLEY, Mr. BROWN, Mr. NELSON, Mrs. SHAHEEN, Mr. MARKEY, Mr. BENNET, Mr. SANDERS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. PETERS, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4720. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4685. Mr. MCCONNELL (FOR MR. SHELBY (for himself and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United

States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $495,000,000, to remain available until September 30, 2018, of which $12,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided*, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $112,500,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $215,000,000, to remain available until expended, of which $20,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $39,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $109,000,000, to remain available until September 30, 2018.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $270,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, $1,248,319,000, to remain available until September 30, 2018: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, $2,580,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $39,500,000, to remain available until September 30, 2018: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,230,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2017, so as to result in a fiscal year 2017 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2017, should the total amount of such offsetting collections be less than $3,230,000,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $3,230,000,000 in fiscal year 2017 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office ''Salaries and Expenses'' account: *Provided further*, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2017 for official reception and representation expenses: *Provided further*, That in fiscal year 2017 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, $2,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with

carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), $700,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $155,000,000, to remain available until expended, of which $130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $25,000,000 shall be for the National Network for Manufacturing Innovation.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $119,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,339,376,000, to remain available until September 30, 2018, except that funds provided for cooperative enforcement shall remain available until September 30, 2019: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, $130,164,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: *Provided further*, That of the $3,487,040,000 provided for in direct obligations under this heading, $3,339,376,000 is appropriated from the general fund, $130,164,000 is provided by transfer and $17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $230,050,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $2,286,853,000, to remain available until September 30, 2019, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: *Provided*, That of the $2,299,853,000 provided for in direct obligations under this heading, $2,286,853,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, $1,302,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2018: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2017, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $58,000,000: *Provided*, That within amounts provided, the Secretary of Commerce may use up to $2,500,000 to engage in activities to provide businesses and communities with information about and referrals to relevant Federal, State, and local government programs.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of Department of Commerce facilities, $12,224,000, to remain available until expended: *Provided*, That unobligated balances of available discretionary funds appropriated for the Department of Commerce in this Act or previous appropriations Acts may be transferred to, and merged with, this account: *Provided further*, That any such funds appropriated in prior appropriations Acts transferred pursuant to the authority in the preceding proviso shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided in the first proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the authority provided under this heading shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $32,744,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries

and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2017: *Provided*, That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $10,150,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.).

SEC. 110. None of the funds appropriated or otherwise made available in this Act may be used in contravention of section 110 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 (Public Law 114–113).

SEC. 111. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' and shall remain available until September 30, 2019, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 112. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the U.S. Census Bureau, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

SEC. 113. No funds appropriated or otherwise made available in this Act may be used by the Department of Commerce Office of General Counsel during the time period in which the Department of Commerce Office of Inspector General has notified the Committees on Appropriations of the House of Representatives and the Senate that any component within the Department of Commerce is not in compliance with section 536 of this Act.

This title may be cited as the ''Department of Commerce Appropriations Act, 2017''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $114,124,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $50,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to $35,400,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $426,791,000 of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account: *Provided*, That of the amount available for the Executive Office for Immigration Review, not to exceed $15,000,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $95,583,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $13,308,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $893,000,000, of which not to exceed $20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $9,358,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $164,977,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $125,000,000 in fiscal year 2017), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2017, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at $39,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $2,030,000,000: *Provided*, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $225,908,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees collected pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees collected in fiscal year 2017, net of amounts necessary to pay refunds due depositors, exceed $225,908,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2017, net of amounts necessary to pay refunds due depositors, (estimated at $163,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,374,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $13,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, $14,446,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,249,040,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $10,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,454,414,000, to remain available until expended: *Provided*, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading ''General Administration, Detention Trustee'' shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, $95,000,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, recognized transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in recognized transnational organized crime and drug trafficking, $512,000,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,617,133,000, of which not to exceed $216,900,000 shall remain available until expended: *Provided*, That not to exceed $184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $833,982,000, to remain available until expended: *Provided*, That $646,000,000 shall be for the construction of the new Federal Bureau of Investigation consolidated headquarters facility in the National Capital Region.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,102,976,000, of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,258,600,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,978,500,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2018: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $113,022,000, to remain available until expended, of which not less than $99,022,000 shall be available only for modernization, maintenance, and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) (''the 2015 Act''); and for related victims services, $481,500,000, to remain available until expended, of which $379,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act (except that section 8(e) of Public Law 108–79 (42 U.S.C. 15607(e)) shall not apply for purposes of this Act);

(2) $30,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(4) $11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) $53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative and $4,000,000 is for a domestic violence firearm lethality reduction initiative;

(6) $35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $35,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including

as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(15) $500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) $4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) $1,500,000 for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $118,000,000, to remain available until expended, of which—

(1) $41,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act;

(2) $36,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act;

(3) $36,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act; and

(4) $5,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which $4,000,000 is for transfer to the National Institute of Standards and Technology to support Scientific Area Committees.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $1,183,649,000, to remain available until expended as follows—

(1) $384,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $15,000,000 is for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), $10,000,000 is for an initiative to support evidence-based policing, $2,500,000 is for an initiative to enhance prosecutorial decision-making, $1,000,000 is for competitive grants to distribute firearm safety materials and gun locks, $2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, and $5,000,000 is for a national training initiative to improve police-based responses to people with mental illness or developmental disabilities;

(2) $100,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $47,649,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) $43,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(5) $11,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(6) $14,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(7) $2,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(8) $14,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(9) $2,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(10) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(11) $8,000,000 for an initiative relating to children exposed to violence;

(12) $22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(13) $1,000,000 for the National Sex Offender Public Website;

(14) $6,500,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(15) $75,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than $25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(16) $13,500,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(17) $125,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and federal forensic activities for the purposes described in section 2 of Public Law 106–546 as amended (the Debbie Smith DNA Backlog Grant Program) of which—

(A) $117,000,000 is for grants to crime laboratories for purposes under 42 USC 14135, section (a). Other funds under this section may be used to support training programs that are specific to the needs of DNA laboratory personnel and for programs outlined in sections 303, 304, 305, and 308 of Public Law 108–405, as amended;

(B) $4,000,000 is for the Kirk Bloodsworth Post-Conviction DNA Testing Program as authorized by section 412 and 413 of Public Law 108–405; and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108–405, as amended.

(18) $45,000,000 for a grant program for community-based sexual assault response reform;

(19) $9,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(20) $75,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, $5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and $4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(21) $6,000,000 for a veterans treatment courts program;

(22) $14,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(23) $75,000,000 for the Comprehensive School Safety Initiative: *Provided*, That section 213 of this Act shall not apply with respect to the amount made available in this paragraph; and

(24) $70,000,000 for initiatives to improve police-community relations, of which $22,500,000 is for a competitive matching

grant program for purchases of body-worn cameras for State, local and tribal law enforcement, $25,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, $17,500,000 is for an Edward Byrne Memorial criminal justice innovation program, and $5,000,000 is for a nationwide incident-based crime statistics program:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other juvenile justice programs, $272,000,000, to remain available until expended as follows—

(1) $63,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) $75,000,000 for youth mentoring grants;

(3) $27,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(C) $500,000 shall be for an Internet site providing information and resources on children of incarcerated parents; and

(D) $2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(4) $21,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) $8,000,000 for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence;

(6) $73,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(7) $2,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(8) $2,500,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (4) and (7) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''), $215,000,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) $11,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $187,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph, $30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: *Provided further*, That of the amounts appropriated under this paragraph, $10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That within the amounts appropriated under this paragraph, $10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701;

(3) $7,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) $10,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for

inmate training, religious, or educational programs.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the report accompanying this Act, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings ''Research, Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance;

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs; and

(3) up to 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading ''State and Local Law Enforcement Assistance''; or

(B) under the headings ''Research, Evaluation, and Statistics'' and ''Juvenile Justice Programs'', to be transferred to and merged with funds made available under the heading ''State and Local Law Enforcement Assistance'', shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2014 through 2017 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w–2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q–3), the requirements under section 2904 of such part.

(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2017.

SEC. 217. In addition to any other transfer authority available to the Department of Justice, for fiscal years 2017 through 2022, unobligated balances available in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) may be transferred to the ''Federal Bureau of Investigation, Construction'' account, to remain available until expended for the construction of the new Federal Bureau of Investigation headquarters in the National Capital Region: *Provided*, That the cumulative total amount of funds transferred from the Working Capital Fund from fiscal year 2017 through 2022 pursuant to this section shall not exceed $315,000,000: *Provided further*, That transfers pursuant to this section shall not count against any ceiling on the use of unobligated balances transferred to the capital account of the Working Capital Fund in this or any other Act in any such fiscal year.

This title may be cited as the ''Department of Justice Appropriations Act, 2017''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,555,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,395,000,000, to remain available until September 30, 2018: *Provided*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $601,000,000, to remain available until September 30, 2018.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $686,500,000, to remain available until September 30, 2018: *Provided*, That $130,000,000 shall be for the RESTORE satellite servicing program for continuation of formulation and development activities for RESTORE and such funds shall not support activities solely needed for the asteroid redirect mission.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance

and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,330,000,000, to remain available until September 30, 2018: *Provided*, That not less than $1,300,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than $2,150,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously: *Provided further*, That of the amounts provided for SLS, not less than $300,000,000 shall be for Exploration Upper Stage development: *Provided further*, That $484,000,000 shall be for exploration ground systems: *Provided further*, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated budget that includes the Space Launch System, the Orion Multi-Purpose Crew Vehicle, and associated ground systems, that will meet the Exploration Mission 2 (EM–2) management agreement launch date of no later than 2021 at a success level equal to the Agency Baseline Commitment for EM–2 of the Orion Multi-Purpose crew vehicle: *Provided further*, That $396,000,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,950,700,000, to remain available until September 30, 2018.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $108,000,000, to remain available until September 30, 2018, of which $18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,796,700,000, to remain available until September 30, 2018.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $400,000,000, to remain available until September 30, 2022: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2017 in an amount not to exceed $9,470,300: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $38,100,000, of which $500,000 shall remain available until September 30, 2018.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $6,033,645,000, to remain available until September 30, 2018, of which not to exceed $544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $246,573,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $880,000,000, to remain available until September 30, 2018.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $330,000,000: *Provided*, That not to exceed $8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2017 for maintenance and operation of facilities and for other services to be provided during the next fiscal year: *Provided further*, That of the amount provided for costs associated with the acquisition, occupancy, and related costs of new headquarters space, not more than $40,770,000 shall remain available until expended.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,370,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $15,200,000, of which $400,000 shall remain available until September 30, 2018.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the ''Science Appropriations Act, 2017''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,200,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $364,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $88,500,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $395,000,000, of which $362,000,000 is for basic field programs and required independent audits; $4,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $19,400,000 is for management and grants oversight; $4,000,000 is for client self-help and information technology; $4,000,000 is for a Pro Bono Innovation Fund; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2016 and 2017, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,431,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $59,376,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2018: *Provided*, That not to exceed $2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term ''promotional items'' has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and

Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of $2,957,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation, $10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes: *Provided further*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation, 5 percent shall be available for grants to Indian tribal governments to improve services and justice for victims of crime.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 515. None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, ''Standards for Security Categorization of Federal Information and Information Systems'' unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact information systems within the Federal Government and against international standards and guidelines, including those developed by NIST;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

(3) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 518. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 524. (a) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2017, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $289,743,000;

(2) ''Federal Bureau of Investigation, Salaries and Expenses'', $181,191,000;

(3) ''State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs'', $5,000,000;

(4) ''State and Local Law Enforcement Activities, Office of Justice Programs'', $20,000,000;

(5) ''State and Local Law Enforcement Activities, Community Oriented Policing Services'', $10,000,000;

(6) ''Legal Activities, Assets Forfeiture Fund'', $304,000,000 of which $152,000,000 is permanently rescinded;

(7) ''United States Marshals Service, Federal Prisoner Detention'', $24,000,000; and

(8) ''Drug Enforcement Administration, Salaries and Expenses'', $6,192,000.

(b) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2017, specifying the amount of each rescission made pursuant to subsections (a) and (b).

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 528. (a) None of the funds appropriated or otherwise made available in this Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and 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 effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 529. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 530. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 531. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 532. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 533. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 534. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 535. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 536. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's

access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 537. None of the funds made available in this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

SEC. 538. None of the funds made available under this Act may be used by the Department of Justice to prevent a State from implementing its own State laws that authorize the use, distribution, possession, or cultivation of industrial hemp, as defined in section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940).

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017''.

SA 4686. Mr. SHELBY proposed an amendment to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 23, beginning on line 15, strike ''U.S. Census Bureau,'' and insert ''Bureau of the Census,''.

SA 4687. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Bureau of the Census to conduct a decennial census that does not contain questions to ascertain United States citizenship and immigration status.

SA 4688. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ____. None of the funds made available in this Act may be provided to a State or local government or a private or nonprofit entity for employment or contracting, or for the provision of a program or activity or public accommodation, if the government or entity (including any subrecipient) uses any of such funds in a manner that discriminates against individuals on the basis of sexual orientation or gender identity, in administering, supervising, or performing the employment, contracting, or provision involved.

SA 4689. Ms. MIKULSKI (for herself and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. (a) In addition to the amounts provided under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title, $175,000,000 for personnel, training, and equipment needed to counter both foreign and domestic terrorism, including lone wolf actors: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) In addition to the amounts provided under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $15,000,000 for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR): *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4690. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Equal Employment Opportunity Commission for the ''collection of information'', as defined in section 3502(3)(A) of title 44, United States Code, from employers as set forth in the notice entitled ''Agency Information Collection Activities: Revision of the Employer Information Report (EEO–1) and Comment Request'', published by the Commission (81 Fed. Reg. 5113 (February 1, 2016)) or for any final ''collection of information'' related to such notice.

SA 4691. Mr. MURPHY (for himself, Mr. SCHUMER, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

TITLE VI—FIXING GUN CHECKS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Fix Gun Checks Act of 2016''.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 611. PENALTIES FOR STATES THAT DO NOT MAKE DATA ELECTRONICALLY AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

''(b) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Within 1 year after the date of the enactment of this subsection, the Attorney General, in coordination with the States, shall establish, for each State or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting of records or making of records available to the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act, during a 4-year period specified in the plan.

''(2) BENCHMARK REQUIREMENTS.—Each such plan shall include annual benchmarks, including qualitative goals and quantitative measures, to enable the Attorney General to assess implementation of the plan.

''(3) PENALTIES FOR NONCOMPLIANCE.—

''(A) IN GENERAL.—During the 4-year period covered by such a plan, the Attorney General shall withhold the following percentage of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the following year in the period:

''(i) 10 percent, in the case of the 1st year in the period.

''(ii) 11 percent, in the case of the 2nd year in the period.

''(iii) 13 percent, in the case of the 3rd year in the period.

''(iv) 15 percent, in the case of the 4th year in the period.

''(B) FAILURE TO ESTABLISH A PLAN.—A State with respect to which a plan is not established under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2).''.

SEC. 612. REQUIREMENT THAT FEDERAL AGENCIES CERTIFY THAT THEY HAVE SUBMITTED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM ALL RECORDS IDENTIFYING PERSONS PROHIBITED FROM PURCHASING FIREARMS UNDER FEDERAL LAW.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

''(F) SEMIANNUAL CERTIFICATION AND REPORTING.—

''(i) IN GENERAL.—The head of each Federal department or agency shall submit to the

Attorney General a written certification indicating whether the department or agency has provided to the Attorney General the pertinent information contained in any record of any person that the department or agency was in possession of during the time period addressed by the certification demonstrating that the person falls within a category described in subsection (g) or (n) of section 922 of title 18, United States Code.

''(ii) SUBMISSION DATES.—The head of a Federal department or agency shall submit a certification under clause (i)—

''(I) not later than July 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on January 1 of the year and ending on June 30 of the year; and

''(II) not later than January 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on July 1 of the previous year and ending on December 31 of the previous year.

''(iii) CONTENTS.—A certification required under clause (i) shall state, for the applicable period—

''(I) the number of records of the Federal department or agency demonstrating that a person fell within each of the categories described in section 922(g) of title 18, United States Code;

''(II) the number of records of the Federal department or agency demonstrating that a person fell within the category described in section 922(n) of title 18, United States Code; and

''(III) for each category of records described in subclauses (I) and (II), the total number of records of the Federal department or agency that have been provided to the Attorney General.''.

SEC. 613. ADJUDICATED AS A MENTAL DEFECTIVE.

(a) IN GENERAL.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'adjudicated as a mental defective' shall—

''(A) have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto; and

''(B) include an order by a court, board, commission, or other lawful authority that a person, in response to mental illness, incompetency, or marked subnormal intelligence, be compelled to receive services—

''(i) including counseling, medication, or testing to determine compliance with prescribed medications; and

''(ii) not including testing for use of alcohol or for abuse of any controlled substance or other drug.

''(37) The term 'committed to a mental institution' shall have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto.''.

(b) LIMITATION.—An individual who has been adjudicated as a mental defective before the date that is 180 days after the date of enactment of this Act may not apply for relief from disability under section 101(c)(2) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) on the basis that the individual does not meet the requirements in section 921(a)(36) of title 18, United States Code, as added by subsection (a).

(c) NICS IMPROVEMENT AMENDMENTS ACT OF 2007.—Section 3 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking paragraph (2) and inserting the following:

''(2) MENTAL HEALTH TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the meanings given the terms in section 921(a) of title 18, United States Code.

''(B) EXCEPTION.—For purposes of sections 102 and 103, the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the same meanings as on the day before the date of enactment of the Fix Gun Checks Act of 2016 until the end of the 2-year period beginning on such date of enactment.''.

SEC. 614. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note), as amended by section 612 of this Act, is amended by adding at the end the following:

''(G) APPLICATION TO FEDERAL COURTS.—In this paragraph—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.''.

Subtitle B—Requiring a Background Check for Every Firearm Sale

SEC. 621. PURPOSE.

The purpose of this subtitle is to extend the Brady Law background check procedures to all sales and transfers of firearms.

SEC. 622. FIREARMS TRANSFERS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by striking subsection (s) and redesignating subsection (t) as subsection (s);

(2) in subsection (s), as so redesignated—

(A) in paragraph (3)(C)(ii), by striking ''(as defined in subsection (s)(8))''; and

(B) by adding at the end the following:

''(7) In this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.''; and

(3) by inserting after subsection (s), as so redesignated, the following:

''(t)(1) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s). Upon taking possession of the firearm, the licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

''(2) Paragraph (1) shall not apply to—

''(A) a transfer of a firearm by or to any law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

''(B) a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, or between grandparents and their grandchildren;

''(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

''(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm;

''(E) a transfer that is approved by the Attorney General under section 5812 of the Internal Revenue Code of 1986; or

''(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively—

''(i) at a shooting range or in a shooting gallery or other area designated and built for the purpose of target shooting;

''(ii) while hunting, trapping, or fishing, if the hunting, trapping, or fishing is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for such hunting, trapping, or fishing; or

''(iii) while in the presence of the transferor.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of such title is amended in the matter preceding subparagraph (A), by striking '', (g)(5)(B), and (s)(3)(B)(v)(II)'' and inserting ''and (g)(5)(B)''.

(2) SECTION 925A.—Section 925A of such title is amended in the matter preceding paragraph (1), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect 180 days after the date of the enactment of this Act.

SEC. 623. LOST AND STOLEN REPORTING.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(aa) It shall be unlawful for any person who lawfully possesses or owns a firearm that has been shipped or transported in, or has been possessed in or affecting, interstate or foreign commerce, to fail to report the theft or loss of the firearm, within 48 hours after the person discovers the theft or loss, to the Attorney General and to the appropriate local authorities.''.

(b) PENALTY.—Section 924(a)(1)(B) of such title is amended to read as follows:

''(B) knowingly violates subsection (a)(4), (f), (k), (q), or (aa) of section 922;''.

SA 4692. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike ''$100,000,000'' and insert ''$950,000,000''.

On page 68, between lines 20 and 21, insert the following:

SEC. 218. Of the unobligated balances in the Prevention and Public Health Fund established under section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11), $850,000,000 is hereby rescinded.

SA 4693. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to develop or implement the Supplemental Poverty Measure described in the notice and solicitation of comments of the Bureau of the Census published on May 26, 2010 (75 Fed. Reg. 29513).

SA 4694. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 5____. None of the funds made available under this Act may be used by the Department of Justice to enforce the Fair Housing Act (42 U.S.C. 3601 et seq.) in a manner that relies upon an allegation of liability under section 100.500 of title 24, Code of Federal Regulations, or any successor regulation.

SA 4695. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 22.

SA 4696. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 20 through 24 and insert the following:

''services, $25,000,000, to remain available until expended, for the National Network for Manufacturing Innovation.''.

SA 4697. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. It is the sense of Congress that—

(1) the Attorney General should investigate the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') and the employees and contractors of the Environmental Protection Agency for violations of criminal law in connection with the Gold King Mine disaster, including at a minimum—

(A) any criminal violation of Federal environmental law;

(B) criminal negligence;

(C) obstruction of proceedings under section 1505 of title 18, United States Code;

(D) obstruction of a Federal audit under section 1516 of title 18, United States Code; and

(E) false statements under section 1001 of title 18, United States Code;

(2) on August 5, 2015, the activities of the Administrator at the Gold King Mine in the State of Colorado caused a 3,000,000-gallon acidic plume of lead, mercury, arsenic, and other metals to flow into the Animas River in Colorado and the San Juan River near Farmington, New Mexico;

(3) the Gold King Mine disaster devastated an estimated 1,500 farms located within the Navajo Nation because the spill contaminated and interrupted water supplies and damaged the crops, soil, livestock, wildlife, irrigation, and drinking water that are critical to the Navajo Nation;

(4) a technical evaluation of the Gold King Mine disaster, led by the Secretary of the Interior and dated October 2015—

(A) found that the Administrator failed to conduct necessary water pressure testing on the Gold King Mine;

(B) was initially rejected by a peer reviewer based on reservations of the peer reviewer regarding the chronology of key events and internal communications provided by the Administrator; and

(C) was amended 2 months after the date on which the technical evaluation was initially rejected with a statement by the Administrator that contains an inconsistent account relating to the actions of employees of the Environmental Protection Agency; and

(5) as of the date of enactment of this Act, the resources and reimbursements provided by the Administrator to the Navajo Nation are insufficient to address the devastation of the economic, agricultural, and cultural centers of the Navajo Nation caused by the Gold King Mine disaster.

SA 4698. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 13, insert '': *Provided*, That of the grants awarded through such section 27, up to $1,200,000 may be awarded to university incubators eligible to participate in the Experimental Program to Stimulate Competitive Research of the National Science Foundation'' after ''27''.

SA 4699. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF JUSTICE.

(a) STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $240,000,000, to remain available until expended, to the Department of Justice for State law enforcement initiatives (which shall include a 30 percent pass-through to localities) under the Edward Byrne Memorial Justice Assistance Grant program, as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (except that section 1001(c) of such Act (42 U.S.C. 3793(c)) shall not apply for purposes of this Act), to be used, notwithstanding such subpart 1, for a comprehensive program to combat the heroin and opioid crisis, and for associated criminal justice activities, including approved treatment alternatives to incarceration: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.—In addition to any other amount for ''Community Oriented Policing Services Programs'' for competitive grants to State law enforcement agencies in States with high rates of primary treatment admissions for heroin or other opioids, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4700. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF JUSTICE.

(a) STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $240,000,000, to remain available until expended, to the Department of Justice for State law enforcement initiatives (which shall include a 30 percent pass-through to localities) under the Edward Byrne Memorial Justice Assistance Grant program, as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (except that section 1001(c) of such Act (42 U.S.C. 3793(c)) shall not apply for purposes of this Act), to be used, notwithstanding such subpart 1, for a comprehensive program to combat the heroin and opioid crisis, and for associated criminal justice activities, including approved treatment alternatives to incarceration: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.—In addition to any other amount for ''Community Oriented Policing Services Programs'' for competitive grants to State law enforcement agencies in States with high rates of primary treatment admissions for heroin or other opioids, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal

year 2017, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SEC. _____. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—In addition to any amounts otherwise made available for ''Substance Abuse Treatment'', there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $300,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)): *Provided further*, That of the amount provided—

(1) $285,000,000 is for the Substance Abuse Prevention and Treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act;

(2) $10,000,000 is for the Medication Assisted Treatment for Prescription Drug and Opioid Addiction program of the Programs of Regional and National Significance within the Center for Substance Abuse Treatment; and

(3) $5,000,000 is for the Recovery Community Services program of the Programs of Regional and National Significance within the Center for Substance Abuse Treatment.

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $50,000,000, to remain available until expended, to the Centers for Disease Control and Prevention of the Department of Health and Human Services, for prescription drug monitoring programs, community health system interventions, and rapid response projects: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4701. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. None of the funds made available by this Act may be used—

(1) to conduct an audit of—

(A) all Federal water contract violations in multi-State water basins since 2005; and

(B) any contract violation notification the Department of Justice has received from the Secretary of the Army regarding all multi-State river basins since 2005;

(2) to develop and submit a record of how the Department of Justice has handled the violations and notifications described in subparagraphs (A) and (B) of paragraph (1);

(3) to develop and implement a comprehensive plan to enforce Federal law and respond to the violations described in subparagraphs (A) and (B) of paragraph (1);

(4) to issue or submit a report relating to the violations described in subparagraphs (A) and (B) of paragraph (1); or

(5) to enter into an agreement with the Secretary of the Army to receive notifications relating to the violations described in subparagraphs (A) and (B) of paragraph (1).

SA 4702. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. Notwithstanding any other provision of law, the provision of Senate Report 114–239 (April 21, 2016) relating to Federal water usage violations shall have no force or effect of law.

SA 4703. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. None of the funds appropriated under this Act may be used for the Department of Justice to participate in, or carry out actions arising from, the Department of Education's Interagency Task Force of For-Profit Institutions of Higher Education or the enforcement working group associated with the Interagency Task Force.

SA 4704. Mrs. FISCHER (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. None of the funds appropriated or otherwise made available for the immediate Office of the Deputy Attorney General under the heading ''SALARIES AND EXPENSES'' under the heading ''GENERAL ADMINISTRATION'' under this title may be obligated or expended until the date on which the Deputy Attorney General submits to Congress a plan for the Department of Justice to monitor the effects of the licensing of the cultivation, processing, distribution, and retail sale of marijuana or marijuana products under State law on the marijuana enforcement policies of the Federal Government, including preventing the distribution of marijuana to minors, preventing the diversion of marijuana to States where it remains illegal under State law, and preventing the exacerbation of public health consequences associated with marijuana use, in accordance with the 2013 marijuana enforcement policy guidance of the Department of Justice, which shall include—

(1) a description of the various data the Deputy Attorney General will use to monitor such effects and the limitations of this data;

(2) a description of how the Deputy Attorney General will use the information sources in its monitoring efforts to help inform decisions on whether States are effectively protecting the marijuana enforcement priorities of the Federal Government, including the use, if any, of pre-established metrics; and

(3) a description of how the Deputy Attorney General will decide whether a State's failure to effectively protect these priorities necessitates Federal action to challenge a State's regulatory system.

SA 4705. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) The Department of Justice shall condition the receipt of funds made available to State and local law enforcement agencies on the agency adopting a policy prohibiting the use of race, color, religion, national origin, sex, sexual orientation, and gender identity as a factor in its law enforcement activities, except with respect to suspect-specific information that includes a racial, ethnic, religious or other protected category identifier.

(b) The State and local law enforcement policies described in subsection (a) shall be consistent with the memorandum issued by the Department of Justice on December 2014 entitled ''Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity''.

(c) The Department of Justice shall have the authority to engage in compliance reviews of State and local law enforcement agencies in terms of implementation of the guidance described in subsection (b).

(d) The Department of Justice shall submit to Congress a report on its efforts to systematically train State and local law enforcement agencies to comply with the guidance described in subsection (b), including providing model policies and model training manuals.

SA 4706. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Department of Justice shall condition the receipt of funds made available to State and local law enforcement agencies on the agency collecting data on the use of race, ethnicity, gender, national origin, or religion in its law enforcement activities.

SA 4707. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year

ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Department of Justice shall—

(1) instruct the Bureau of Prisons to take administrative steps immediately to provide information to incarcerated individuals regarding voting rights restoration upon release and return to their home State;

(2) instruct United States attorneys to provide notice to defendants in Federal criminal cases regarding the loss of their right to vote as a result of a plea agreement to any disfranchising crime, whether misdemeanor or felony; and

(3) not later than 180 days after the date of enactment of this Act, submit to Congress a report that includes findings on the disproportionate impact of criminal disenfranchisement laws on minority populations, including data on disfranchisement rates by race and ethnicity.

SA 4708. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 24, insert ''$5,000,0000 is for emergency law enforcement assistance, as authorized by section 609M of the Justice Assistance Act of 1984 (42 U.S.C. 10513),'' after ''subpart 1,''.

SA 4709. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. BOOKER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. WARNER, Mr. KAINE, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. CASEY, Mr. BROWN, Mrs. GILLIBRAND, Mr. KING, Mr. SCHATZ, Ms. KLOBUCHAR, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORITY TO DENY TRANSFERS OF FIREARMS TO TERRORISTS.

Hereafter, the Attorney General may deny the transfer of a firearm if the Attorney General determines, based on the totality of the circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources thereof. A denial described in this section shall be subject to the remedial procedures set forth in section 103(g) of Public Law 103–159 (18 U.S.C. 922 note) and the intended transferee may pursue a remedy for an erroneous denial of a firearm under section 925A(1) of title 18, United States Code. Such remedial procedures and judicial review shall be subject to procedures that may be developed by the Attorney General to prevent the disclosure of information that would likely compromise national security or ongoing law enforcement operations, consistent with due process. The Attorney General shall establish, within the amounts appropriated, procedures to ensure that, if an individual who is, or within the previous 5 years has been, under investigation for conduct related to a Federal crime of terrorism, as defined in section 2332b(g)(5) of title 18, United States Code, attempts to purchase a firearm, the Attorney General or a designee of the Attorney General shall be promptly notified of the attempted purchase.

SA 4710. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The Bureau of the Census shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the efforts of the Bureau of the Census to evaluate and, where possible, reduce the number of questions included in the Management and Organizational Practices Survey, and the steps being taken to ensure that the Survey is conducted as efficiently and unobtrusively as possible.

SA 4711. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 25, strike ''$1,248,319,000,'' and insert ''$1,100,319,000,''.

SA 4712. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON GAPS IN NEXRAD COVERAGE AND REQUIREMENT FOR PLAN TO ADDRESS SUCH GAPS.

(a) STUDY ON GAPS IN NEXRAD COVERAGE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (referred to in this section as ''NEXRAD'').

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States with limited or no NEXRAD coverage below 6,000 feet above ground level of the surrounding terrain, particularly metropolitan areas lacking sufficient NEXRAD coverage;

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including Terminal Doppler Weather Radar (commonly known as ''TDWR''), air surveillance radars of the Federal Aviation Administration, and cooperative network observers; and

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(C) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(D) identify options to improve radar coverage in the areas identified under subparagraph (A); and

(E) estimate the cost of, and develop a timeline for, carrying out each of the options identified under subparagraph (D).

(3) REPORT.—Upon the completion of the study required under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the findings of the Secretary with respect to the study.

(b) PLAN TO IMPROVE RADAR COVERAGE.—Not later than 30 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit a plan to the congressional committees referred to in subsection (a)(3) for improving radar coverage in the areas identified under subsection (a)(2)(A) by integrating and upgrading, to the extent practicable, additional observation solutions to improve hazardous weather detection and forecasting.

(c) REQUIREMENT FOR THIRD-PARTY REVIEWS REGARDING PLAN TO IMPROVE RADAR COVERAGE.—The Secretary of Commerce shall seek third-party reviews on scientific methodology relating to, and the feasibility and advisability of, implementing the plan submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional NEXRAD coverage.

SA 4713. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BRUNSWICK COUNTY.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purpose of the delineation of metropolitan statistical areas, the Director of the Office of Management and Budget shall consider Brunswick County, North Carolina to be part of the same metropolitan statistical area that contains Wilmington, North Carolina.

(b) SUNSET.—Subsection (a) shall cease to be effective on January 1, 2021.

SA 4714. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NO BUDGET, NO PAY.

(a) SHORT TITLE.—This section may be cited as the ''No Budget, No Pay Act''.

(b) DEFINITION.—In this section, the term ''Member of Congress''—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

(c) TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.—If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

(d) NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e).

(2) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e), at any time after the end of that period.

(e) DETERMINATIONS.—

(1) SENATE.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under clause (i) and (ii) of subparagraph (B).

(B) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Senators may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Senators may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Secretary of the Senate.

(2) HOUSE OF REPRESENTATIVES.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under clauses (i) and (ii) of subparagraph (B).

(B) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Members of the House of Representatives may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Chief Administrative Officer of the House of Representatives.

(f) EFFECTIVE DATE.—This section shall take effect on February 1, 2017.

SA 4715. Mr. HELLER (for himself, Mr. VITTER, Mr. CRAPO, Mr. PAUL, Mr. LEE, and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. None of the funds made available in this Act may be used to carry out the program known as ''Operation Choke Point''.

SA 4716. Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

TITLE VI—PUBLIC SAFETY AND SECOND AMENDMENT RIGHTS PROTECTION ACT

SECTION 601. SHORT TITLE.

This title may be cited as the ''Public Safety and Second Amendment Rights Protection Act of 2016''.

SEC. 602. FINDINGS.

Congress finds the following:

(1) Congress supports, respects, and defends the fundamental, individual right to keep and bear arms guaranteed by the Second Amendment to the Constitution of the United States.

(2) Congress supports and reaffirms the existing prohibition on a national firearms registry.

(3) Congress believes the Department of Justice should prosecute violations of background check requirements to the maximum extent of the law.

(4) There are deficits in the background check system in existence prior to the date of enactment of this Act and the Department of Justice should make it a top priority to work with States to swiftly input missing records, including mental health records.

(5) Congress and the citizens of the United States agree that in order to promote safe and responsible gun ownership, dangerous criminals and the seriously mentally ill should be prohibited from possessing firearms; therefore, it should be incumbent upon all citizens to ensure weapons are not being transferred to such people.

SEC. 603. RULE OF CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to—

(1) expand in any way the enforcement authority or jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(2) allow the establishment, directly or indirectly, of a Federal firearms registry.

SEC. 604. SEVERABILITY.

If any provision of this title or an amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be invalid for any reason in any court of competent jurisdiction, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any other person or circumstance, shall not be affected.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 611. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY RECORDS IMPROVEMENT PROGRAM.

Section 106(b) of Public Law 103–159 (18 U.S.C. 922 note) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''of this Act'' and inserting ''of the Public Safety and Second Amendment Rights Protection Act of 2016''; and

(2) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this subsection $100,000,000 for each of fiscal years 2016 through 2019.''.

SEC. 612. IMPROVEMENT OF METRICS AND INCENTIVES.

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

''(b) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Attorney General, in coordination with the States, shall establish for each State or Indian tribal government desiring a grant under section 103 a 4-year implementation plan to ensure maximum coordination and automation of the reporting of records or making records available to the National Instant Criminal Background Check System.

''(2) BENCHMARK REQUIREMENTS.—Each 4-year plan established under paragraph (1) shall include annual benchmarks, including both qualitative goals and quantitative measures, to assess implementation of the 4-year plan.

''(3) PENALTIES FOR NON-COMPLIANCE.—

''(A) IN GENERAL.—During the 4-year period covered by a 4-year plan established under paragraph (1), the Attorney General shall withhold—

''(i) 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the first year in the 4-year period;

''(ii) 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the second year in the 4-year period;

''(iii) 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the third year in the 4-year period; and

''(iv) 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the fourth year in the 4-year period.

''(B) FAILURE TO ESTABLISH A PLAN.—A State that fails to establish a plan under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2).''.

SEC. 613. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.

(a) IN GENERAL.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking section 103 and inserting the following:

''SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.

''(a) AUTHORIZATION.—From amounts made available to carry out this section, the Attorney General shall make grants to States, Indian Tribal governments, and State court systems, in a manner consistent with the National Criminal History Improvement Program and consistent with State plans for integration, automation, and accessibility of criminal history records, for use by the State, or units of local government of the State, Indian Tribal government, or State court system to improve the automation and transmittal of mental health records and criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments to Federal and State record repositories in accordance with section 102 and the National Criminal History Improvement Program.

''(b) USE OF GRANT AMOUNTS.—Grants awarded to States, Indian Tribal governments, or State court systems under this section may only be used to—

''(1) carry out, as necessary, assessments of the capabilities of the courts of the State or Indian Tribal government for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

''(2) implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

''(3) create electronic systems that provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System, including court disposition and corrections records;

''(4) assist States or Indian Tribal governments in establishing or enhancing their own capacities to perform background checks using the National Instant Criminal Background Check System; and

''(5) develop and maintain the relief from disabilities program in accordance with section 105.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under this section, a State, Indian Tribal government, or State court system shall certify, to the satisfaction of the Attorney General, that the State, Indian Tribal government, or State court system—

''(A) is not prohibited by State law or court order from submitting mental health records to the National Instant Criminal Background Check System; and

''(B) subject to paragraph (2), has implemented a relief from disabilities program in accordance with section 105.

''(2) RELIEF FROM DISABILITIES PROGRAM.—For purposes of obtaining a grant under this section, a State, Indian Tribal government, or State court system shall not be required to meet the eligibility requirement described in paragraph (1)(B) until the date that is 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016.

''(d) FEDERAL SHARE.—

''(1) STUDIES, ASSESSMENTS, NON-MATERIAL ACTIVITIES.—The Federal share of a study, assessment, creation of a task force, or other non-material activity, as determined by the Attorney General, carried out with a grant under this section shall be not more than 25 percent.

''(2) INFRASTRUCTURE OR SYSTEM DEVELOPMENT.—The Federal share of an activity involving infrastructure or system development, including labor-related costs, for the purpose of improving State or Indian Tribal government record reporting to the National Instant Criminal Background Check System carried out with a grant under this section may amount to 100 percent of the cost of the activity.

''(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2016 through 2019.'';

(2) by striking title III; and

(3) in section 401(b), by inserting after ''of this Act'' the following: ''and 18 months after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking the item relating to section 103 and inserting the following:

''Sec. 103. Grants to States for improvement of coordination and automation of NICS record reporting.''.

SEC. 614. RELIEF FROM DISABILITIES PROGRAM.

Section 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by adding at the end the following:

''(c) PENALTIES FOR NON-COMPLIANCE.—

''(1) 10 PERCENT REDUCTION.—During the 1-year period beginning 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(2) 11 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (1), the Attorney General shall withhold 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(3) 13 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (2), the Attorney General shall withhold 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(4) 15 PERCENT REDUCTION.—After the expiration of the 1-year period described in paragraph (3), the Attorney General shall withhold 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.''.

SEC. 615. ADDITIONAL PROTECTIONS FOR OUR VETERANS.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''(a) IN GENERAL.—In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is determined by the Secretary to be mentally incompetent shall not be considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 until—

''(1) in the case in which the person does not request a review as described in subsection (c)(1), the end of the 30-day period beginning on the date on which the person receives notice submitted under subsection (b); or

''(2) in the case in which the person requests a review as described in paragraph (1) of subsection (c), upon an assessment by the board designated or established under paragraph (2) of such subsection or court of competent jurisdiction that a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

''(b) NOTICE.—Notice submitted under this subsection to a person described in subsection (a) is notice submitted by the Secretary that notifies the person of the following:

''(1) The determination made by the Secretary.

''(2) A description of the implications of being considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18.

''(3) The person's right to request a review under subsection (c)(1).

''(c) ADMINISTRATIVE REVIEW.—(1) Not later than 30 days after the date on which a person described in subsection (a) receives notice submitted under subsection (b), such person may request a review by the board designed or established under paragraph (2) or a court

of competent jurisdiction to assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency. In such assessment, the board may consider the person's honorable discharge or decoration.

''(2) Not later than 180 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Secretary shall designate or establish a board that shall, upon request of a person under paragraph (1), assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

''(d) JUDICIAL REVIEW.—Not later than 30 days after the date of an assessment of a person under subsection (c) by the board designated or established under paragraph (2) of such subsection, such person may file a petition for judicial review of such assessment with a Federal court of competent jurisdiction.

''(e) PROTECTING RIGHTS OF VETERANS WITH EXISTING RECORDS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Secretary shall provide written notice of the opportunity for administrative review and appeal under subsection (c) to all persons who, on the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, are considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having been found by the Department of Veterans Affairs to be mentally incompetent.

''(f) FUTURE DETERMINATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Secretary shall review the policies and procedures by which individuals are determined to be mentally incompetent, and shall revise such policies and procedures as necessary to ensure that any individual who is competent to manage his own financial affairs, including his receipt of Federal benefits, but who voluntarily turns over the management thereof to a fiduciary is not considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18.

''(2) REPORT.—Not later than 30 days after the Secretary has made the review and changes required under paragraph (1), the Secretary shall submit to Congress a report detailing the results of the review and any resulting policy and procedural changes.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs, on or after the date of the enactment of this Act, to be mentally incompetent, except that those persons who are provided notice pursuant to section 5511(e) shall be entitled to use the administrative review under section 5511(c) and, as necessary, the subsequent judicial review under section 5511(d).

SEC. 616. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of Public Law 103–159 (18 U.S.C. 922 note), is amended by adding at the end the following:

''(F) APPLICATION TO FEDERAL COURTS.—In this subsection—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.''.

SEC. 617. CLARIFICATION THAT SUBMISSION OF MENTAL HEALTH RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS NOT PROHIBITED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.

Information collected under section 102(c)(3) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code, shall not be subject to the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

SEC. 618. PUBLICATION OF NICS INDEX STATISTICS.

Not later than 180 days after the date of enactment of this Act, and biannually thereafter, the Attorney General shall make the National Instant Criminal Background Check System index statistics available on a publically accessible Internet website.

SEC. 619. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Providing a Responsible and Consistent Background Check Process

SEC. 621. PURPOSE.

The purpose of this subtitle is to enhance the current background check process in the United States to ensure criminals and the mentally ill are not able to purchase firearms.

SEC. 622. FIREARMS TRANSFERS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by repealing subsection (s);

(2) by redesignating subsection (t) as subsection (s);

(3) in subsection (s), as redesignated—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''or'';

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

(iii) by adding at the end the following:

''(iii) in the case of an instant background check conducted at a gun show or event during the 4-year period beginning on the effective date under section 630(a) of the Public Safety and Second Amendment Rights Protection Act of 2016, 48 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; or

''(iv) in the case of an instant background check conducted at a gun show or event after the 4-year period described in clause (iii), 24 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and'';

(B) in paragraph (3)(C)(ii), by striking ''(as defined in subsection (s)(8))''; and

(C) by adding at the end the following:

''(7) In this subsection—

''(A) the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual; and

''(B) the term 'gun show or event' has the meaning given the term in subsection (t)(7).

''(8) The Federal Bureau of Investigation shall not charge a user fee for a background check conducted pursuant to this subsection.

''(9) Notwithstanding any other provision of this chapter, upon receiving a request for an instant background check that originates from a gun show or event, the system shall complete the instant background check before completing any pending instant background check that did not originate from a gun show or event.''; and

(4) by inserting after subsection (s), as redesignated, the following:

''(t)(1) Beginning on the date that is 180 days after the date of enactment of this subsection and except as provided in paragraph (2), it shall be unlawful for any person other than a licensed dealer, licensed manufacturer, or licensed importer to complete the transfer of a firearm to any other person who is not licensed under this chapter, if such transfer occurs—

''(A) at a gun show or event, on the curtilage thereof; or

''(B) pursuant to an advertisement, posting, display or other listing on the Internet or in a publication by the transferor of his intent to transfer, or the transferee of his intent to acquire, the firearm.

''(2) Paragraph (1) shall not apply if—

''(A) the transfer is made after a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s), and upon taking possession of the firearm, the licensee—

''(i) complies with all requirements of this chapter as if the licensee were transferring the firearm from the licensee's business inventory to the unlicensed transferee, except that when processing a transfer under this chapter the licensee may accept in lieu of conducting a background check a valid permit issued within the previous 5 years by a State, or a political subdivision of a State, that allows the transferee to possess, acquire, or carry a firearm, if the law of the State, or political subdivision of a State, that issued the permit requires that such permit is issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the unlicensed transferee would be in violation of Federal, State, or local law;

''(B) the transfer is made between an unlicensed transferor and an unlicensed transferee residing in the same State, which takes place in such State, if—

''(i) the Attorney General certifies that State in which the transfer takes place has in effect requirements under law that are generally equivalent to the requirements of this section; and

''(ii) the transfer was conducted in compliance with the laws of the State;

''(C) the transfer is made between spouses, between parents or spouses of parents and their children or spouses of their children, between siblings or spouses of siblings, or between grandparents or spouses of grandparents and their grandchildren or spouses of their grandchildren, or between aunts or uncles or their spouses and their nieces or nephews or their spouses, or between first cousins, if the transferor does not know or have reasonable cause to believe that the transferee is prohibited from receiving or possessing a firearm under Federal, State, or local law; or

''(D) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986.

''(3) A licensed importer, licensed manufacturer, or licensed dealer who processes a transfer of a firearm authorized under paragraph (2)(A) shall not be subject to a license revocation or license denial based solely upon a violation of those paragraphs, or a

violation of the rules or regulations promulgated under this paragraph, unless the licensed importer, licensed manufacturer, or licensed dealer—

''(A) knows or has reasonable cause to believe that the information provided for purposes of identifying the transferor, transferee, or the firearm is false;

''(B) knows or has reasonable cause to believe that the transferee is prohibited from purchasing, receiving, or possessing a firearm by Federal or State law, or published ordinance; or

''(C) knowingly violates any other provision of this chapter, or the rules or regulations promulgated thereunder.

''(4)(A) Notwithstanding any other provision of this chapter, except for section 923(m), the Attorney General may implement this subsection with regulations.

''(B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (2)(A).

''(C) Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.

''(D) Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraph (2)(A).

''(5)(A) A person other than a licensed importer, licensed manufacturer, or licensed dealer, who makes a transfer of a firearm in accordance with this section, or who is the organizer of a gun show or event at which such transfer occurs, shall be immune from a qualified civil liability action relating to the transfer of the firearm as if the person were a seller of a qualified product.

''(B) A provider of an interactive computer service shall be immune from a qualified civil liability action relating to the transfer of a firearm as if the provider of an interactive computer service were a seller of a qualified product.

''(C) In this paragraph—

''(i) the term 'interactive computer service' shall have the meaning given the term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); and

''(ii) the terms 'qualified civil liability action', 'qualified product', and 'seller' shall have the meanings given the terms in section 4 of the Protection of Lawful Commerce in Arms Act (15 U.S.C. 7903).

''(D) Nothing in this paragraph shall be construed to affect the immunity of a provider of an interactive computer service under section 230 of the Communications Act of 1934 (47 U.S.C. 230).

''(6) In any civil liability action in any State or Federal court arising from the criminal or unlawful use of a firearm following a transfer of such firearm for which no background check was required under this section, this section shall not be construed—

''(A) as creating a cause of action for any civil liability; or

''(B) as establishing any standard of care.

''(7) For purposes of this subsection, the term 'gun show or event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923.''.

(b) PROHIBITING THE SEIZURE OF RECORDS OR DOCUMENTS.—Section 923(g)(1)(D) is amended by striking, ''The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any records or other documents other than those records or documents constituting material evidence of a violation of law,'' and inserting the following: ''The Attorney General shall be prohibited from seizing any records or other documents in the course of an inspection or examination authorized by this paragraph other than those records or documents constituting material evidence of a violation of law.''.

(c) PROHIBITION OF NATIONAL GUN REGISTRY.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m) The Attorney General may not consolidate or centralize the records of the—

''(1) acquisition or disposition of firearms, or any portion thereof, maintained by—

''(A) a person with a valid, current license under this chapter;

''(B) an unlicensed transferor under section 922(t); or

''(2) possession or ownership of a firearm, maintained by any medical or health insurance entity.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of title 18, United States Code, is amended, in the matter preceding subparagraph (A), by striking '', (g)(5)(B), and (s)(3)(B)(v)(II)'' and inserting ''and (g)(5)(B)''.

(2) CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012.—Section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note) is amended by striking ''subsection 922(t)'' and inserting ''subsection (s) or (t) of section 922'' each place it appears.

SEC. 623. PENALTIES.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(8) Whoever makes or attempts to make a transfer of a firearm in violation of section 922(t) to a person not licensed under this chapter who is prohibited from receiving a firearm under subsection (g) or (n) of section 922 or State law, to a law enforcement officer, or to a person acting at the direction of, or with the approval of, a law enforcement officer authorized to investigate or prosecute violations of section 922(t), shall be fined under this title, imprisoned not more than 5 years, or both.''; and

(2) by adding at the end the following:

''(q) IMPROPER USE OF STORAGE OF RECORDS.—Any person who knowingly violates section 923(m) shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 624. FIREARMS DISPOSITIONS.

Section 922(b)(3) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''located'' and inserting ''located or temporarily located''; and

(2) in subparagraph (A)—

(A) by striking ''rifle or shotgun'' and inserting ''firearm'';

(B) by striking ''located'' and inserting ''located or temporarily located''; and

(C) by striking ''both such States'' and inserting ''the State in which the transfer is conducted and the State of residence of the transferee''.

SEC. 625. FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.

Section 103(b) of Public Law 103–159 (18 U.S.C. 922 note), is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(2) VOLUNTARY BACKGROUND CHECKS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Attorney General shall promulgate regulations allowing licensees to use the National Instant Criminal Background Check System established under this section for purposes of conducting voluntary preemployment background checks on prospective employees.''.

SEC. 626. DEALER LOCATION.

Section 923 of title 18, United States Code, is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking '', and such location is in the State which is specified on the license''; and

(B) in the last sentence—

(i) by inserting ''transfer,'' after ''sell,''; and

(ii) by striking ''Act,'' and all that follows and inserting ''Act.''; and

(2) by adding after subsection (m), as added by section 622(c), the following:

''(n) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition not otherwise prohibited under this chapter—

''(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

''(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.''.

SEC. 627. RESIDENCE OF UNITED STATES OFFICERS.

Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) For purposes of this chapter:

''(1) A member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

''(A) the State in which the member or spouse maintains legal residence;

''(B) the State in which the permanent duty station of the member is located; and

''(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.

''(2) An officer or employee of the United States (other than a member of the Armed Forces) who is stationed outside the United States for a period of more than 1 year, and a spouse of such an officer or employee, is a resident of the State in which the person maintains legal residence.''.

SEC. 628. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—Section 926A of title 18, United States Code, is amended to read as follows:

''§ 926A. Interstate transportation of firearms or ammunition

''(a) DEFINITION.—In this section, the term 'transport'—

''(1) includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport; and

''(2) does not include transportation—

''(A) with the intent to commit a crime punishable by imprisonment for a term exceeding 1 year that involves a firearm; or

''(B) with knowledge, or reasonable cause to believe, that a crime described in subparagraph (A) is to be committed in the course of, or arising from, the transportation.

''(b) AUTHORIZATION.—Notwithstanding any provision of any law (including a rule or regulation) of a State or any political subdivision thereof, a person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to—

''(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—

''(A) the firearm is unloaded; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—

''(aa) in a locked container other than the glove compartment or console; or

''(bb) secured by a secure gun storage or safety device; or

''(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and

''(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—

''(A) the ammunition is not loaded into a firearm; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

''(ii) if the transportation is by other means, the ammunition is in a locked container.

''(c) LIMITATION ON ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—

''(1) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is probable cause that the transportation is not in accordance with subsection (b); or

''(2) detained for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is reasonable suspicion that the transportation is not in accordance with subsection (b).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 926A and inserting the following:

''926A. Interstate transportation of firearms or ammunition.''.

SEC. 629. RULE OF CONSTRUCTION.

Nothing in this subtitle, or an amendment made by this subtitle, shall be construed—

(1) to extend background check requirements to transfers other than those made at gun shows or on the curtilage thereof, or pursuant to an advertisement, posting, display, or other listing on the Internet or in a publication by the transferor of the intent of the transferor to transfer, or the transferee of the intent of the transferee to acquire, the firearm; or

(2) to extend background check requirements to temporary transfers for purposes including lawful hunting or sporting or to temporary possession of a firearm for purposes of examination or evaluation by a prospective transferee.

SEC. 630. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

(b) FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.—Section 625 and the amendments made by section 625 shall take effect on the date of enactment of this Act.

Subtitle C—National Commission on Mass Violence

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''National Commission on Mass Violence Act of 2016''.

SEC. 642. NATIONAL COMMISSION ON MASS VIOLENCE.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Commission on Mass Violence (in this subtitle referred to as the ''Commission'') to study the availability and nature of firearms, including the means of acquiring firearms, issues relating to mental health, and all positive and negative impacts of the availability and nature of firearms on incidents of mass violence or in preventing mass violence.

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 members, of whom—

(A) 6 members of the Commission shall be appointed by the Majority Leader of the Senate, in consultation with the Democratic leadership of the House of Representatives, 1 of whom shall serve as Chairman of the Commission; and

(B) 6 members of the Commission shall be appointed by the Speaker of the House of Representatives, in consultation with the Republican leadership of the Senate, 1 of whom shall serve as Vice Chairman of the Commission.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members appointed to the Commission shall include—

(i) well-known and respected individuals among their peers in their respective fields of expertise; and

(ii) not less than 1 non-elected individual from each of the following categories, who has expertise in the category, by both experience and training:

(I) Firearms.

(II) Mental health.

(III) School safety.

(IV) Mass media.

(B) EXPERTS.—In identifying the individuals to serve on the Commission, the appointing authorities shall take special care to identify experts in the fields described in section 643(a)(2).

(C) PARTY AFFILIATION.—Not more than 6 members of the Commission shall be from the same political party.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (1) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) MEETINGS.—

(i) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(ii) INITIAL MEETING.—The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(I) the date of the appointment of the last member of the Commission; or

(II) the date on which appropriated funds are available for the Commission.

(B) QUORUM; VACANCIES; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 643. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of mass violence, including incidents of mass violence not involving firearms, in the context of the many acts of senseless mass violence that occur in the United States each year, in order to determine the root causes of such mass violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of these recurring and tragic acts of mass violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the role of schools, including the level of involvement and awareness of teachers and school administrators in the lives of their students and the availability of mental health and other resources and strategies to help detect and counter tendencies of students towards mass violence;

(B) the effectiveness of and resources available for school security strategies to prevent incidents of mass violence;

(C) the role of families and the availability of mental health and other resources and strategies to help families detect and counter tendencies toward mass violence;

(D) the effectiveness and use of, and resources available to, the mental health system in understanding, detecting, and countering tendencies toward mass violence, as well as the effects of treatments and therapies;

(E) whether medical doctors and other mental health professionals have the ability, without negative legal or professional consequences, to notify law enforcement officials when a patient is a danger to himself or others;

(F) the nature and impact of the alienation of the perpetrators of such incidents of mass violence from their schools, families, peer groups, and places of work;

(G) the role that domestic violence plays in causing incidents of mass violence;

(H) the effect of depictions of mass violence in the media, and any impact of such depictions on incidents of mass violence;

(I) the availability and nature of firearms, including the means of acquiring such firearms, and all positive and negative impacts of such availability and nature on incidents of mass violence or in preventing mass violence;

(J) the role of current prosecution rates in contributing to the availability of weapons that are used in mass violence;

(K) the availability of information regarding the construction of weapons, including explosive devices, and any impact of such information on such incidents of mass violence;

(L) the views of law enforcement officials, religious leaders, mental health experts, and other relevant officials on the root causes and prevention of mass violence;

(M) incidents in which firearms were used to stop mass violence; and

(N) any other area that the Commission determines contributes to the causes of mass violence.

(3) TESTIMONY OF VICTIMS AND SURVIVORS.—In determining the root causes of these recurring and tragic incidents of mass violence, the Commission shall, in accordance with section 644(a), take the testimony of victims and survivors to learn and memorialize their views and experiences regarding such incidents of mass violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of these recurring and tragic incidents of mass violence and to reduce such incidents of mass violence.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 3 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress an interim report describing any initial recommendations of the Commission.

(2) FINAL REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the findings and conclusions of the Commission, together with the recommendations of the Commission.

(3) SUMMARIES.—The report under paragraph (2) shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 644(e); and

(B) any other material relied on by the Commission in the preparation of the report.

SEC. 644. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 643.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out its duties under section 643. Upon the request of the Commission, the head of such agency may furnish such information to the Commission.

(c) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (d) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this subtitle and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (d) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(d) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the duties of the Commission under section 643.

SEC. 645. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional employees as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other employees without regard to the provisions of 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 such employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 646. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 647. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the final report under section 643(c)(2).

SA 4717. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2____. In addition to amounts made available under this Act, there is appropriated for the Federal Bureau of Investigation out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2017, $2,840,000,000 to better protect people in the United States from both domestic and international acts of terror, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4718. Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXPATRIATE TERRORIST ACT.

(a) SHORT TITLE.—This section may be cited as the ''Expatriate Terrorist Act''.

(b) LOSS OF NATIONALITY DUE TO SUPPORT OF TERRORISM.—Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)) is amended to read as follows:

''(a) IN GENERAL.—A person who is a national of the United States whether by birth or naturalization, shall lose his or her nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality:

''(1) Obtaining naturalization in a foreign state upon his or her own application or upon an application filed by a duly authorized agent, after having attained 18 years of age.

''(2) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219, after having attained 18 years of age.

''(3) Entering, or serving in, the armed forces of a foreign state or a foreign terrorist organization designated under section 219 if—

''(A) such armed forces are engaged in hostilities against the United States; or

''(B) such persons serve as a commissioned or noncommissioned officer.

''(4) Accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219 if, after having attained 18 years of age—

''(A) the person knowingly has or acquires the nationality of such foreign state; or

''(B) an oath, affirmation, or declaration of allegiance to the foreign state, a political

subdivision thereof, or a designated foreign terrorist organization is required for such office, post, or employment.

''(5) Making a formal renunciation of United States nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State.

''(6) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

''(7)(A) Committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States;

''(B) violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code;

''(C) willfully performing any act in violation of section 2385 of title 18, United States Code; or

''(D) violating section 2384 of such title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them,

if and when such person is convicted thereof by a court martial or by a court of competent jurisdiction.

''(8) Knowingly providing material support or resources (as defined in section 2339A(b) of title 18, United States Code) to any foreign terrorist organization designated under section 219 if such person knows that such organization is engaged in hostilities against the United States.''.

(c) REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE MEMBERS OF FOREIGN TERRORIST ORGANIZATIONS.—The Act entitled ''An Act to regulate the issue and validity of passports, and for other purposes'', approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the ''Passport Act of 1926'', is amended by adding at the end the following:

''SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

''(a) INELIGIBILITY.—

''(1) ISSUANCE.—The Secretary of State shall not issue a passport or passport card to any individual whom the Secretary has determined, by a preponderance of the evidence—

''(A) is serving in, or is attempting to serve in, an organization designated by the Secretary as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

''(B) is a threat to the national security interest of the United States.

''(2) REVOCATION.—The Secretary of State shall revoke a passport or passport card previously issued to any individual described in paragraph (1).

''(b) RIGHT OF REVIEW.—Any person who, in accordance with this section, is denied issuance of a passport or passport card by the Secretary of State, or whose passport or passport card is revoked or otherwise restricted by the Secretary of State, may request a due process hearing, under regulations prescribed by the Secretary, not later than 60 days after receiving such notice of the nonissuance, revocation, or restriction.

''(c) NATIONAL SECURITY WAIVER.—Notwithstanding subsection (a), the Secretary may—

''(1) issue a passport or passport card to an individual described in subsection (a)(1); or

''(2) refuse to revoke a passport or passport card of an individual described in subsection (a)(1),

if the Secretary finds that such issuance or refusal to revoke is in the national security interest of the United States.''.

(d) CONFORMING AMENDMENT.—Section 351(b) of the Immigration and Nationality Act (8 U.S.C. 1483(b)) is amended by striking ''(3) and (5)'' and inserting ''(3), (5), and (8)''.

SA 4719. Ms. BALDWIN (for herself, Ms. MIKULSKI, Ms. HIRONO, Mr. SCHUMER, Mr. BOOKER, Mr. MERKLEY, Mr. BROWN, Mr. NELSON, Mrs. SHAHEEN, Mr. MARKEY, Mr. BENNET, Mr. SANDERS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. PETERS, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. (a) In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' under the heading ''LEGAL ACTIVITIES'' under this title, $30,000,000 for the Civil Rights Division of the Department of Justice: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE'' under the heading ''LEGAL ACTIVITIES'' under this title, $11,000,000 for the Community Relations Service of the Department of Justice for personnel and training to respond to hate crimes: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4720. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Hereafter, the Attorney General may deny the transfer of a firearm if the Attorney General determines, based on the totality of the circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor. For purposes of sections 922(t)(1), (2), (5), and (6) and 925A of title 18, United States Code, and section 103(g) of Public Law 103–159 (18 U.S.C. 922 note), a denial by the Attorney General pursuant to this provision shall be treated as equivalent to a determination that receipt of a firearm would violate section (g) or (n) of section 922 of title 18, United States Code, or State law. A denial described in this section shall be subject to the remedial procedures set forth in section 103(g) of Public Law 103–159 (18 U.S.C. 922 note) and the intended transferee may pursue a remedy for an erroneous denial of a firearm under section 925A of title 18, United States Code. Notwithstanding any other provision of law, such remedial procedures and judicial review shall be subject to procedures that may be developed by the Attorney General to prevent the unauthorized disclosure of information that reasonably could be expected to result in damage to national security or ongoing law enforcement operations, including but not limited to procedures for submission of information to the court ex parte as appropriate, consistent with due process. The Attorney General shall establish, within the amounts appropriated, procedures to ensure that, if an individual who is, or within the previous 5 years has been, under investigation for conduct related to a Federal crime of terrorism, as defined in section 2332b(g)(5) of title 18, United States Code, attempts to purchase a firearm, the Attorney General or a designee of the Attorney General shall be promptly notified of the attempted purchase.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 15, 2016, at 10 a.m., in room SR–253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 15, 2016, at 2 p.m., in room SR–253 of the Russell Senate Office Building, to conduct a Subcommittee hearing entitled ''Assessing the Coast Guard's Increasing Duties: A Focus on Drug and Migrant Interdiction.''

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

COMMITTEE ON FINANCE

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 15, 2016, at 2 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Challenges and Opportunities for U.S. Business in the Digital Age.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 15, 2016, at 2:15 p.m., to conduct a hearing entitled ''U.S. Policy in Libya.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 15, 2016, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Implementing the Child Care Development Block Grant Act of 2014: Perspectives of Stakeholders.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROUNDS. 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 June 15, 2016, at 10 a.m., to conduct a hearing entitled ''America's Insatiable Demand for Drugs: Examining Potential Approaches.''

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

SPECIAL COMMITTEE ON AGING

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 15, 2016, at 2:30 p.m., in room SD–562 of the Dirksen Senate Office Building to conduct a hearing entitled ''Closing the Gap: Innovations to Promote Americans' Financial Security.''

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources' Subcommittee on National Parks be authorized to meet during the session of the Senate on June 15, 2016, at 2:30 p.m., in room SD–366 of the Dirksen 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. ROUNDS. 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 June 15, 2016, at 10 a.m., to conduct a hearing entitled ''Barriers to Education Globally: Getting Girls in the Classroom.''

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

On Tuesday, June 14, 2016, the Senate passed S. 2943, as amended, as follows:

S. 2943

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2017''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Uniform Code of Military Justice Reform.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Distributed Common Ground System-Army.
Sec. 112. Multiyear procurement authority for UH–60M/HH–60M Black Hawk helicopters.
Sec. 113. Multiyear procurement authority for AH–64E Apache helicopters.

Subtitle C—Navy Programs

Sec. 121. Incremental funding for detail design and construction of LHA replacement ship designated LHA 8.
Sec. 122. Littoral Combat Ship.
Sec. 123. Certification on ship deliveries.
Sec. 124. Limitation on the use of sole source shipbuilding contracts.
Sec. 125. Limitation on availability of funds for the advanced arresting gear program.
Sec. 126. Limitation on procurement of USS JOHN F. KENNEDY (CVN–79) and USS ENTERPRISE (CVN–80).
Sec. 127. Limitation on availability of funds for Tactical Combat Training System Increment II.

Subtitle D—Air Force Programs

Sec. 141. Extension of prohibition on availability of funds for retirement of A–10 aircraft.
Sec. 142. Limitation on availability of funds for destruction of A–10 aircraft in storage status.
Sec. 143. Repeal of the requirement to preserve certain retired C–5 aircraft.
Sec. 144. Repeal of requirement to preserve F–117 aircraft in recallable condition.
Sec. 145. Limitation on availability of funds for EC–130H Compass Call recapitalization program.
Sec. 146. Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.

Subtitle E—Defense-wide, Joint and Multiservice Matters

Sec. 151. Report to Congress on independent study of future mix of aircraft platforms for the Armed Forces.
Sec. 152. Limitation on availability of funds for destruction of certain cluster munitions and report on Department of Defense policy and cluster munitions.
Sec. 153. Medium altitude intelligence, surveillance, and reconnaissance aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 212. Making permanent authority for defense research and development rapid innovation program.
Sec. 213. Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements.
Sec. 214. Manufacturing Universities Grant Program.
Sec. 215. Increased micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.
Sec. 216. Directed energy weapon system programs.
Sec. 217. Limitation on B–21 Engineering and Manufacturing Development program funds.
Sec. 218. Pilot program on disclosure of certain sensitive information to contractors performing under contracts with Department of Defense federally funded research and development centers.
Sec. 219. Pilot program on enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.
Sec. 220. Modification of authority for use of operation and maintenance funds for unspecified minor construction projects consisting of laboratory revitalization.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 302. Modified reporting requirement related to installations energy management.
Sec. 303. Report on efforts to reduce high energy costs at military installations.
Sec. 304. Utility data management for military facilities.
Sec. 305. Linear LED lamps.

Subtitle C—Logistics and Sustainment

Sec. 311. Deployment prioritization and readiness of Army units.

Sec. 312. Revision of guidance related to corrosion control and prevention executives.
Sec. 313. Repair, recapitalization, and certification of dry docks at Naval shipyards.

Subtitle D—Reports

Sec. 321. Modifications to Quarterly Readiness Report to Congress.
Sec. 322. Report on HH–60G sustainment and Combat Rescue Helicopter (CRH) program.

Subtitle E—Other Matters

Sec. 331. Repurposing and reuse of surplus military firearms.
Sec. 332. Limitation on development and fielding of new camouflage and utility uniforms.
Sec. 333. Hazard assessments related to new construction of obstructions on military installations.
Sec. 334. Plan for modernized Air Force dedicated adversary air training enterprise.
Sec. 335. Independent study to review and assess the effectiveness of the Air Force Ready Aircrew Program.
Sec. 336. Mitigation of risks posed by certain window coverings with accessible cords in military housing units in which children reside.
Sec. 337. Tactical explosive detection dogs.
Sec. 338. STARBASE program.
Sec. 339. Access to Department of Defense installations for drivers of vehicles of online transportation network companies.
Sec. 340. Women's military service memorials and museums.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Personnel

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2017 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Technical corrections to annual authorization for personnel strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Reform of distribution and authorized strength of general and flag officers.
Sec. 502. Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.
Sec. 503. Temporary suspension of officer grade strength tables.
Sec. 504. Enhanced authority for service credit for experience or advanced education upon original appointment as a commissioned officer.
Sec. 505. Authority of promotion boards to recommend officers of particular merit be placed at the top of the promotion list.
Sec. 506. Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies.
Sec. 507. Length of joint duty assignments.
Sec. 508. Modification of definitions relating to joint officer management.
Sec. 509. Continuation of certain officers on active duty without regard to requirement for retirement for years of service.
Sec. 510. Extension of force management authorities allowing enhanced flexibility for officer personnel management.

Subtitle B—Reserve Component Management

Sec. 521. Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau.
Sec. 522. Authority to designate certain reserve officers as not to be considered for selection for promotion.
Sec. 523. Rights and protections available to military technicians.
Sec. 524. Extension of suicide prevention and resilience programs for the National Guard and Reserves.
Sec. 525. Inapplicability of certain laws to National Guard technicians performing active Guard and Reserve duty.

Subtitle C—General Service Authorities

Sec. 531. Responsibility of Chiefs of Staff of the Armed Forces for standards and qualifications for military specialties within the Armed Forces.
Sec. 532. Leave matters.
Sec. 533. Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations.
Sec. 534. Reduction of tenure on the temporary disability retired list.
Sec. 535. Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member gender.
Sec. 536. Board for the Correction of Military Records and Discharge Review Board matters.
Sec. 536A. Treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge.
Sec. 537. Reconciliation of contradictory provisions relating to qualifications for enlistment in the reserve components of the Armed Forces.

Subtitle D—Military Justice and Legal Assistance Matters

PART I—RETALIATION

Sec. 541. Report to complainants of resolution of investigations into retaliation.
Sec. 542. Training for Department of Defense personnel on sexual assault trauma in individuals claiming retaliation in connection with reports of sexual assault in the Armed Forces.
Sec. 543. Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.
Sec. 544. Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

PART II—OTHER MILITARY JUSTICE MATTERS

Sec. 546. Discretionary authority for military judges to designate an individual to assume the rights of the victim of an offense under the Uniform Code of Military Justice when the victim is a minor, incompetent, incapacitated, or deceased.
Sec. 547. Appellate standing of victims in enforcing rights of victims under the Uniform Code of Military Justice.
Sec. 548. Effective prosecution and defense in courts-martial.
Sec. 549. Pilot programs on military justice career track for judge advocates.
Sec. 550. Modification of definition of sexual harassment for purposes of investigations of complaints of harassment by commanding officers.
Sec. 551. Extension and clarification of annual reports regarding sexual assault involving members of the Armed Forces.
Sec. 552. Expansion of authority to execute certain military instruments.
Sec. 553. United States Court of Appeals for the Armed Forces.
Sec. 554. Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault.

Subtitle E—Member Education, Training, and Transition

Sec. 561. Limitation on tuition assistance for off-duty training or education.
Sec. 562. Modification of program to assist members of the Armed Forces in obtaining professional credentials.
Sec. 563. Access to Department of Defense installations of institutions of higher education providing certain advising and student support services.
Sec. 564. Priority processing of applications for Transportation Worker Identification Credentials for members undergoing discharge or release from the Armed Forces.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Impact aid for children with severe disabilities.
Sec. 573. Impact aid amendments.
Sec. 574. One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies.

Sec. 575. Comptroller General of the United States analysis of unsatisfactory conditions and overcrowding at public schools on military installations.
Sec. 576. Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families.
Sec. 577. Reporting on allegations of child abuse in military families and homes.
Sec. 578. Background checks for employees of agencies and schools providing elementary and secondary education for Department of Defense dependents.
Sec. 579. Support for programs providing camp experience for children of military families.
Sec. 580. Comptroller General of the United States report on Exceptional Family Member Programs.
Sec. 581. Repeal of Advisory Council on Dependents' Education.

Subtitle G—Decorations and Awards

Sec. 586. Authorization for award of the Medal of Honor to Charles S. Kettles for acts of valor during the Vietnam War.
Sec. 587. Authorization for award of the Medal of Honor to Gary M. Rose for acts of valor during the Vietnam War.
Sec. 588. Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis Lafleur for acts of valor during World War II.
Sec. 589. Posthumous advancement of Colonel George E. ''Bud'' Day, United States Air Force, on the retired list.

Subtitle H—Miscellaneous Reports and Other Matters

Sec. 591. Applicability of Military Selective Service Act to female citizens and persons.
Sec. 592. Senior Military Acquisition Advisors in the Defense Acquisition Corps.
Sec. 593. Annual reports on progress of the Army and the Marine Corps in integrating women into military occupational specialities and units recently opened to women.
Sec. 594. Report on career progression tracks of the Armed Forces for women in combat arms units.
Sec. 595. Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President.
Sec. 596. Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
Sec. 597. Report on discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine, Corps, and Air Force currently discharged by commissioned officers.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2017 increase in military basic pay.
Sec. 602. Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods.
Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
Sec. 604. Reform of basic allowance for housing.
Sec. 605. Repeal of obsolete authority for combat-related injury rehabilitation pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Maximum reimbursement amount for travel expenses of Reserves to attend inactive duty training outside or normal commuting distances.
Sec. 622. Period for relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

Sec. 631. Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system.
Sec. 632. Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan.
Sec. 633. Continuation pay for members who have completed 8 to 12 years of service.
Sec. 634. Combat-related special compensation coordinating amendment.
Sec. 635. Sense of Congress on Roth contributions as default contributions of members of the Armed Forces participating in the Thrift Savings Plan under retired pay reform.

PART II—OTHER MATTERS

Sec. 641. Extension of allowance covering monthly premium for Servicemembers' Group Life Insurance while in certain overseas areas to cover members in any combat zone or overseas direct support area.
Sec. 642. Use of member's current pay grade and years of service, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay.
Sec. 643. Permanent extension of payment of special survivor indemnity allowances under the Survivor Benefit Plan.
Sec. 644. Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient.
Sec. 645. Sense of Congress on options for members of the Armed Forces to designate payment of the death gratuity to a trust for a special needs individual.
Sec. 646. Independent assessment of the Survivor Benefit Plan.

Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

Sec. 661. Protection and enhancement of access to and savings at commissaries and exchanges.

Subtitle F—Other Matters

Sec. 671. Compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.
Sec. 672. Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Reform of health care plans available under the TRICARE program.
Sec. 702. Modifications of cost-sharing requirements for the TRICARE Pharmacy Benefits Program and treatment of certain pharmaceutical agents.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. DISTRIBUTED COMMON GROUND SYSTEM-ARMY.

(a) TRAINING FOR OPERATORS.—The Secretary of the Army shall take such actions as may be necessary to improve training for operators of the Distributed Common Ground System–Army (DCGS–A) and their leaders, at division level and below tactical units, with equipment that was current as of the day before the date of the enactment of this Act.

(b) FIELDING OF CAPABILITY.—

(1) IN GENERAL.—The Secretary shall rapidly identify and field a capability for fixed and deployable multi-source ground processing systems for units described in subsection (a).

(2) COMMERCIALLY AVAILABLE EQUIPMENT.—In meeting the requirement in paragraph (1), the Secretary shall procure a commercially available off the shelf, non-developmental capability that—

(A) meets essential tactical operational requirements for processing, analyzing and displaying intelligence information;

(B) is substantially easier for personnel in tactical units to use than the Distributed Common Ground System–Army; and

(C) requires less training than the Distributed Common Ground System–Army.

(3) LIMITATION ON AWARD OF CONTRACT.—The Secretary may not award any contract for the design, development, procurement, or operation and maintenance of any data architecture, data integration, ''cloud'' capability, data analysis, or data visualization and workflow capabilities, including various warfighting function-related tools under or contributing to any increment of the Distributed Common Ground System–Army, for tactical units described in subsection (a) unless the contract—

(A) is awarded not later than 180 days after the date of the enactment of this Act;

(B) is awarded using procedures relating to the acquisition of commercial items pursuant to part 12 of the Federal Acquisition Regulation (48 CFR 12.000 et seq.);

(C) includes firm fixed-price procedures; and

(D) provides that the technology to be procured through the contract will—

(i) begin initial fielding rapidly after the contract award;

(ii) achieve Initial Operating Capability (IOC) within nine months of the contract award; and

(iii) achieve Full Operating Capability (FOC) within 18 months of the contract award.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–60M/HH–60M BLACK HAWK HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of UH–60M/HH–60M Black Hawk helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64E APACHE HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of AH–64E Apache helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Navy Programs

SEC. 121. INCREMENTAL FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA 8.

(a) AUTHORITY TO USE INCREMENTAL FUNDING.—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA Replacement ship designated LHA 8 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2017 and 2018.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

SEC. 122. LITTORAL COMBAT SHIP.

(a) REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.—

(1) IN GENERAL.—The Secretary of the Navy shall include annually with the justification materials submitted with the budget of the President under section 1105(a) of title 31, United States Code, a report on Littoral Combat Ship mission packages.

(2) ELEMENTS.—The report required under paragraph (1) shall include for each mission package and increment therein the following elements:

(A) A description of the current status of and plans for development, production, and sustainment, including—

(i) currently projected versus originally estimated unit costs for each system composing the mission package;

(ii) currently projected versus originally estimated development cost, procurement cost, and 20-year sustainment cost for each system composing the mission package;

(iii) demonstrated versus required performance for each system composing the mission package and for the mission package as a whole; and

(iv) realized and potential cost, schedule, or performance problems with such development, production, or sustainment and mitigation plans to address such problems.

(B) A description, including dates, for each developmental test, operational test, integrated test, and follow-on test event completed in the preceding fiscal year and forecast in the current fiscal year and each of the next five fiscal years.

(C) The planned initial operational capability (IOC) date and a description of the performance level criteria that must be demonstrated to declare IOC.

(D) A description of systems that reached IOC in the preceding fiscal year and the performance level demonstrated versus the performance level required.

(E) The acquisition inventory objective listed by system.

(F) The current locations and quantities of delivered systems listed by city, State, and country.

(G) The planned locations and quantities of systems listed city, State, and country in each of the next five fiscal years.

(b) CERTIFICATION OF LITTORAL COMBAT SHIP MISSION PACKAGE PROGRAM OF RECORD.—

(1) IN GENERAL.—The Undersecretary of Defense for Acquisition, Technology, and Logistics shall include with the justification materials submitted with the budget of the President under section 1105(a) of title 31, United States Code, for fiscal year 2018 a certification on Littoral Combat Ship mission packages.

(2) CERTIFICATION.—The certification required under paragraph (1) shall include the current program of record quantity for—

(A) surface warfare (SUW) mission packages;

(B) anti-submarine warfare (ASW) mission packages; and

(C) mine countermeasures (MCM) mission packages.

(c) LIMITATION ON THE USE OF FUNDS TO REVISE OR DEVIATE FROM THE LITTORAL COMBAT SHIP ACQUISITION STRATEGY.—

(1) LIMITATION ON REVISIONS AND DEVIATIONS.—Except as provided under paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 may be used to revise or deviate from revision three of the Littoral Combat Ship acquisition strategy.

(2) WAIVER.—The Secretary of Defense may waive the limitation required under paragraph (1) if the Secretary submits to the congressional defense committees a notification of such waiver. The waiver shall include—

(A) the rationale of the Secretary for issuing such waiver to revise or deviate from revision three of the Littoral Combat Ship acquisition strategy;

(B) a determination that a proposed revision to, or deviation from, revision three of the Littoral Combat Ship acquisition strategy is in the national security interest;

(C) a description of the specific revisions or deviations to the Littoral Combat Ship acquisition strategy;

(D) the Littoral Combat Ship acquisition strategy that is in effect following such revision or deviation; and

(E) Independent Cost Estimates prepared by the Assistant Secretary of the Navy for Financial Management and Comptroller, as well as the Office of the Secretary of Defense, that compare the cost of such revision or deviation to revision three of the Littoral Combat Ship acquisition strategy.

(d) DEFINITIONS.—In this section:

(1) LITTORAL COMBAT SHIP MISSION PACKAGE.—The term ''Littoral Combat Ship mission package'' means a mission module combined with the crew detachment and support aircraft.

(2) MISSION MODULE.—The term ''mission module'' means the mission systems (such as vehicles, communications, sensors, weapons systems) combined with support equipment (such as support containers and standard interfaces) and software (including related to the mission package computing environment and multiple vehicle communications system).

(e) REPEAL OF REPORTING REQUIREMENTS RELATED TO NAVAL VESSELS AND MERCHANT MARINE.—Section 126 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1657) is amended by striking subsection (b).

SEC. 123. CERTIFICATION ON SHIP DELIVERIES.

(a) IN GENERAL.—The delivery of the USS JOHN F. KENNEDY (CVN–79), the USS ZUMWALT (DDG–1000), and any other new construction ship that employs a multiple phase delivery scheme shall be deemed to occur at the completion of the final phase of construction.

(b) CERTIFICATION REQUIREMENT.—Not later than January 1, 2017, the Secretary of the Navy shall certify that ship delivery dates have been adjusted in accordance with subsection (a). The certification shall include the ship hull numbers and delivery date adjustments. The adjustments shall be reflected in the budget of the President submitted under section 1105(a) of title 31, United States Code, as well as Department of Defense Selected Acquisition Reports.

SEC. 124. LIMITATION ON THE USE OF SOLE SOURCE SHIPBUILDING CONTRACTS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF) may be used to enter into or prepare to enter into a sole source contract unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) CERTIFICATION.—A certification described in this subsection is a certification by the Secretary of the Navy that a contract for one or more Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF)—

(1) is in the national security interest of the United States;

(2) will not result in exceeding the requirement for the ship class, as delineated in the most recent Navy Force Structure Assessment;

(3) will use a fixed-price contract;

(4) will include a fair and reasonable contract price, as determined at the discretion of the Service Acquisition Executive; and

(5) will provide for government purpose data rights of the ship design.

(c) REPORT.—A report described in this subsection is a report that contains the following elements:

(1) The basis for awarding a non-competitive sole source contract.

(2) A description of courses of action to achieve competitive ship or component-level contract awards in the future, should additional ships in the class be procured, including for each such course of action, a notional implementation schedule and associated cost savings, as compared to a sole source award.

SEC. 125. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED ARRESTING GEAR PROGRAM.

(a) LIMITATION ON FUNDS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research and development, design, procurement, or advanced procurement of materials for the Advanced Arresting Gear to be installed on USS ENTERPRISE (CVN–80) may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report described under section 2433a(c)(2) of title 10, United States Code, for the Advanced Arresting Gear program.

(b) BASELINE ESTIMATE.—The Secretary of Defense shall deem the 2009 Advanced Arresting Gear acquisition program baseline as the original Baseline Estimate and execute the requirements of sections 2433 and 2433a of title 10, United States Code, as though the Department had submitted a Selected Acquisition Report with this Baseline Estimate included.

SEC. 126. LIMITATION ON PROCUREMENT OF USS JOHN F. KENNEDY (CVN–79) AND USS ENTERPRISE (CVN–80).

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement of USS JOHN F. KENNEDY (CVN–79) or USS ENTERPRISE (CVN–80), not more than 25 percent may be obligated or expended until the Secretary of the Navy and the Chief of Naval Operations submit to the congressional defense committees the report required under subsection (b).

(b) 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.

(c) 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 (b).

(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 (b), 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 (b).

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

SEC. 127. LIMITATION ON AVAILABILITY OF FUNDS FOR TACTICAL COMBAT TRAINING SYSTEM INCREMENT II.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense for the Tactical Combat Training System Increment II, not more than 75 percent may be obligated or expended until 60 days after the Secretary of the Navy submits to the congressional defense committees the report required by section 235 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 780).

Subtitle D—Air Force Programs

SEC. 141. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

Section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 755) is amended—

(1) in subsection (a)—

(A) by inserting ''or any subsequent fiscal year'' after ''fiscal year 2016''; and

(B) by inserting ''until the Secretary of the Air Force and Chief of Staff of the Air Force submit to the congressional defense committees the report described in subsection (f)(2)'' before the period at the end;

(2) in subsection (b)(1)—

(A) by striking ''during the period before December 31, 2016,''; and

(B) by inserting ''until the Secretary and Chief of Staff submit the report described in

subsection (f)(2)'' before the period at the end;

(3) in subsection (c)—

(A) by inserting ''or any subsequent fiscal year'' after ''fiscal year 2016''; and

(B) by inserting ''or to reduce manning levels to less than those commensurate with other Air Force fighter operational, test, or training units or divisions until the Secretary and the Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(4) in subsection (d)—

(A) by striking ''during the period before December 31, 2016,''; and

(B) by inserting ''until the Secretary and Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(5) by redesignating subsection (e) as subsection (g); and

(6) by inserting after subsection (d) the following new subsections:

''(e) COMPARISON TEST OF THE F–35A AND A–10C AIRCRAFT.—The Director for Operational Test and Evaluation (DOT&E) shall ensure the initial operational test and evaluation (IOT&E) of the F–35 aircraft includes a realistic comparison and evaluation test examining the abilities of the F–35A aircraft and A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller (airborne) missions under a tactically representative variety of combat conditions.

''(f) REPORTS REQUIRED.—

''(1) DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—The Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes the following elements:

''(A) The results and findings of the initial operational test and evaluation of the F–35 aircraft program.

''(B) The results and findings of the comparison test and evaluation required under subsection (e) that details the results of all scenarios tested and the capabilities of the F–35A and the A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller (airborne) missions in a tactically representative variety of combat conditions.

''(C) A detailed assessment of the F–35A aircraft's close air support, combat search and rescue, and forward air controller (airborne) capabilities and whether the replacement of the A–10C aircraft with the F–35A aircraft for these missions would create a capability gap in these missions.

''(2) SECRETARY OF THE AIR FORCE AND CHIEF OF STAFF OF THE AIR FORCE.—

''(A) REPORT REQUIRED.—Not later than 180 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force and Chief of Staff of the Air Force shall submit to the congressional defense committees a report that includes—

''(i) the views of the Secretary and Chief of Staff with respect to the results of the initial operational test and evaluation of the F–35 aircraft program as summarized in the report under paragraph (1), including any issues or concerns of the Secretary and Chief of Staff with respect to such results;

''(ii) a plan for addressing any deficiencies and carrying out any corrective actions identified in such report; and

''(iii) short-term and long-term strategies for preserving the capability of the Air Force to conduct close air support, combat search and rescue, and airborne forward air controller missions.

''(B) REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.—

''(i) IN GENERAL.—Not later than 90 days after the date that the Secretary of the Air Force and Chief of Staff of the Air Force submit the report required under subparagraph (A), the Comptroller General of the United States shall submit to the congressional defense committees a report on the report submitted under such subparagraph.

''(ii) CONTENTS.—The report submitted under clause (i) shall include the following:

''(I) An assessment of whether the conclusions and assertions included in the report submitted under subparagraph (A) are comprehensive, fully supported, and sufficiently detailed.

''(II) An identification of any shortcomings, limitations, or other reportable matters that affect the quality of the report's findings or conclusions.

''(3) FORM.—The reports submitted under paragraph (1) and paragraph (2)(B) may be submitted in classified form, but shall contain unclassified summaries.''.

SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF A–10 AIRCRAFT IN STORAGE STATUS.

(a) LIMITATION.—None of the amounts authorized to be appropriated by this Act or otherwise made available for the Air Force may be obligated or expended to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total active inventory A–10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components until the F–35 initial operational test and evaluation is complete and the Secretary of the Air Force and Chief of Staff of the Air Force submit the report required under subsection (f)(2) of section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 755), as added by section 141 of this Act.

(b) NOTIFICATION REQUIREMENT.—The Deputy Chief of Staff of the Air Force for Logistics, Engineering and Force Protection shall notify the congressional defense committees at least 45 calendar days in advance of any action to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status at AMARG. The notification shall include a certification that the A–10 aircraft does not possess serviceable wings or other components necessary to prevent the permanent removal from flyable status of total active inventory A–10 aircraft.

(c) PLAN TO PREVENT REMOVAL OF TOTAL ACTIVE INVENTORY A–10 AIRCRAFT FROM FLYABLE STATUS.—The Secretary of the Air Force shall submit with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, and shall implement, a plan to prevent any total active inventory A–10 aircraft from being permanently removed from flyable status for unserviceable wings or any other required component over the course of the future years defense plan.

SEC. 143. REPEAL OF THE REQUIREMENT TO PRESERVE CERTAIN RETIRED C–5 AIRCRAFT.

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1659) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 144. REPEAL OF REQUIREMENT TO PRESERVE F–117 AIRCRAFT IN RECALLABLE CONDITION.

Section 136 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking subsection (b).

SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year may be obligated or expended on the Air Force EC–130H Compass Call recapitalization program unless the Air Force conducts a full and open competition to acquire the replacement aircraft platform.

SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS) RECAPITALIZATION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Air Force may be made available for the Air Force's Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure.

Subtitle E—Defense-wide, Joint and Multiservice Matters

SEC. 151. REPORT TO CONGRESS ON INDEPENDENT STUDY OF FUTURE MIX OF AIRCRAFT PLATFORMS FOR THE ARMED FORCES.

(a) INDEPENDENT STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall obtain a study, to be performed by an organization or entity independent of the Department of Defense selected by the Secretary for purposes of this section, that determines the following:

(A) An optimized future mix of shorter range fighter-class strike aircraft and long range strike aircraft platforms for the Armed Forces.

(B) An appropriate future mix of manned aerial platforms and unmanned aerial platforms for the Armed Forces.

(2) CONSIDERATIONS IN DETERMINING MIX.—The mixes determined pursuant to the study shall be determined taking into account relevant portions of the defense strategy, critical assumptions, priorities, force-sizing construct, and cost.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 14, 2017, the Secretary shall submit to the congressional defense committees a comprehensive report on the results of the study required by subsection (a), including, at a minimum, the following:

(A) A detailed discussion of the specific assumptions, observations, conclusions, and recommendations of the study.

(B) A detailed description of the modeling and analysis techniques used for the study.

(C) An overarching plan for fielding complementary weapons systems to meet combatant commander objectives and fulfilling warfighting capability and capacity requirements in the areas of an optimized force mix of—

(i) long-range versus medium/short-range intelligence, surveillance, and reconnaissance (ISR)/strike platforms;

(ii) manned versus unmanned platforms;

(iii) observability characteristics;

(iv) land-based versus sea-based capabilities;

(v) advanced fourth-generation platforms of proven design;

(vi) next generation air superiority capabilities; and

(vii) game-changing, advanced technology innovations.

(2) FORM.—The report required by paragraph (1) may be submitted in classified form, but shall include an unclassified executive summary.

(3) OTHER SUBMISSIONS.—The Secretary of Defense may refer to other reports or efforts

of the Department of Defense for purposes of meeting the requirements of this subsection.

(4) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN CLUSTER MUNITIONS AND REPORT ON DEPARTMENT OF DEFENSE POLICY AND CLUSTER MUNITIONS.

(a) LIMITATION.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of cluster munitions before the date on which the Secretary of Defense submits the report required by subsection (c).

(b) EXCEPTION FOR SAFETY.—The limitation under subsection (a) shall not apply to any cluster munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense shall submit to Congress a report that includes each of the following elements:

(A) A description of the policy of the Department of Defense regarding the use of cluster munitions, including methods for commanders to seek waivers to use such munitions.

(B) A 10-year projection of the requirements and inventory levels for all cluster munitions that takes into account future production of cluster munitions, any plans for demilitarization of such munitions, any plans for the recapitalization of such munitions, the age of the munitions, storage and safety considerations, and other factors that will impact the size of the inventory.

(C) A 10-year projection for the cost to achieve the inventory levels projected in subparagraph (B), including the cost for potential demilitarization or disposal of such munitions.

(D) A 10-year projection for the cost to develop and produce new cluster munitions compliant with the 2008 Department of Defense Policy on Cluster Munitions and Unintended Harm to Civilians that the Secretary determines are necessary to meet the demands of current operational plans.

(E) An assessment, by the Chairman of the Joint Chiefs of Staff, of the effects of the projected cluster inventory on operational plans.

(F) Any other matters that the Secretary determines should be included in the report.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) CLUSTER MUNITIONS DEFINED.—In this section, the term ''cluster munitions'' includes systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that deploy payloads of explosive submunitions that detonate via target acquisition, impact, or altitude, or that self-destruct (or a combination of both).

SEC. 153. MEDIUM ALTITUDE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT.

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated for fiscal year 2017 for the Department of Defense by this Act and available for the procurement of manned medium altitude intelligence, surveillance, and reconnaissance aircraft by the United States Special Operations Command may be obligated or expended for that purpose until the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in consultation with the Commander of the United States Special Operations Command, submits to the congressional defense committees a report on the requirements of the Command for manned intelligence, surveillance, and reconnaissance aircraft.

(b) ELEMENTS.—The report described in subsection (a) shall include the following:

(1) An accounting of all Government-owned, Government-operated and contractor-owned, and contractor-operated manned intelligence, surveillance, and reconnaissance aircraft funded by the United States Special Operations Command in fiscal year 2016.

(2) An analysis of the remaining service life of the aircraft accounted for under paragraph (1).

(3) An explanation of the plans of the Command with regard to the acquisition, sustainment, or divesture of Government-owned, Government-operated and contractor-owned, and contractor-operated manned intelligence, surveillance, and reconnaissance aircraft over term of the future-years defense program submitted to Congress in 2016.

(4) A timeline for establishing a program of record for next generation manned intelligence, surveillance, and reconnaissance aircraft for the Command.

(5) Such other matters with respect to manned intelligence, surveillance, and reconnaissance aircraft for the Command as the Assistant Secretary considers appropriate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MODIFICATION OF MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AMOUNT AUTHORIZED UNDER CURRENT MECHANISM.—Paragraph (1) of subsection (a) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended in the matter before subparagraph (A) by striking ''three percent'' and inserting ''four percent''.

(b) ADDITIONAL MECHANISM TO PROVIDE FUNDS.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) FEE.—After consultation with the science and technology executive of the military department concerned, the director of a defense laboratory may charge customer activities a fixed percentage fee, in addition to normal costs of performance, in order to obtain funds to carry out activities authorized by this subsection. The fixed fee may not exceed three percent of costs.''.

(c) MODIFICATION OF COST LIMIT COMPLIANCE FOR INFRASTRUCTURE PROJECTS.—Subsection (b)(4) of such section is amended by adding at the end the following new subparagraph:

''(C) Section 2802 of such title, with respect to construction projects that exceed the cost specified in subsection (a)(2) of section 2805 of such title for certain unspecified minor military construction projects for laboratories.''.

(d) REPEAL OF SUNSET.—Such section is amended by striking subsection (d).

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

Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2359 note) is amended—

(1) in subsection (d), by striking ''for each of fiscal years 2011 through 2023 may be used for any such fiscal year'' and inserting ''for a fiscal year may be used for such fiscal year''; and

(2) by striking subsection (f).

SEC. 213. AUTHORIZATION FOR NATIONAL DEFENSE UNIVERSITY AND DEFENSE ACQUISITION UNIVERSITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

(a) NATIONAL DEFENSE UNIVERSITY.—Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the National Defense University.

''(2) The National Defense University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).''.

(b) DEFENSE ACQUISITION UNIVERSITY.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

''(2) The Defense Acquisition University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).''.

SEC. 214. MANUFACTURING UNIVERSITIES GRANT PROGRAM.

Section 2196 of title 10, United States Code, is amended to read as follows:

''§ 2196. Manufacturing engineering education: grant program

''(a) ESTABLISHMENT OF MANUFACTURING UNIVERSITIES GRANT PROGRAM.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants to support—

''(A) the enhancement of existing programs in manufacturing engineering education to further a mission of the department; or

''(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

''(2) Grants under this section may be made to institutions of higher education or to consortia of such institutions.

''(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and the secretaries of such other relevant Federal agencies as the Secretary considers appropriate.

''(4) The Secretary shall ensure that the program is coordinated with Department

programs associated with advanced manufacturing.

''(5) The program shall be known as the 'Manufacturing Universities Grant Program'.

''(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—A program in manufacturing engineering education to be established at an institution of higher education may be considered to be a new program for the purpose of subsection (a)(1)(B) regardless of whether the program is to be conducted—

''(1) within an existing department in a school of engineering of the institution;

''(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

''(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

''(c) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.

''(d) COVERED PROGRAMS.—(1) A program of engineering education supported with a grant awarded pursuant to this section shall meet the requirements of this section.

''(2) Such a grant may be made for a program of education to be conducted at the undergraduate level, at the graduate level, or at both the undergraduate and graduate levels.

''(e) COMPONENTS OF PROGRAM.—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

''(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

''(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence in the United States and foreign countries;

''(B) faculty development programs;

''(C) recruitment of educators highly qualified in manufacturing engineering;

''(D) presentation of seminars, workshops, and training for the development of specific research or education skills;

''(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives;

''(F) development of new manufacturing curriculum, course offerings, and education programs;

''(G) establishment of centers of excellence in manufacturing workforce training;

''(H) establishment of joint programs with defense laboratories and depots; and

''(I) expansion of advanced manufacturing training and education for members of the armed forces, veterans, Federal employees, and others.

''(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

''(3) Faculty and student research that is directly related to, and supportive of, the education of undergraduate or graduate students in advanced manufacturing science and technology because of—

''(A) the increased understanding of advanced manufacturing science and technology that is derived from such research; and

''(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

''(f) GRANT PROPOSALS.—The Secretary of Defense shall solicit from institutions of higher education in the United States (and from consortia of such institutions) proposals for grants to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

''(g) MERIT COMPETITION.—Applications for grants shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

''(h) SELECTION CRITERIA.—The Secretary may select a proposal for the award of a grant pursuant to this section if the proposal, at a minimum, does each of the following:

''(1) Contains innovative approaches for improving engineering education in manufacturing technology.

''(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made.

''(3) Provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

''(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

''(5) Is likely to attract superior students.

''(6) Proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology.

''(7) Proposes a program that, within three years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

''(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

''(9) Trains college graduates, from engineering or other science and technical fields, and other members of the technical workforce, in advanced manufacturing and in relevant emerging technologies and production processes.

''(i) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution of higher education under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided.

''(j) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).''.

SEC. 215. INCREASED MICRO-PURCHASE THRESHOLD FOR BASIC RESEARCH PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories

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

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

''2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.''.

(b) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking ''For purposes'' and inserting ''Except as provided in section 2338 of title 10, for purposes''.

SEC. 216. DIRECTED ENERGY WEAPON SYSTEM PROGRAMS.

(a) INCLUSION OF DIRECTED ENERGY WEAPON SYSTEM PROGRAMS IN THE RAPID ACQUISITION AUTHORITY PROGRAM.—

(1) IN GENERAL.—Section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by adding at the end the following new subparagraph:

''(D)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency in directed energy weapon systems, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of needed offensive or defensive directed energy weapon systems capabilities, supplies, and associated support services.

''(ii) For the purposes of directed energy weapon systems acquisition, the Secretary of Defense shall consider use of the following procedures:

''(I) The rapid acquisition authority provided under this section.

''(II) Use of other transactions authority provided under section 2371 of title 10, United States Code.

''(III) The acquisition of commercial items using simplified acquisition procedures.

''(IV) The authority for procurement for experimental purposes provided under section 2373 of title 10, United States Code.

''(iii) In this subparagraph, the term 'directed energy weapon systems' means military action involving the use of directed energy to incapacitate, damage, or destroy enemy equipment, facilities, or personnel.''.

(2) CONFORMING AMENDMENTS.—Section 2373 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and aeronautical supplies'' and inserting '', aeronautical supplies, and directed energy weapon systems''; and

(B) by adding at the end of the following new subsection:

''(c) DIRECTED ENERGY WEAPON SYSTEMS DEFINED.—In this section, the term 'directed energy weapon systems' means military action involving the use of directed energy to incapacitate, damage, or destroy enemy equipment, facilities, or personnel.''.

(b) JOINT DIRECTED ENERGY PROGRAM OFFICE.—

(1) REDESIGNATION.—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the ''Joint Directed Energy Program Office'' (in this subsection referred to as the ''Office'').

(2) STRATEGIC PLAN FOR DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall develop a strategic plan for

development and fielding of directed energy weapons capabilities for the Department, in which the Office may define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(3) ACCELERATION OF DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—

(A) IN GENERAL.—To the degree practicable, the Office shall use the policies of the Department that are revised pursuant to this section and new acquisition and management practices established pursuant to this section to accelerate the development and fielding of directed energy capabilities.

(B) ENGAGEMENT.—The Secretary shall ensure that use of policies and practices described in subparagraph (A) include engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

SEC. 217. LIMITATION ON B–21 ENGINEERING AND MANUFACTURING DEVELOPMENT PROGRAM FUNDS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be made available for the B–21 Engineering and Manufacturing Development (EMD) program until the Air Force releases the value of the B–21 EMD contract award made on October 27, 2015, to the congressional defense committees.

SEC. 218. PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO CONTRACTORS PERFORMING UNDER CONTRACTS WITH DEPARTMENT OF DEFENSE FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of administrative, technical, or professional services under and within the scope of the contracts with such federally funded research and development centers.

(b) FFRDCS.—The pilot program shall be carried out with one or more federally funded research and development centers of the Department selected by the Secretary for participation in the pilot program.

(c) FFRDC PERSONNEL.—Sensitive information may be disclosed to personnel of a contractor of a federally funded research and development center under the pilot program only if such personnel agree to be subject to, and comply with, such ethics standards and requirements as the Secretary shall specify for purposes of the pilot program, including the Ethics in Government Act of 1978, section 1905 of title 18, United States Code, and chapter 21 of title 41, United States Code.

(d) CONDITIONS ON DISCLOSURE.—Sensitive information may be disclosed under the pilot program only if the federally funded research and development center concerned and any relevant contractors agree to and acknowledge that—

(1) sensitive information furnished to the federally funded research and development center and any relevant contractor under the pilot program will be accessed and used only for the purposes stated in the contract between the federally funded research and development center and such contractor;

(2) the federally funded research and development center and any relevant contractor will take all precautions necessary to prevent disclosure of the sensitive information furnished to anyone not authorized access to the information in order to perform the applicable contract;

(3) sensitive information furnished under the pilot program shall not be used by the federally funded research and development center and any relevant contractor to compete against a third party for a Government or non-Government contract, or to support current or future research or technology development activities performed by the federally funded research and development center or contractor; and

(4) any personnel of a contractor of a federally funded research and development center participating in the pilot program may not have access to any trade secrets, or to any other nonpublic information which is of value to the research and technology development activities of the private-sector organization from which such employee is assigned, unless specifically authorized by this section or other law.

(e) DURATION.—The pilot program shall terminate on the date that is three years after the date of the commencement of the pilot program.

(f) ASSESSMENT.—Not later than two years after the commencement of the pilot program, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including an assessment of the effectiveness of activities under the pilot program in improving acquisition processes and the effectiveness of protections of private-sector intellectual property in the course of such activities.

(g) SENSITIVE INFORMATION DEFINED.—In this section, the term ''sensitive information'' means confidential commercial, financial, or proprietary information, technical data, contract performance, contract performance evaluation, management, and administration data, or other privileged information owned by other contractors of the Department of Defense that is exempt from public disclosure under section 552(b)(4) of title 5, United States Code, or which would otherwise be prohibited from disclosure under section 1832 or 1905 of title 18, United States Code.

SEC. 219. PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of additional and enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.

(b) AWARDS OF FUNDS.—In carrying out the pilot program, the Secretary of Defense may provide funds to current contractors and grantees of the Department of Defense under the Defense Advanced Research Projects Agency in order to encourage such contractors and grantees to do as follows:

(1) Develop research partnerships with the service academies for the purpose of utilizing the technology transition networks service academies maintain among their academic departments, resident research centers, and existing partnerships with service laboratories and other Federal degree granting institutions.

(2) Utilize technology transition insight from faculty-in-training who are enrolled at academic institutions conducting advanced research for the Department.

(3) Include the service academies' faculty members, cadets, and midshipmen as participants in technology user evaluations.

(4) Provide sabbaticals and internships for faculty members, cadets, and midshipmen at the service academies at research agencies, laboratories, and facilities of the Department and at university and industry research facilities.

(c) TERMINATION.—The authority to carry out the pilot program shall terminate on September 30, 2020.

(d) DEFINITIONS.—In this section:

(1) The term ''faculty-in-training'' means personnel attending graduate school programs at the expense of the Armed Forces with follow-on assignments as faculty at the service academies.

(2) The term ''service academies'' means the following:

(A) The United States Military Academy

(B) The United States Naval Academy.

(C) Th United States Air Force Academy.

(D) The United States Coast Guard Academy

(E) The United States Merchant Marine Academy.

SEC. 220. MODIFICATION OF AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS CONSISTING OF LABORATORY REVITALIZATION.

(a) INCREASE IN AMOUNT AUTHORIZED.—Section 2805(d) of title 10, United States Code, is amended by striking ''$4,000,000'' each place it appears and inserting ''$6,000,000''.

(b) EXTENSION OF SUNSET.—Paragraph (5) of such section is amended by striking ''2018'' and inserting ''2025''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 302. MODIFIED REPORTING REQUIREMENT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.

Subsection (a) of section 2925 of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND RESILIENCY'' after ''ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT'';

(2) by striking paragraphs (2), (3), (4), (5), (6), (7), (8), and (10); and

(3) by redesignating subsections (9) and (11) as paragraphs (2) and (3), respectively.

SEC. 303. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the assistant secretaries responsible for installations and environment for the military services and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to achieve cost savings at military installations with high energy costs.

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

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high energy costs.

(B) An assessment of current sources of energy in areas with high energy costs and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined

to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of extent of which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing areas of high energy costs, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term ''high energy costs'' means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 304. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.

(a) PILOT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a pilot program to investigate the utilization of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage, and distribution.

(b) USE OF FUNDS.—The Secretary of Defense may use funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Navy, and available for enterprise information to carry out the pilot program required under subsection (a).

SEC. 305. LINEAR LED LAMPS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend section 2–4.1.1.2 of the Department of Defense's Unified Facilities Criteria 3–530–1 to provide that—

(1) linear LED lamps with luminaire conversion kits may be UL Type B, receiving power on only one end of the lamp, 110–277VAC compatible; and

(2) for Army, Air Force, and Navy projects, linear LED lamps are allowed for light source retrofits.

Subtitle C—Logistics and Sustainment

SEC. 311. DEPLOYMENT PRIORITIZATION AND READINESS OF ARMY UNITS.

(a) DEPLOYMENT PRIORITIZATION AND READINESS.—

(1) IN GENERAL.—Chapter 1003 of title 10, United States Code, is amended by inserting after section 10102 the following new section:

''§ 10102a. Deployment prioritization and readiness of Army units

''(a) DEPLOYMENT PRIORITIZATION.—The Secretary of the Army shall maintain a system for identifying the priority of deployment for units of all components of the Army.

''(b) DEPLOYABILITY READINESS RATING.—The Secretary shall maintain a readiness rating system for units of all components of the Army that provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. The system shall ensure that—

''(1) the personnel readiness rating of a unit reflects—

''(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its back mission requirements; and

''(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

''(2) the equipment readiness assessment of a unit—

''(A) documents all equipment required for deployment;

''(B) reflects only that equipment that is directly possessed by the unit;

''(C) specifies the effect of substitute items; and

''(D) assesses the effect of missing components and sets on the readiness of major equipment items.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1003 of such title is amended by inserting after the item relating to section 10102 the following new item:

''10102a. Deployment prioritization and readiness of Army units.''.

(b) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—Sections 1121 and 1135 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 10105 note) are repealed.

SEC. 312. REVISION OF GUIDANCE RELATED TO CORROSION CONTROL AND PREVENTION EXECUTIVES.

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight, shall revise corrosion-related guidance to clearly define the role of the corrosion control and prevention executives of the military departments in assisting the Office of Corrosion Policy and Oversight in holding the appropriate project management office in each military department accountable for submitting the report required under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note) with an expanded emphasis on infrastructure, as required in the long-term strategy of the Department of Defense under section 2228(d) of title 10, United States Code.

SEC. 313. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.

Amounts authorized to be appropriated for fiscal year 2017 by section 301 for operation and maintenance and available as foreign currency fluctuation savings as specified in the funding table in section 4301 may be made available for the repair, recapitalization, and certification of dry docks at Naval shipyards.

Subtitle D—Reports

SEC. 321. MODIFICATIONS TO QUARTERLY READINESS REPORT TO CONGRESS.

(a) DEADLINE FOR REPORT.—Subsection (a) of section 482 of title 10, United States Code, is amended by striking ''Not later than 45 days after the end of each calendar-year quarter'' and inserting ''Not later than 30 days after the end of each calendar-year quarter''.

(b) ELIMINATION OF REPORTING REQUIREMENTS RELATED TO PREPOSITIONED STOCKS AND NATIONAL GUARD CIVIL SUPPORT MISSION READINESS.—Such section is further amended—

(1) in subsection (a), by striking ''subsections (b), (d), (e), (f), (g), (h), and (i)'' and inserting ''subsections (b), (d), (e), (f), and (g)'';

(2) by striking subsections (d) and (e); and

(3) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), and (i) respectively.

(c) INCLUSION OF INFORMATION ON CANNIBALIZATION RATES.—Such section, as amended by subsection (b), is further amended by inserting after subsection (g), as redesignated by paragraph (3) of such subsection (b), the following new subsection:

''(h) CANNIBALIZATION RATES.—Each report under this section shall include a separate unclassified report containing the information collected pursuant to section 117(c)(7) of this title.''.

SEC. 322. REPORT ON HH–60G SUSTAINMENT AND COMBAT RESCUE HELICOPTER (CRH) PROGRAM.

(a) REPORT ON SUSTAINMENT PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth a plan to modernize, sustain training, and provide depot maintenance for all components of the HH–60 helicopter fleet until total force combat rescue units have been fully equipped with HH–60W Combat Rescue Helicopters.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description of the Air Force's modernization plan for legacy HH–60G combat rescue helicopters.

(2) A description of the Air Force's plan to maintain the training pipeline for the HH–60G aircrew and maintenance force required to maintain full readiness through the end of fiscal year 2029.

(3) A description of the Air Force's depot maintenance plan to ensure the legacy HH–60G fleet of helicopters is maintained to meet readiness rates through the end of fiscal year 2029.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle E—Other Matters

SEC. 331. REPURPOSING AND REUSE OF SURPLUS MILITARY FIREARMS.

(a) ARMY TRANSFERS.—

(1) REQUIRED TRANSFER.—Not later than 90 days after the date of the enactment of this Act, and subject to paragraphs (3) and (4), the Secretary of the Army shall transfer to Rock Island Arsenal all excess firearms, related spare parts and components, small arms ammunition, and ammunition components currently stored at Defense Distribution Depot, Anniston, Alabama, that are no longer actively issued for military service.

(2) REPURPOSING AND REUSE.—The items specified for transfer under paragraph (1) shall be melted and repurposed for military use as determined by the Secretary of the Army, including—

(A) the re-forging of new firearms or their components; and

(B) force protection barriers and security bollards.

(3) TRANSFER FOR HISTORICAL PURPOSES.—Notwithstanding paragraphs (1) and (2), the Secretary may transfer up to 2,000 surplus caliber .45 M1911/M1911A1 pistols and 2,000 M–14 Rifles to a military museum for display and preservation.

(4) ITEMS EXEMPT FROM TRANSFER.—M–1 Garand and caliber .22 rimfire rifles are not subject to the transfer requirement under paragraph (1).

(b) NAVY TRANSFERS.—Section 40728 of title 36, United States Code, is amended by adding at the end the following new subsection:

''(i) AUTHORIZED NAVY TRANSFERS.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of the Navy may transfer to the corporation, in accordance with the procedures prescribed in this subchapter, M–1 Garand and caliber .22 rimfire rifles held within the inventories of

the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana, as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

''(2) USE AS MARKSMANSHIP TROPHIES.—The items specified for transfer under paragraph (1) shall be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or the United States Navy and may not be resold.''.

SEC. 332. LIMITATION ON DEVELOPMENT AND FIELDING OF NEW CAMOUFLAGE AND UTILITY UNIFORMS.

No funds may be obligated or expended for the development or fielding of new camouflage or utility uniforms or families of uniforms until one year after the Secretary of Defense notifies the congressional defense committees of the proposed development or fielding.

SEC. 333. HAZARD ASSESSMENTS RELATED TO NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) in subsection (e)—

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

(B) by inserting after paragraph (1) the following new paragraph:

''(2) ELEMENTS OF HAZARD ASSESSMENT.—Each hazard assessment shall, at a minimum, include—

''(A) an analysis of—

''(i) the electromagnetic interference that the proposed project would cause for any military installation, military-owned or military-operated air traffic control radar site, military training route or range, navigation aid, and approach systems;

''(ii) any other adverse impacts of the proposed project on military operations, safety, and readiness, including adverse effects to instrument or visual flight operations; and

''(iii) what alterations could be made to the proposed project, including its location and physical proximity to the affected military installation, military-owned or military-operated air traffic control radar site, military training route or range, or navigation aid, to sufficiently mitigate any adverse impacts described under clauses (i) and (ii); and

''(B) a determination as to whether the proposed project will have any adverse aeronautical effects, as described in clauses (i) and (ii) of subparagraph (A), or other significant military operational impacts.'';

(C) in paragraph (4), as redesignated by subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(D) in paragraph (5), as redesignated by such subparagraph, by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(2) in subsection (j), by adding at the end the following new paragraph:

''(4) The term 'unacceptable risk to the national security of the United States' includes any significant adverse aeronautical effects, such as electromagnetic interference with the affected military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems, as well as any other significant adverse impacts on military operations, safety, and readiness, such as adverse effects to instrument or visual flight operations.''.

(b) REVIEW OF APPROVED PROJECTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of mitigation plans developed pursuant to subsection (e) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) to ensure that the mitigation plans comply with the requirements of paragraph (2) of such subsection, as added by subsection (a) of this section.

SEC. 334. PLAN FOR MODERNIZED AIR FORCE DEDICATED ADVERSARY AIR TRAINING ENTERPRISE.

(a) PLAN REQUIRED.—The Chief of Staff of the Air Force shall develop a plan—

(1) to provide a modernized dedicated adversary air training enterprise for the Air Force in order to—

(A) maximize warfighting effectiveness and synergies of the current and planned fourth and fifth generation combat air forces through optimized training and readiness; and

(B) harness intelligence analysis, emerging live-virtual-constructive training technologies, range infrastructure improvements, and results of experimentation and prototyping efforts in operational concept development;

(2) to explore all available opportunities to challenge the combat air forces of the Air Force with threat representative adversary-to-friendly aircraft ratios, known and emerging adversary tactics, and high fidelity replication of threat airborne and ground capabilities; and

(3) to execute all means available to achieve training and readiness goals and objectives of the Air Force with demonstrated institutional commitment to the adversary air training enterprise through the application of Air Force policy and resources, partnering with the other Armed Forces, allies, and friends, and employing the use of industry contracted services.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall include enterprise goals, objectives, concepts of operations, phased implementation timelines, analysis of expected readiness improvements, prioritized resource requirements, and such other matters as the Chief of Staff considers appropriate.

(c) SUBMITTAL OF PLAN AND BRIEFING.—Not later than March 3, 2017, the Chief of Staff shall provide to the Committees on Armed Services of the Senate and the House of Representatives a written plan and a briefing on the plan under subsection (a).

SEC. 335. INDEPENDENT STUDY TO REVIEW AND ASSESS THE EFFECTIVENESS OF THE AIR FORCE READY AIRCREW PROGRAM.

(a) STUDY.—The Secretary of the Air Force shall commission an independent review and assessment of the assumptions underlying the Air Force's annual continuation training requirements and the efficacy of the overall Ready Aircrew Program in the management of Air Force's aircrew training requirements.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the review conducted.

(2) ELEMENTS.—The report required under paragraph (1) shall include an analysis, and where appropriate, an assessment of—

(A) the total sorties required by each combat aircraft and mission type to reach minimum and optimum levels of proficiency;

(B) the optimal mix of live and virtual training sorties by aircraft and mission type;

(C) the requirements for and availability of supporting assets and infrastructure to achieve proficiency levels;

(D) the accumulated flying hours or other measurements needed to achieve experienced aircrew designations, and whether different measures should be used;

(E) the optimum mix of experienced versus inexperienced aircrews by aircraft and mission type;

(F) the actions planned and taken, and the estimated magnitude of resources required, to incorporate the assessment recommendations; and

(G) any other matters the Secretary determines are appropriate to ensure a comprehensive review and assessment.

(c) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall review the report submitted under subsection (b) and submit to the congressional defense committees an assessment of the matters contained in the report, including an assessment of—

(A) the extent to which the Air Force's report addressed the mandated reporting elements;

(B) the adequacy and completeness of the assumptions reviewed to establish the annual training requirements;

(C) the Air Force's actions planned to incorporate the report results into annual training documents; and

(D) any other matters the Comptroller General determines are relevant.

(2) BRIEFING.—The Comptroller General shall brief the congressional defense committees on the preliminary results of the review conducted under paragraph (1) not later than 60 days after the date on which the Secretary of the Air Force submits the report required under subsection (b).

SEC. 336. MITIGATION OF RISKS POSED BY CERTAIN WINDOW COVERINGS WITH ACCESSIBLE CORDS IN MILITARY HOUSING UNITS IN WHICH CHILDREN RESIDE.

(a) REMOVAL OF CERTAIN WINDOW COVERINGS.—The Secretary of Defense shall remove and replace window coverings with accessible cords exceeding 8 inches in length and window coverings with continuous loop/bead cord from military housing units in which children under the age of 9 reside.

(b) REQUIREMENT FOR HOUSING CONTRACTORS TO PHASE OUT WINDOW COVERINGS WITH ACCESSIBLE CORDS FROM MILITARY HOUSING UNITS.—The Secretary of Defense shall require housing contractors to phase out window coverings with accessible cords exceeding 8 inches in length and window coverings with continuous loop/bead cords that do not contain a cord tension device that prohibits operation when not anchored to the wall from military housing units within one year of the date of the enactment of this Act.

SEC. 337. TACTICAL EXPLOSIVE DETECTION DOGS.

(a) INCLUSION IN DEFINITION OF MILITARY ANIMALS.—Section 2583(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) A tactical explosive detection dog (TEDD) that has been transferred to the 341st Training Squadron from a private contractor.''.

(b) REQUIRED CONTRACT CLAUSE.—

(1) CIVILIAN CONTRACTS.—

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

''§ 4713. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life

''(a) IN GENERAL.—Each contract with a provider of tactical explosive detection dogs (TEDDs) shall include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life as described in subsection (b), including for purposes of reclassification as a military animal and placement for adoption in accordance with section 2583 of title 10.

''(b) SERVICE LIFE.—For purposes of this section, an animal's service life is over and the animal is available for transfer to the 341st Training Squadron only if—

''(1) the animal's final United States Government-wide contractual obligation is with the Department of Defense, military service, or defense agency; and

''(2) the animal has no additional capability to be utilized by another United States Government agency due to age, injury, or performance.''.

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

''4713. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life.''.

(2) DEFENSE CONTACTS.—

(A) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life

''Each Department of Defense contract with a provider of tactical explosive detection dogs (TEDDs) shall include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life, including for purposes of reclassification as a military animal and placement for adoption in accordance with section 2583 of this title.''.

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

''2410r. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life.''.

SEC. 338. STARBASE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget of the President for fiscal year 2017 requested no funding for the Department of Defense STARBASE program.

(2) The purpose of the STARBASE program is to improve the knowledge and skills of students in kindergarten through 12th grade in science, technology, engineering, and mathematics (STEM) subjects, to connect them to the military, and to motivate them to explore science, technology, engineering, and mathematics and possible military careers as they continue their education.

(3) The STARBASE program currently operates at 76 locations in 40 States and the District of Columbia and Puerto Rico, primarily on military installations.

(4) To date, nearly 750,000 students have participated in the STARBASE program.

(5) The STARBASE program is a highly effective program run by dedicated members of the Armed Forces and strengthens the relationships between the military, communities, and local school districts.

(6) The budget of the President for fiscal year 2017 seeks to eliminate funding for the STARBASE program for that fiscal year due to a reorganization of science, technology, engineering, and mathematics programs throughout the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the STARBASE program should continue to be funded by the Department of Defense.

SEC. 339. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS FOR DRIVERS OF VEHICLES OF ONLINE TRANSPORTATION NETWORK COMPANIES.

(a) ACCESS TO BE PERMITTED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish policies, terms and conditions under which drivers of vehicles affiliated with online transportation network companies shall be permitted access to installations of the Department of Defense. In establishing such policies, terms and conditions, the Secretary shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department, and their families.

(b) ELEMENTS.—

(1) IN GENERAL.—The policies, terms, and conditions established pursuant to this section shall—

(A) permit access to installations by drivers of vehicles affiliated with transportation network companies that have authorized access to installations of the Department as of the date of the enactment of this Act;

(B) permit access to installations by drivers of vehicles affiliated with transportation network companies that seek authorized access to installations of the Department after the date of the enactment of this Act, but only if such drivers of vehicles agree to abide by such terms and conditions;

(C) prohibits drivers of vehicles, and personnel, affiliated with transportation network companies, from accessing sensitive areas of installations of the Department;

(D) permit drivers of vehicles affiliated with transportation network companies that have authorized access to installations of the Department access to barracks areas, housing areas, temporary lodging facilities areas, and military unit areas; and

(E) require each transportation network company whose affiliated drivers of vehicles have authorized access to installations of the Department—

(i) to track, in real-time, the location of the entry and exit of such drivers onto and off such installations; and

(ii) to provide, on demand, the information described in clause (i) to personnel and agencies of the Department.

(2) CONFIDENTIALITY OF INFORMATION PROVIDED.—The terms and conditions shall provide for the treatment of any information provided by a transportation network company in accordance with the requirements of paragraph (1)(E) as confidential and proprietary information of the transportation network company exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''). The Department shall not disclose such information to any person or entity without the express written consent of the transportation network company unless required by a court order.

(c) TRANSPORTATION NETWORK COMPANY DEFINED.—In this section, the term ''transportation network company'' means a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect riders to drivers affiliated with the entity in order for a driver to provide transportation services to a rider.

SEC. 340. WOMEN'S MILITARY SERVICE MEMORIALS AND MUSEUMS.

(a) AUTHORIZATION.—The Secretary of Defense may provide not more than $5,000,000 in financial support for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military. The Secretary may enter into a contract with a non-profit organization for the purpose of performing such acquisition, installation, and maintenance.

(b) OFFSET.—Of the funds authorized to be appropriated by section 301 for operation and maintenance, Army, and available for the National Museum of the United States Army, not more than $5,000,000 shall be provided, at the discretion of the Secretary of Defense, to carry out activities under subsection (a).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Personnel

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2017, as follows:

(1) The Army, 460,000.

(2) The Navy, 322,900.

(3) The Marine Corps, 182,000.

(4) The Air Force, 317,000.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(1) The Army National Guard of the United States, 335,000.

(2) The Army Reserve, 195,000.

(3) The Navy Reserve, 58,000.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 105,700.

(6) The Air Force Reserve, 69,000.

(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2017, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,155.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 9,955.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,764.

(6) The Air Force Reserve, 2,955.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The authorized number of military technicians (dual status) as of September 30, 2017, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 25,507.

(2) For the Army Reserve, 7,570.

(3) For the Air National Guard of the United States, 22,103.

(4) For the Air Force Reserve, 10,061.

(b) VARIANCE.—Notwithstanding subsection (d) of section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be varied in the same manner as is provided for the variance of end strengths in subsections (f)(1) and (g)(1)(B) of such section as if such end strength prescribed by subsection (a) were an end strength for personnel otherwise described by such subsection (f)(1) or (g)(1)(B), as applicable.

SEC. 414. FISCAL YEAR 2017 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2017, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2017, may not exceed 420.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2017, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2017, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. TECHNICAL CORRECTIONS TO ANNUAL AUTHORIZATION FOR PERSONNEL STRENGTHS.

Section 115 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''502(f)(2)'' and inserting ''502(f)(1)(B)''; and

(B) in subparagraph (C), by striking ''502(f)(2)'' and inserting ''502(f)(1)(B)''; and

(2) in subsection (i)(7), by striking ''502(f)(1)'' and inserting ''502(f)(1)(A)''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REFORM OF DISTRIBUTION AND AUTHORIZED STRENGTH OF GENERAL AND FLAG OFFICERS.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—

(1) REFORM.—Chapter 32 of title 10, United States Code, is amended by inserting after section 525 the following new section:

''§ 525a. Distribution of commissioned officers on active duty in general officer grades and flag officer grades after December 31, 2017

''(a) IN GENERAL.—For purposes of the applicable limitation in section 526a(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made after December 31, 2017, as follows:

''(1) In the Army, if that appointment would result in more than—

''(A) 4 officers in the grade of general;

''(B) 23 officers in a grade above the grade of major general; or

''(C) 62 officers in the grade of major general.

''(2) In the Air Force, if that appointment would result in more than—

''(A) 4 officers in the grade of general;

''(B) 20 officers in a grade above the grade of major general; or

''(C) 52 officers in the grade of major general.

''(3) In the Navy, if that appointment would result in more than—

''(A) 4 officers in the grade of admiral;

''(B) 17 officers in a grade above the grade of rear admiral; or

''(C) 42 officers in the grade of rear admiral.

''(4) In the Marine Corps, if that appointment would result in more than—

''(A) 2 officers in the grade of general;

''(B) 9 officers in a grade above the grade of major general; or

''(C) 16 officers in the grade of major general.

''(b) EXCLUSIONS IN CONNECTION WITH JOINT DUTY ASSIGNMENTS.—The limitations of subsection (a) do not include the following:

''(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

''(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526a(b) of this title for each armed force.

''(c) APPOINTMENTS IN CONNECTION WITH OFFSETTING REDUCTIONS.—

''(1) IN GENERAL.—Subject to paragraph (3), the President—

''(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

''(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

''(2) OFFSETTING REDUCTION.—For each appointment made under the authority of paragraph (1) in the Army, Air Force, or Marine Corps in the grade of lieutenant general or general, or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the armed force in which the reduction required by this paragraph is to be made.

''(3) LIMITATIONS.—

''(A) GRADE OF GENERAL OR ADMIRAL.—The number of officers that may be serving on active duty in the grades of general and admiral by reason of appointment made under the authority of paragraph (1) may not exceed 1.

''(B) GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL.—The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed 4.

''(4) TERMINATION.—Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that armed force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another armed force by reason of that increase shall no longer be in effect.

''(d) EXCLUSION OFFICERS UPON RELIEF FROM CHIEFS OF STAFF DUTY.—An officer continuing to hold the grade of general or admiral under section 601(b)(5) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.

''(e) EXCLUSION FOR RETIREMENT, SEPARATION, RELEASE, OR RELIEF.—The following officers shall not be counted for purposes of this section:

''(1) An officer of that armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

''(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

''(f) EXCLUSION FOR RESERVE OFFICERS ON CERTAIN ACTIVE DUTY.—

''(1) IN GENERAL.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and are not serving in a position that is a joint duty assignment for purposes of chapter 38 of this

title may not exceed 5 per component, unless authorized by the Secretary of Defense.

''(2) NOTICE TO CONGRESS.—Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization.''.

(2) CONFORMING AMENDMENT.—Section 525 of such title is amended by adding at the end the following new subsection:

''(h) The provisions of this section shall not apply to appointments in general officer grades and flag officer grades made after December 31, 2017. For provisions applicable to the distribution of appointments in such grades after that date, see section 525a of this title.''.

(b) AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AFTER DECEMBER 31, 2017.—

(1) REFORM.—Chapter 32 of title 10, United States Code, is further amended by inserting after section 526 the following new section:

''§ 526a. Authorized strength after December 31, 2017: general and flag officers on active duty

''(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, after December 31, 2017, may not exceed the number specified for the armed force concerned as follows:

''(1) For the Army, 173.

''(2) For the Navy, 121.

''(3) For the Air Force, 148.

''(4) For the Marine Corps, 47.

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of Defense may designate up to 232 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). The Secretary shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.

''(2) MINIMUM NUMBER.—Unless the Secretary of Defense determines that a lower number is in the best interest of the Department of Defense, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 63.

''(B) For the Navy, 45.

''(C) For the Air Force, 54.

''(D) For the Marine Corps, 15.

''(3) DISTRIBUTION ACROSS PARTICULAR GRADES.—The number excluded under paragraph (1) and serving in positions designated under that paragraph—

''(A) in the grade of general or admiral may not exceed the aggregate number of officers serving as Chairman of the Joint Chiefs of Staff, Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, commander of any unified or specified combatant commands, Commander, United States Forces Korea, two additional officers in the grade of general or admiral arising from the limitation after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 on the number unified combatant commands pursuant to section 161(b) of this title, and one additional officer in the grade of general or admiral designated by the President and appointed by and with the advice and consent of the Senate;

''(B) in a grade above the grade of major general or rear admiral may not exceed 42; and

''(C) in the grade of major general or rear admiral may not exceed 74.

''(4) NOTICE TO CONGRESS.—Not later than 30 days after determining to raise or lower a number specified in paragraph (2), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such determination.

''(5) POSITIONS HELD BY RESERVE OFFICERS.—

''(A) IN GENERAL.—The Chairman of the Joint Chiefs of Staff may designate up to 11 general and flag officer positions in the unified and specified combatant commands, and up to three general and flag officer positions on the Joint Staff, as positions to be held only by reserve component officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.

''(B) EXCEPTION FROM LIMITATION.—Except as provided in subparagraph (E), a reserve component officer serving in a position designated under subparagraph (A) while on active duty under a call or order to active duty that does not specify a period of 180 days or less shall not be counted for the purposes of the limitations under subsection (a) and under section 525a of this title if the officer was selected for service in that position in accordance with the procedures specified in subparagraph (C).

''(C) PROCEDURES GENERALLY.—Whenever a vacancy occurs, or is anticipated to occur, in a position designated under subparagraph (A)—

''(i) the Secretary of Defense shall require the Secretary of the Army to submit the name of at least one Army reserve component officer, the Secretary of the Navy to submit the name of at least one Navy Reserve officer and the name of at least one Marine Corps Reserve officer, and the Secretary of the Air Force to submit the name of at least one Air Force reserve component officer for consideration by the Secretary for assignment to that position; and

''(ii) the Chairman of the Joint Chiefs of Staff may submit to the Secretary of Defense the name of one or more officers (in addition to the officers whose names are submitted pursuant to clause (i)) for consideration by the Secretary for assignment to that position.

''(D) PERFORMANCE EVALUATION OF RECOMMENDED OFFICERS.—Whenever the Secretaries of the military departments are required to submit the names of officers under subparagraph (C)(i), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of each officer whose name is submitted under that subparagraph (and of any officer whose name the Chairman submits to the Secretary under subparagraph (C)(ii) for consideration for the same vacancy).

''(E) INAPPLICABILITY OF EXCEPTION.—Subparagraph (B) does not apply in the case of an officer serving in a position designated under subparagraph (A) if the Secretary of Defense, when considering officers for assignment to fill the vacancy in that position which was filled by that officer, did not have a recommendation for that assignment from each Secretary of a military department who (pursuant to subparagraph (C)) was required to make such a recommendation.

''(c) EXCLUSION OF CERTAIN RESERVE OFFICERS.—

''(1) ACTIVE DUTY FOR TRAINING OR LESS THAN 180 DAYS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.

''(2) SPECIFIED NUMBER ON ACTIVE DUTY FOR NOT MORE THAN 365 DAYS.—The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to 10 percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004a of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.

''(3) LIMITED NUMBER ON ACTIVE DUTY FOR MORE THAN 365 DAYS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days but not to exceed three years, except that the number of such officers from each reserve component who are covered by this paragraph and not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense.

''(d) EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.—The limitations of this section do not apply to a general or flag officer who is covered by an exception under section 525a(e) of this title.

''(e) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—

''(1) IN GENERAL.—The limitations in subsection (a) and in section 525a(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

''(2) DURATION OF EXCLUSION.—A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

''(f) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by an extension under this sentence at the same time.

''(g) ACTIVE-DUTY BASELINE.—

''(1) NOTICE AND WAIT REQUIREMENTS.—If the Secretary of a military department proposes an action that would increase above the baseline the number of general officers or flag officers of an armed force under the jurisdiction of that Secretary who would be on active duty and would count against the statutory limit applicable to that armed force under subsection (a), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which the Secretary provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

''(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' for an armed force means the lower of—

''(A) the statutory limit of general officers or flag officers of that armed force under subsection (a); or

''(B) the actual number of general officers or flag officers of that armed force who, as of January 1, 2018, counted toward the statutory limit of general officers or flag officers of that armed force under subsection (a).

''(3) LIMITATION.—If, at any time, the actual number of general officers or flag officers of an armed force who count toward the statutory limit of general officers or flag officers of that armed force under subsection (a) exceeds such statutory limit, then no increase described in paragraph (1) for that armed force may occur until the general officer or flag officer total for that armed force is reduced to or below such statutory limit.

''(h) JOINT DUTY ASSIGNMENT BASELINE.—

''(1) NOTICE AND WAIT REQUIREMENT.—If the Secretary of Defense, the Secretary of a military department, or the Chairman of the Joint Chiefs of Staff proposes an action that would increase above the baseline the number of general officers and flag officers of the armed forces in joint duty assignments who count against the statutory limit under subsection (b)(1), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which such Secretary or the Chairman, as the case may be, provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

''(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' means the lower of—

''(A) the statutory limit on general officer and flag officer positions that are joint duty assignments under subsection (b)(1); or

''(B) the actual number of general officers and flag officers who, as of January 1, 2016, were in joint duty assignments counted toward the statutory limit under subsection (b)(1).

''(3) LIMITATION.—If, at any time, the actual number of general officers and flag officers in joint duty assignments counted toward the statutory limit under subsection (b)(1) exceeds such statutory limit, then no increase described in paragraph (1) may occur until the number of general officers and flag officers in joint duty assignments is reduced to or below such statutory limit.

''(i) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying the following:

''(1) The numbers of general officers and flag officers who, as of January 1 of the calendar year in which the report is submitted, counted toward the service-specific limits of subsection (a).

''(2) The number of general officers and flag officers in joint duty assignments who, as of such January 1, counted toward the statutory limit under subsection (b)(1).''.

(2) CONFORMING AMENDMENT.—Section 526 of such title is amended by adding at the end the following new subsection:

''(k) CESSATION OF APPLICABILITY.—The provisions of this section shall not apply to number of general officers and flag officers in the armed forces after December 31, 2017. For provisions applicable to the number of such officers after that date, see section 526a of this title''.

(c) STRENGTH IN GRADE OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.—

(1) REFORM.—Chapter 1201 of title 10, United States Code, is amended by inserting after section 12004 the following new section:

''§ 12004a. Strength in grade after December 31, 2017: reserve general and flag officers in an active status

''(a) IN GENERAL.—The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve flag officers in an active status, after December 31, 2017, are as follows:

''(1) In the Army, 155.

''(2) In the Air Force, 117.

''(3) In the Navy, 36.

''(4) In the Marine Corps, 7.

''(b) AGGREGATE NUMBER OF CERTAIN NATIONAL GUARD OFFICERS.—

''(1) IN GENERAL.—The aggregate number of general officers described in paragraph (2) serving on active duty after December 31, 2017, may not exceed the number equal to 75 percent of the aggregate number of such officers who were serving on active duty as of December 31, 2015.

''(2) COVERED GENERAL OFFICERS.—The general officers described in this paragraph are the following:

''(A) General officers of the National Guard of the States and territories.

''(B) General officers serving in the National Guard Bureau

''(c) EXCLUSION OF CERTAIN ARMY AND AIR FORCE OFFICERS.—The following Army and Air Force reserve officers shall not be counted for purposes of this section:

''(1) Officers serving as adjutants general or assistant adjutants general of a State.

''(2) Except as provided in subsection (b), officers serving in the National Guard Bureau.

''(3) Officers counted under section 526a of this title.

''(4) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).

''(d) EXCLUSION OF CERTAIN NAVY OFFICERS.—

''(1) IN GENERAL.—The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Officers counted under section 526a of this title.

''(B) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) SCOPE OF EXCLUSION.—Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in a grade above the grade of rear admiral (lower half).

''(e) EXCLUSION OF CERTAIN MARINE CORPS OFFICERS.—The following Marine Corps reserve officers shall not be counted for purposes of this section:

''(1) Officers counted under section 526a of this title.

''(2) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Marine Corps in subsection (a).

''(f) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time.

''(g) PRESERVATION OF GRADE.—

''(1) ARMY AND AIR FORCE OFFICERS.—A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

''(2) NAVY AND MARINE CORPS OFFICERS.—An officer of the Navy Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for the officer's grade.''.

(2) CONFORMING AMENDMENT.—Section 12004 of such title is amended by adding at the end the following new subsection:

''(g) The provisions of this section shall not apply to authorized strengths for reserve general and flag officers after December 31, 2017. For provisions applicable to the authorized strengths of such officers after that date, see section 12004a of this title.''.

(d) CLERICAL AMENDMENTS.—

(1) CHAPTER 32.—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended—

(A) by inserting after the item relating to section 525 the following new item:

''525a. Distribution of commissioned officers on active duty in general officer grades and flag officer grades after December 31, 2017.''.

(B) by inserting after the item relating to section 526 the following new item:

''526a. Authorized strength after December 31, 2017: general and flag officers on active duty.''.

(2) CHAPTER 1201.—The table of sections at the beginning of chapter 1201 of such is amended by inserting after the item relating to section 12004 the following new item:

''12004a. Strength in grade after December 31, 2017: reserve general and flag officers in an active status.''.

SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.

(a) ASSISTANTS TO CJCS FOR NG MATTERS AND RESERVE MATTERS.—

(1) IN GENERAL.—Section 155a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 155a.

(b) LEGAL COUNSEL TO CJCS.—Section 156 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) DIRECTOR OF TEST RESOURCE MANAGEMENT CENTER.—Section 196(b)(1) of title 10, United States Code, is amended by striking the second and third sentences.

(d) DIRECTOR OF MISSILE DEFENSE AGENCY.—

(1) IN GENERAL.—Section 203 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 203.

(e) JOINT 4-STAR POSITIONS.—Section 604(b) of title 10, United States Code, is amended by striking paragraph (3).

(f) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UN.—Section 711 of title 10, United States Code, is amended by striking the second sentence.

(g) CHIEF OF STAFF TO PRESIDENT.—

(1) IN GENERAL.—Section 720 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 720.

(h) ATTENDING PHYSICIAN TO CONGRESS.—

(1) IN GENERAL.—Section 722 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 722.

(i) PHYSICIAN TO WHITE HOUSE.—

(1) IN GENERAL.—Section 744 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 744.

(j) CHIEF OF LEGISLATIVE LIAISON OF THE ARMY.—Section 3023(a) of title 10, United States Code, is amended by striking the second sentence.

(k) CHIEFS OF BRANCHES OF THE ARMY.—Section 3036(b) of title 10, United States Code, is amended in the flush matter following paragraph (2)—

(1) by striking the first sentence; and

(2) in the second sentence, by striking '', and while so serving, has the grade of lieutenant general''.

(l) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last two sentences.

(m) CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)''; and

(3) by striking paragraph (2).

(n) DEPUTY AND ASSISTANT CHIEFS OF BRANCHES OF THE ARMY.—

(1) IN GENERAL.—Section 3039 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 305 of such title is amended by striking the item relating to section 3039.

(o) CHIEF OF ARMY NURSE CORPS.—Section 3069(b) of title 10, United States Code, is amended by striking the second sentence.

(p) ASSISTANT CHIEFS OF ARMY MEDICAL SPECIALIST CORPS.—

(1) IN GENERAL.—Section 3070 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and assistant chiefs'';

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3070. Army Medical Specialist Corps: organization; Chief''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3070 and inserting the following new item:

''3070. Army Medical Specialist Corps: organization; Chief.''.

(q) JUDGE ADVOCATE GENERAL'S CORPS OF THE ARMY.—Section 3072 of title 10, United States Code, is amended—

(1) by striking paragraph (3); and

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

(r) CHIEF OF VETERINARY CORPS OF THE ARMY.—

(1) IN GENERAL.—Section 3084 of title 10, United States Code, is amended by striking the second sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3084. Chief of Veterinary Corps''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 is amended by striking the item relating to section 3084 and inserting the following new item:

''3084. Chief of Veterinary Corps.''.

(s) ARMY AIDES.—

(1) IN GENERAL.—Section 3543 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 343 of such title is amended by striking the item relating to section 3543.

(t) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE NAVY FOR RD&A.—Section 5016(b)(4)(B) of title 10, United States Code, is amended by striking ''a vice admiral of the Navy or a lieutenant general of the Marine Corps'' and inserting ''an officer of the Navy or the Marine Corps''.

(u) CHIEF OF NAVAL RESEARCH.—Section 5022 of title 10, United States Code, is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(v) CHIEF OF LEGISLATIVE AFFAIRS OF THE NAVY.—Section 5027(a) of title 10, United States Code, is amended by striking the second sentence.

(w) DIRECTOR FOR EXPEDITIONARY WARFARE.—Section 5038 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(x) SJA TO COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence.

(y) LEGISLATIVE ASSISTANT TO COMMANDANT OF THE MARINE CORPS.—Section 5047 of title 10, United States Code, is amended by striking the second sentence.

(z) BUREAU CHIEFS OF THE NAVY.—

(1) IN GENERAL.—Section 5133 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5133.

(aa) CHIEF OF DENTAL CORPS OF THE NAVY.—Section 5138 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''not below the grade of rear admiral (lower half)''; and

(2) in subsection (c), by striking the first sentence.

(bb) BUREAU OF NAVAL PERSONNEL.—

(1) IN GENERAL.—Section 5141 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the first sentence; and

(B) in subsection (b), by striking the first sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5141 and inserting the following new item:

''5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.''.

(cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section 5142 of title 10, United States Code, is amended by striking subsection (e).

(dd) CHIEF OF NAVY RESERVE.—Section 5143(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)''; (3) by striking paragraph (2).

(ee) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)''; (3) by striking paragraph (2).

(ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of title 10, United States Code, is amended by striking the last sentence.

(gg) DEPUTY AND ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY.—Section 5149 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking '', by and with the advice and consent of the Senate,''; and

(B) by striking the second sentence;

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Section 5150 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking ''Subject to subsection (c), the Secretary'' and inserting ''The Secretary''; and

(2) by striking subsection (c).

(ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of title 10, United States Code, is amended by striking ''a lieutenant general'' and inserting ''an officer''.

(jj) CHIEF OF LEGISLATIVE LIAISON OF THE AIR FORCE.—Section 8023(a) of title 10, United States Code, is amended by striking the second sentence.

(kk) JUDGE ADVOCATE GENERAL AND DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) in subsection (d)(1), by striking the last sentence.

(ll) CHIEF OF THE AIR FORCE RESERVE.—Section 8038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)''; (3) by striking paragraph (2).

(mm) CHIEF OF CHAPLAINS OF THE AIR FORCE.—Section 8039 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(2) by striking subsection (c).

(nn) CHIEF OF AIR FORCE NURSES.—

(1) IN GENERAL.—Section 8069 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''POSITIONS OF CHIEF AND ASSISTANT CHIEF'' and inserting ''POSITION OF CHIEF''; and

(ii) by striking ''and assistant chief'';

(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 8069. Air Force nurses: Chief; appointment''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 807 of such title is amended by striking the item relating to section 8069 and inserting the following new item:

''8069. Air Force nurses: Chief; appointment.''.

(oo) ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES OF THE AIR FORCE.—Section

8081 of title 10, United States Code, is amended by striking the second sentence.

(pp) AIR FORCE AIDES.—

(1) IN GENERAL.—Section 8543 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 843 is amended by striking the item relating to section 8543.

(qq) DEAN OF FACULTY OF THE AIR FORCE ACADEMY.—Section 9335(b) of title 10, United States Code, is amended by striking the first and third sentences.

(rr) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by adding ''and'' at the end;

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

(C) by striking subparagraph (E); and

(2) by striking subsection (c).

(ss) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of title 10, United States Code, is amended in each of subparagraphs (A) and (B)—

(1) by striking ''general''; and

(2) by striking '', and shall hold the grade of lieutenant general while so serving,''.

SEC. 503. TEMPORARY SUSPENSION OF OFFICER GRADE STRENGTH TABLES.

(a) DOPMA TABLES.—Section 523(a) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (2), by inserting ''paragraph (4) and'' after ''Except as provided in''; and

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

''(4) The limitations in paragraphs (1) and (2) shall not apply with respect to fiscal years 2017 through 2021.''.

(b) ROPMA TABLES.—Section 12011(a) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (2), by striking ''Of the'' and inserting ''Except as provided in paragraph (3), of the''; and

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

''(3) The limitations in paragraphs (1) and (2) shall not apply with respect to fiscal years 2017 through 2021.''.

SEC. 504. ENHANCED AUTHORITY FOR SERVICE CREDIT FOR EXPERIENCE OR ADVANCED EDUCATION UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) SERVICE CREDIT SUFFICIENT FOR APPOINTMENT AS REGULAR COLONEL OR NAVY CAPTAIN.—Subsection (b)(2) of section 533 of title 10, United States Code, is amended—

(1) by striking ''in the case of a medical and dental officer'';

(2) by striking ''major'' and inserting ''colonel''; and

(3) by striking ''lieutenant commander'' and inserting ''captain''.

(b) RESTATEMENT AND MODIFICATION OF SERVICE CREDIT FOR CYBERSPACE EXPERIENCE OR ADVANCED EDUCATION.—

(1) RESTATEMENT AND MODIFICATION.—Subsection (b)(1) of such section is amended by adding at the end the following new subparagraph:

''(F)(i) If the Secretary concerned determines that the number of commissioned officers with cyberspace-related experience or advanced education serving on active duty in an armed force under the jurisdiction of the Secretary is critically below the number needed, a period of constructive service for the following:

''(I) Special experience or training in a particular cyberspace-related field if such experience or training is directly related to the operational needs of the armed force concerned.

''(II) Any period of advanced education in a cyberspace-related field beyond the baccalaureate degree level if such advanced education is directly related to the operational needs of the armed force concerned.

''(ii) Constructive service credited an officer under this subparagraph shall not exceed one year for each year of special experience, training, or advanced education.

''(iii) Constructive service credited an officer under this subparagraph is in addition to any service credited the officer under subsection (a), and shall be credited at the time of the original appointment of the officer.''.

(2) REPEAL OF SUPERSEDED AUTHORITY.—Such section is further amended by striking subsection (g).

(c) TECHNICAL AMENDMENT.—Subsection (c) of such section is amended by inserting '', (e),'' after ''subsection (b)''.

SEC. 505. AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT THE TOP OF THE PROMOTION LIST.

(a) AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT TOP OF PROMOTION LIST.—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In selecting the officers to be recommended for promotion, a selection board may, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, from among those officers selected for promotion, to be placed at the top of the promotion list promulgated by the Secretary under section 624(a)(1) of this title.

''(2) The number of such officers placed at the top of the promotion list may not exceed the number equal to 20 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category. If the number determined under this subsection is less than one, the board may recommend one such officer.

''(3) No officer may be recommended to be placed at the top of the promotion list unless the officer receives the recommendation of at least a majority of the members of a board for such placement.

''(4) For the officers recommended to be placed at the top of the promotion list, the board shall recommend the order in which these officers should be promoted.''.

(b) OFFICERS OF PARTICULAR MERIT APPEARING AT TOP OF PROMOTION LIST.—Section 624(a)(1) of such title is amended by inserting '', except such officers of particular merit who were approved by the President and recommended by the board to be placed at the top of the promotion list under section 616(g) of this title as these officers shall be placed at the top of the promotion list in the order recommended by the board'' after ''officers on the active-duty list''.

SEC. 506. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS WHOSE CONFIRMATION OF APPOINTMENT IS DELAYED DUE TO NONAVAILABILITY TO THE SENATE OF PROBATIVE INFORMATION UNDER CONTROL OF NON-DEPARTMENT OF DEFENSE AGENCIES.

Section 629(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.''.

SEC. 507. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) IN GENERAL.—Subsection (a) of section 664 of title 10, United States Code, is amended by striking ''assignment—'' and all that follows and inserting ''assignment shall be not less than two years.''.

(b) REPEAL OF AUTHORITY FOR SHORTER LENGTH FOR OFFICERS INITIALLY ASSIGNED TO CRITICAL OCCUPATIONAL SPECIALTIES.—Such section is further amended by striking subsection (c).

(c) EXCLUSIONS FROM TOUR LENGTH.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''the standards prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)'';

(2) in paragraph (1)(D), by striking ''assignment—'' and all that follows and inserting ''assignment as prescribed by the Secretary of Defense in regulations.'';

(3) by striking paragraph (2);

(4) by redesignating paragraph (3) as paragraph (2); and

(5) in paragraph (2), as redesignated by paragraph (4) of this subsection, by striking ''the applicable standard prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)''.

(d) REPEAL OF AVERAGE TOUR LENGTH REQUIREMENTS.—Such section is further amended by striking subsection (e).

(e) FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (1), by striking ''standards prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)'';

(2) by striking paragraphs (2) and (4);

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

(4) in paragraph (4), as redesignated by paragraph (3) of this subsection, by striking '', but not less than two years''.

(f) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) by striking ''(1)'';

(2) by striking ''accord'' and inserting ''award''; and

(3) by striking paragraph (2).

(g) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (d), (f), (g), and (h), as amended by this section, as subsections (c), (d), (e), and (f), respectively;

(2) in paragraph (2) of subsection (c), as so redesignated and amended, by striking ''subsection (f)(3)'' and inserting ''subsection (d)(2)''.

(3) paragraph (2) of subsection (d), as so redesignated and amended, by striking ''subsection (g)'' and inserting ''subsection (e)'';

(4) in subsection (e), as so redesignated and amended, by striking ''subsection (f)(3)'' and inserting ''subsection (d)(2)''; and

(5) in subsection (f), as so redesignated and amended, by striking ''paragraphs (1), (2), and (4) of subsection (f)'' and inserting ''subsection (d)(1)''.

SEC. 508. MODIFICATION OF DEFINITIONS RELATING TO JOINT OFFICER MANAGEMENT.

(a) JOINT MATTERS.—Subsection (a) of section 668 of title 10, United States Code, is amended—

(1) by striking paragraph (1), by striking ''matters related to'' and all that follows and inserting ''matters related to—

''(A) developing or achieving strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment, including matters relating to—

''(i) national military strategy;

''(ii) strategic planning and contingency planning;

''(iii) command and control, intelligence, fires, movement and maneuver, protection, or sustainment of operations under unified command;

''(iv) national security planning with other departments and agencies of the United States; or

''(v) combined operations with military forces of allied nations; or

''(B) acquisition matters conducted by members of the armed forces and covered by chapter 87 of this title involved in developing, testing, contracting, producing, or fielding of multi-service programs or systems;

''(C) homeland security matters conducted in close coordination with Federal, State, or local agencies in support of natural disasters or emergencies; or

''(D) other matters designated in regulations by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.''; and

(2) in paragraph (2)—

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

(i) by striking ''''integrated military forces'''' and inserting ''''integrated forces''''; and

(ii) by striking ''the planning or execution (or both) of operations involving'' and inserting ''participants from''; and

(B) in subparagraph (B), by adding at the end the following new clause:

''(iv) State and local governments, when in support of natural disasters or emergencies, including planning activities relating thereto.''.

(b) JOINT DUTY ASSIGNMENT.—Subsection (b)(1)(A) of such section is amended by inserting ''preponderance of the officer's duties are involved in joint matters in which the'' after ''in which the''.

(c) REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALTY.—Such section is further amended by striking subsection (d).

SEC. 509. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.

(a) AUTHORITY FOR CONTINUATION ON ACTIVE DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:

''§ 637a. Continuation on active duty: officers in certain military specialties and career tracks

''(a) IN GENERAL.—The Secretary of the military department concerned may authorize an officer in a grade above grade O–4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

''(b) MILITARY SPECIALTIES.—Each Secretary of a military department shall designate the military specialties in which a military occupational specialty, rating, or specialty code, as applicable, assigned to members of the armed forces under the jurisdiction of such Secretary authorizes the members to be eligible for continuation on active duty as provided in subsection (a).

''(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

''(d) REGULATIONS.—The Secretaries of the military departments shall carry out this section in accordance with regulations prescribed by the Secretary of Defense. The regulations shall specify the criteria to be used by the Secretaries of the military departments in designating military specialities for purposes of subsection (b).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 36 of such title is amended by inserting after section the following new item:

''637a. Continuation on active duty: officers in certain military specialties and career tracks.''.

(b) CONFORMING AMENDMENTS.—The following provisions of title 10, United States Code, are amended by inserting ''or 637a'' after ''637(b)'':

(1) Section 633(a).

(2) Section 634(a).

(3) Section 635.

(4) Section 636(a).

SEC. 510. EXTENSION OF FORCE MANAGEMENT AUTHORITIES ALLOWING ENHANCED FLEXIBILITY FOR OFFICER PERSONNEL MANAGEMENT.

(a) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(b) CONTINUATION ON ACTIVE DUTY.—Section 638a(a)(2) of title 10, United States Code, is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(c) VOLUNTARY SEPARATION PAY.—Section 1175a(k)(1) of such title is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(d) SERVICE-IN-GRADE WAIVERS.—Section 1370(a)(2)(F) of such title is amended by striking ''2018'' and inserting ''2025''.

Subtitle B—Reserve Component Management

SEC. 521. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10505(a)(4) of title 10, United States Code, is amended by striking ''paragraph (3)(B) for a limited period of time'' and inserting ''paragraph (3) for not more than 90 days''.

SEC. 522. AUTHORITY TO DESIGNATE CERTAIN RESERVE OFFICERS AS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the military department concerned may provide that an officer who is in an active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component), shall not be considered for selection for promotion at any time the officer otherwise would be so considered. Any such officer may remain on the reserve active-status list.''.

SEC. 523. RIGHTS AND PROTECTIONS AVAILABLE TO MILITARY TECHNICIANS.

Section 709(f) of title 32, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting the following: ''when the appeal concerns activity occurring while the member is in a military status, or concerns fitness for duty in the reserve components;'';

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

''(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e–16) shall apply; and''.

SEC. 524. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAMS FOR THE NATIONAL GUARD AND RESERVES.

Section 10219(g) of title 10, United States Code, is amended by striking ''October 1, 2017'' and inserting ''October 1, 2022''.

SEC. 525. INAPPLICABILITY OF CERTAIN LAWS TO NATIONAL GUARD TECHNICIANS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

Section 709(g) of title 32, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

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

''(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).''.

Subtitle C—General Service Authorities

SEC. 531. RESPONSIBILITY OF CHIEFS OF STAFF OF THE ARMED FORCES FOR STANDARDS AND QUALIFICATIONS FOR MILITARY SPECIALTIES WITHIN THE ARMED FORCES.

(a) IN GENERAL.—Except as provided in subsection (d), responsibility within an Armed Force for establishing, approving, and modifying the criteria, standards, and qualifications for military speciality codes within that Armed Force shall be vested solely in the Chief of Staff of that Armed Force.

(b) MILITARY SPECIALTY CODES.—For purposes of this section, a military specialty code is as follows:

(1) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Army, in the case of the Army.

(2) A Naval Enlisted Code (NEC), Unrestricted Duty code, Restricted Duty code, Restricted Line duty code, Staff Corps code, Limited Duty code, Warrant Officer code, and any other military specialty or military occupational specialty of the Navy, in the case of the Navy.

(3) An Air Force Specialty Code (AFSC) and any other military specialty or military occupational specialty of the Air Force, in the case of the Air Force.

(4) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Marine Corps, in the case of the Marine Corps.

(c) CHIEF OF STAFF FOR MARINE CORPS.—For purposes of this section, the Commandant of the Marine Corps shall be deemed to be the Chief of Staff of the Marine Corps.

(d) GENDER INTEGRATION.—Nothing in this section shall be construed to terminate, alter, or revise the authority of the Secretary of Defense to establish, approve, modify, or otherwise regulate gender-based criteria, standards, and qualifications for military specialties within the Armed Forces.

SEC. 532. LEAVE MATTERS.

(a) PRIMARY AND SECONDARY CAREGIVER LEAVE.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j); and

(2) by inserting after subsection (h) the following new subsections (i) and (j):

''(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 6 weeks of leave to be used in connection with such event.

''(2) A member described in this paragraph is a member as follows:

''(A) A member on active duty.

''(B) A member of a reserve component performing active Guard and Reserve duty.

''(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

''(3) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term 'primary caregiver' for purposes of this subsection.

''(4) The taking of leave by a member under this subsection in connection with the birth of a child shall be treated as commencing at the conclusion of any period of medical convalescent leave resulting from childbirth. Any such convalescent leave may be for more than six weeks only if specifically recommended, in writing, by the member's medical provider and approved by the member's commander.

''(5) Any leave taken by a member under this subsection, including leave under paragraphs (1) and (4), may be taken only in one increment in connection with the event concerned.

''(6)(A) Any leave authorized by this subsection that is not taken within one year of the event concerned shall be forfeited.

''(B) Any leave authorized by this subsection for a member of a reserve component on active duty that is not taken at the time the member is separated from active duty shall be forfeited at that time.

''(7) The period of active duty of a member of a reserve component may not be extended in order to permit the member to take leave authorized by this subsection.

''(8) Under the regulations for purposes of this subsection, a member taking leave under paragraph (1) may, as a condition for taking such leave, be required—

''(A) to accept an extension of the member's current service obligation, if any, by one week for every week of leave taken under paragraph (1); or

''(B) to incur a reduction in the member's leave account by one week for every week of leave taken under paragraph (1).

''(9)(A) Leave authorized by this subsection is in addition to any other leave provided under other provisions of this section.

''(B) Medical convalescent leave under paragraph (4) is in addition to any other leave provided under other provisions of this subsection.

''(10)(A) Subject to subparagraph (B), a member taking leave under paragraph (1) during a period of obligated service shall not be eligible for terminal leave, or to sell back leave, at the end such period of obligated service.

''(B) Under the regulations for purposes of this subsection, the Secretary concerned may waive, whether in whole or in part, the applicability of subparagraph (A) to a member who reenlists at the end of the member's period of obligated service described in that subparagraph if the Secretary determines that the waiver is in the interests of the armed force concerned.

''(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subsection (i)(2) who is the secondary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 21 days of leave to be used in connection with such event.

''(2) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term 'secondary caregiver' for purposes of this subsection.

''(3) Any leave taken by a member under this subsection may be taken only in one increment in connection with the event concerned.

''(4) Under the regulations for purposes of this subsection, paragraphs (6) through (10) of subsection (i) (other than paragraph (9)(B) of such subsection) shall apply to leave, and the taking of leave, authorized by this subsection.''.

(b) PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.—

(1) PROHIBITION.—Chapter 40 of title 10, United States Code, is amended by inserting after section 704 the following new section:

''§ 704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law

''No member or category of members of the armed forces may be authorized, granted, or assigned leave, including uncharged leave, not expressly authorized by a provision of this chapter or another statute unless expressly authorized by an Act enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 704 the following new item:

''704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.''.

SEC. 533. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.

(a) ENACTMENT IN TITLE 10, UNITED STATES CODE, OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

''§ 709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

''(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

''(1) the leave is canceled in connection with the members's participation in a contingency operation; and

''(2) the cancellation occurs within 48 hours of the time the leave would have commenced.

''(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).

''(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:

''709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.''.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).

SEC. 534. REDUCTION OF TENURE ON THE TEMPORARY DISABILITY RETIRED LIST.

(a) REDUCTION OF TENURE.—Section 1210 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''five years'' and inserting ''three years''; and

(2) in subsection (h), by striking ''five years'' and inserting ''three years''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2017, and shall apply to members of the Armed Forces whose names are placed on the temporary disability retired list on or after that date.

SEC. 535. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER GENDER.

(a) PROHIBITION.—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the gender of such member.

(b) APPLICABILITY TO PRIOR ORDERS, ETC..—In the case of an order, ruling, finding, or other determination described in subsection (a) that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of the enactment of this Act, such order, ruling, finding, or determination shall be deemed to be vacated and null and void only to the extent of any prohibition or restriction on the duties of members of the Armed Forces that is based on the gender of members.

(c) MILITARY COMMISSION DEFINED.—In this section, the term ''military commission'' means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

SEC. 536. BOARD FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS.

(a) BCMR MATTERS.—

(1) COMPOSITION OF BOARDS IN CERTAIN CLAIMS.—Subsection (a) of section 1552 of title 10, United States Code, is amended—

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

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) In the case of a claim of a claimant described in section 1553(d)(1) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or a physician described in such section.

''(B) In the case of a claim of a claimant described in section 1553(e) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or physician described in such section.''.

(2) INFORMATION THROUGH THE INTERNET.—Such section is further amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

''(h) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

''(1) The number of claims considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the claimant, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or release of the claimant.

''(2) The factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of claimants, including, specifically,

whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

''(3) The periods of military service of claimants in the claims covered by paragraph (1).

''(4) The number of military records corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or release of claimants.''.

(b) INFORMATION ON DRBS THROUGH THE INTERNET.—Section 1553 of such title is amended by adding at the end the following new subsection:

''(f) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

''(1) The number of motions or requests for review considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the former member, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or dismissal of the former member.

''(2) The factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of individuals covered by such motions or requests, including, specifically, whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

''(3) The periods of military service of former members in the motions and requests for review covered by paragraph (1).

''(4) The number of discharges or dismissals corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or dismissal of former members.''.

SEC. 536A. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) In addition to the requirements of paragraph (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

''(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

''(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

''(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.''.

SEC. 537. RECONCILIATION OF CONTRADICTORY PROVISIONS RELATING TO QUALIFICATIONS FOR ENLISTMENT IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 12102(b) of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) that person has met the requirements established in section 504(b)(1) of this title; or

''(2) that person is authorized to enlist by the Secretary concerned under section 504(b)(2) of this title.''.

Subtitle D—Military Justice and Legal Assistance Matters

PART I—RETALIATION

SEC. 541. REPORT TO COMPLAINANTS OF RESOLUTION OF INVESTIGATIONS INTO RETALIATION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the results of an investigation by an office, element, or personnel of the Department of Defense or the Armed Forces of a complaint by a member of the Armed Forces of retaliation shall be reported to the member, including whether the complaint was substantiated, unsubstantiated, or dismissed.

(2) MEMBERS OF COAST GUARD.—The Secretary of Homeland Security shall provide in a similar manner for reports on the results of investigations by offices, elements, or personnel of the Department of Homeland Security or the Coast Guard of such complaints made by members of the Coast Guard when it is not operating as a service in the Navy.

(b) RETALIATION DEFINED.—In this section, the term ''retaliation'' has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

SEC. 542. TRAINING FOR DEPARTMENT OF DEFENSE PERSONNEL ON SEXUAL ASSAULT TRAUMA IN INDIVIDUALS CLAIMING RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the personnel of the Department of Defense specified in subsection (b) who investigate claims of retaliation in connection with reports of sexual assault in the Armed Forces receive training on the nature and consequences of sexual assault trauma. The training shall include such elements as the Secretary shall specify for purposes of this section.

(b) PERSONNEL.—The personnel of the Department of Defense specified in this subsection are the following:

(1) Personnel of military criminal investigation services.

(2) Personnel of Inspectors General offices.

(3) Personnel of any command of the Armed Forces who are assignable by the commander of such command to investigate claims of retaliation made by or against members of such command.

(c) RETALIATION DEFINED.—In this section, the term ''retaliation'' has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE EFFORTS OF THE ARMED FORCES OF INFORMATION ON COMPLAINTS OF RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

''(12) Information on each claim of retaliation in connection with a report of sexual assault in the Armed Forces made by or against a member of such Armed Force as follows:

''(A) A narrative description of each complaint.

''(B) The nature of such complaint, including whether the complainant claims professional or social retaliation.

''(C) The gender of the complainant.

''(D) The gender of the individual claimed to have committed the retaliation.

''(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation.

''(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation.

''(G) The official or office that received the complaint.

''(H) The organization that investigated or is investigating the complaint.

''(I) The current status of the investigation.

''(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

''(K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).''.

SEC. 544. METRICS FOR EVALUATING THE EFFORTS OF THE ARMED FORCES TO PREVENT AND RESPOND TO RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) METRICS REQUIRED.—The Sexual Assault Prevention and Response Office of the Department of Defense shall establish and issue to the military departments metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

(b) BEST PRACTICES.—For purposes of enhancing and achieving uniformity in the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces, the Sexual Assault Prevention and Response Office shall identify and issue to the military departments best practices to be used in the prevention of and response to retaliation in connection with such reports.

PART II—OTHER MILITARY JUSTICE MATTERS

SEC. 546. DISCRETIONARY AUTHORITY FOR MILITARY JUDGES TO DESIGNATE AN INDIVIDUAL TO ASSUME THE RIGHTS OF THE VICTIM OF AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE WHEN THE VICTIM IS A MINOR, INCOMPETENT, INCAPACITATED, OR DECEASED.

Section 806b(c) of title 10, United States Code (article 6b(c) of the Uniform Code of Military Justice), is amended by striking ''shall designate'' and inserting ''may designate''.

SEC. 547. APPELLATE STANDING OF VICTIMS IN ENFORCING RIGHTS OF VICTIMS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(f) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—(1) If counsel for the accused or the Government files appellate pleadings under section 866 or 867 of this title (article 66 or 67), the victim of an offense under this chapter may file pleadings as a real party in interest when the victim's rights under the rules specified in paragraph (2) are implicated. The victim's right to file pleadings as a real party in interest includes the right to do so through counsel, including through a Special Victims' Counsel under section 1044e of this title.

''(2) Paragraph (1) applies with respect to the protections afforded by the following:

''(A) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim's sexual background.

''(B) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

''(C) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

''(3) In this subsection, the term 'victim of an offense under this chapter' means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this chapter (the Uniform Code of Military Justice) and for which there was a guilty finding that is the subject of appeal under section 866 or 867 of this title (article 66 or 67).''.

(b) NOTICE OF APPELLATE AND POST-TRIAL MATTERS.—Subparagraph (C) of subsection (a)(2)of such section (article) is amended to read as follows:

''(C) A court-martial and any appellate matters, including post-trial review, relating to the offense.''.

SEC. 548. EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL.

(a) PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.—Each Secretary concerned shall carry out a program to ensure that—

(1) trial counsel and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case; or

(2) there is adequate supervision and oversight of the trial counsel and the defense counsel so detailed to ensure effective prosecution and defense in the court-martial.

(b) SKILL IDENTIFIERS.—

(1) IN GENERAL.—Each Secretary concerned shall establish and use a system of skill identifiers for purposes of identifying judge advocates with skill and experience in military justice proceedings in order to ensure that judge advocates with skills identified through such skill identifiers are assigned to supervise and oversee less experienced judge advocates in the prosecution and defense in courts-martial when required under a program carried out pursuant to subsection (a).

(2) USE OF CIVILIAN EMPLOYEES.—In addition to judge advocates assignable pursuant to paragraph (1), a Secretary concerned may assign the function of supervising and overseeing prosecution or defense in courts-martial as described in that paragraph to civilian employees of the military department concerned or the Department of Homeland Security, as applicable, who have extensive litigation expertise.

(3) STATUS AS SUPERVISOR.—A judge advocate or civilian employee assigned to supervise and oversee the prosecution or defense in a court-martial pursuant to this subsection is not required to be detailed to the case, but must be reasonably available for consultation during court-martial proceedings.

(c) DEFINITIONS.—In this section

(1) The term ''judge advocate'' has the meaning given that term in section 801(13) of title 10, United States Code (article 1(13) of the Uniform Code of Military Justice).

(2) The term ''Secretary concerned'' means the following:

(A) The Secretary of the Army, with respect to judge advocates and courts-martial of the Army.

(B) The Secretary of the Navy, with respect to judge advocates and courts-martial of the Navy and the Marine Corps.

(C) The Secretary of the Air Force, with respect to judge advocates and courts-martial of the Air Force.

(D) The Secretary of Homeland Security with respect to judge advocates of the Coast Guard and courts-martial of the Coast Guard when it is not operating as a service in the Navy.

SEC. 549. PILOT PROGRAMS ON MILITARY JUSTICE CAREER TRACK FOR JUDGE ADVOCATES.

(a) PILOT PROGRAMS REQUIRED.—Each Secretary of each military department shall carry out a pilot program to assess the feasibility and advisability of a military justice career track for judge advocates in the Armed Forces under the jurisdiction of the Secretary.

(b) DURATION.—Each pilot program under this section shall be for a period of five years.

(c) ELEMENTS.—Each pilot program under this section shall include the following:

(1) A military justice career track for judge advocates that leads to judge advocates with military justice expertise in the grade of colonel, or in the grade of captain in the case of judge advocates of the Navy, to prosecute and defend complex cases in military courts-martial.

(2) The use of the suspension of limitations on the number of certain commissioned officers on active duty under section 523(a) of title 10, United States Code, by reason of paragraph (4) of that section (as added by section 503 of this Act), to increase the number of authorized commissioned officers in pay grades O–4 through O–6 in order to accommodate the increased numbers of judge advocates in such grades required in connection with the pilot program.

(3) The use of skill identifiers to identify judge advocates for participation in the pilot program from among judge advocates having appropriate skill and experience in military justice matters.

(4) Guidance for promotion boards considering the selection for promotion of officers participating in the pilot program in order to ensure that judge advocates who are participating in the pilot program have the same opportunity for promotion as all other judge advocate officers being considered for promotion by such boards.

(5) Such other matters as the Secretary of the military department concerned considers appropriate.

(d) REPORT.—Not later than four years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs under this section. The report shall include the following:

(1) A description and assessment of each pilot program.

(2) Such recommendations as the Secretary considers appropriate in light of the pilot programs, including whether any pilot program should be extended or made permanent.

SEC. 550. MODIFICATION OF DEFINITION OF SEXUAL HARASSMENT FOR PURPOSES OF INVESTIGATIONS OF COMPLAINTS OF HARASSMENT BY COMMANDING OFFICERS.

(a) IN GENERAL.—Section 1561(i) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(constituting a form of sex discrimination)''; and

(B) in subparagraph (B), by striking ''the work environment'' and inserting ''the environment''; and

(2) in paragraph (3), by striking ''in the workplace''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to complaints described in section 1561 of title 10, United States Code, that are first received by a commanding officer or officer in charge on or after that date.

SEC. 551. EXTENSION AND CLARIFICATION OF ANNUAL REPORTS REGARDING SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) EXTENSION.—Subsection (a) of section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by striking ''2017'' and inserting ''2025''.

(b) SCOPE OF REPORTING REQUIREMENT.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) SEXUAL ASSAULTS COVERED BY REPORTING REQUIREMENT.—The sexual assaults contained in a report under subsection (a) pursuant to paragraphs (1) and (2) of subsection (b) shall include all reported sexual assaults, regardless of the age of the offender or victim or the relationship status between the offender and victim, including, at a minimum, all sexual assault reports received by the Sexual Assault Prevention and Response Program, or equivalent, and the Family Advocacy Program, or equivalent, of each Armed Force.''.

(c) REPORTING DEADLINES.—

(1) MILITARY DEPARTMENT REPORTS TO SECRETARY OF DEFENSE.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by striking ''and each March 1, thereafter through March 1,'' and inserting ''each March 1 thereafter through March 1, 2016, and each February 1 thereafter though February 1,''.

(2) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking ''April 30'' and inserting ''March 31''.

SEC. 552. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.

(a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY INSTRUMENTS.—

(1) IN GENERAL.—Paragraph (2) of section 1044d(c) of title 10, United States Code, is amended to read as follows:

''(2) the execution of the instrument is notarized by—

''(A) a military legal assistance counsel;

''(B) a person who is authorized to act as a notary under section 1044a of this title who—

''(i) is not an attorney; and

''(ii) is supervised by a military legal assistance counsel; or

''(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;''.

(2) CLARIFICATION.—Paragraph (3) of such section is amended by striking ''presiding attorney'' and inserting ''person notarizing the

instrument in accordance with paragraph (2)''.

(b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSISTANCE OFFICES.—Section 1044a(b) of such title is amended by adding at the end the following new paragraph:

''(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).''.

SEC. 553. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) MODIFICATION OF TERM OF TWO JUDGES OF THE COURT TO RESTORE ROTATION OF JUDGES.—

(1) MODIFICATION OF TERM OF OFFICE.—Notwithstanding section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice)—

(A) the term of Judge Scott W. Stucky as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2022; and

(B) the term of Judge Margaret A. Ryan as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2020.

(2) SAVING PROVISION.—No person mentioned in paragraph (1), and no survivor of any such person, shall be deprived of any annuity provided by section 945 of title 10, United States Code (article 145 of the Uniform Code of Military Justice), or under the applicable provisions of title 5, United States Code, by reason of that paragraph.

(b) MODIFICATION OF DAILY RATE OF COMPENSATION FOR SENIOR JUDGES PERFORMING JUDICIAL DUTIES WITH THE COURT.—Section 942(e)(2) of such title (article 142(e)(2) of the Uniform Code of Military Justice) is amended by striking ''equal to'' and all that follows and inserting ''equal to the difference between—

''(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and

''(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.''.

(c) CLARIFICATION OF AUTHORITY OF JUDGES OF THE COURT TO ADMINISTER OATHS AND ACKNOWLEDGMENTS.—Subsection (c) of section 936 of such title (article 136 of the Uniform Code of Military Justice) is amended to read as follows:

''(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.''.

(d) REPEAL OF REQUIREMENT RELATING TO POLITICAL PARTY STATUS OF JUDGES OF THE COURT.—Section 942(b)(3) of such title (article 142(b)(3) of the Uniform Code of Military Justice) is amended by striking ''Not more than three of the judges of the court may be appointed from the same political party, and no'' and by inserting ''No''.

(e) REPEAL OF DUAL COMPENSATION PROVISION RELATING TO JUDGES OF THE COURT.—Section 945 of such title (article 145 of the Uniform Code of Military Justice) is amended—

(1) in subsection (d), by striking ''subsection (g)(1)(B)'' and inserting ''subsection (f)(1)(B)'';

(2) by striking subsection (f); and

(3) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

SEC. 554. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting '', or sexually assaulted,'' after ''deployed overseas in support of a contingency operation''; and

(2) by inserting ''or based on such sexual assault,'' after ''while deployed,''.

Subtitle E—Member Education, Training, and Transition

SEC. 561. LIMITATION ON TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

Section 2007(a) of title 10, United States Code, is amended by inserting '', but only if the Secretary determines that such education or training is likely to contribute to the member's professional development'' after ''during the member's off-duty periods''.

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 striking ''is accredited by an accreditation body that'' and all that follows and inserting ''meets one of the requirements specified in paragraph (2).''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

''(A) is accredited by a nationally-recognized third-party personnel certification program accreditor;

''(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

''(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

''(C) grants licenses that are recognized by the Federal Government or a State government; or

''(D) meets credential standards of a Federal agency.''.

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) ACCESS TO BE PERMITTED.—The Secretary of Defense shall grant access to Department of Defense installations to any institution of higher education that—

''(A) has 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

''(B) has been approved to provide such advising and support services by the educational service office of the installation concerned.

''(2) SCOPE OF ACCESS.—Access shall be granted under paragraph (1) in a nondiscriminatory manner to any institution covered by that paragraph regardless of the particular learning modality offered by that institution.

''(b) REGULATIONS.—The Secretary shall prescribe in regulations the time and place of access required pursuant to subsection (a). The regulations shall provide the following:

''(1) The opportunity for institutions of higher education to receive regular and recurring access at times and places that ensure maximum opportunity for students to obtain advising and support services described in subsection (a).

''(2) Access in a degree in proportion to the number of students enrolled by each institution of higher education.

''(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.''.

SEC. 564. PRIORITY PROCESSING OF APPLICATIONS FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS FOR MEMBERS UNDERGOING DISCHARGE OR RELEASE FROM THE ARMED FORCES.

(a) PRIORITY PROCESSING.—The Secretary of Defense shall consult with the Secretary of Homeland Security to afford a priority in the processing of applications for a Transportation Worker Identification Credential (TWIC) to applications submitted by members of the Armed Forces who are undergoing separation, discharge, or release from the Armed Forces under honorable conditions, with such priority to provide for the review and adjudication of such an application by not later than 14 days after submittal, unless an appeal or waiver applies or further application documentation is necessary. The priority shall be so afforded commencing not later than 180 days after the date of the enactment of this Act to members who undergo separation, discharge, or release from the Armed Forces after the date on which the priority so commences being afforded.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Homeland Security shall enter into a memorandum of understanding in connection with achieving the requirement in subsection (a).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit to

the appropriate committees of Congress a report on the implementation of the requirements of this section. The report shall set forth the following:

(1) The memorandum of understanding required pursuant to subsection (b).

(2) A description of the number of individuals who applied for, and the number of individuals who have been issued, a Transportation Worker Identification Credential pursuant to the memorandum of understanding as of the date of the report.

(3) If any applications for a Transportation Worker Identification Credential covered by paragraph (2) were not reviewed and adjudicated within the deadline specified in subsection (a), a description of the reasons for the failure and of the actions being taken to assure that future applications for a Credential are reviewed and adjudicated within the deadline.

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

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—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, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2017 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. IMPACT AID AMENDMENTS.

(a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(1) AMENDMENT.—Subclause (I) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(I)), as amended by sections 7001 and 7004(2)(B) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended to read as follows:

''(I) is a local educational agency—

''(aa) whose boundaries are the same as a Federal military installation; or

''(bb)(AA) whose boundaries are the same as an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

''(BB) that has no taxing authority;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act.

(b) SPECIAL RULE REGARDING THE PER-PUPIL EXPENDITURE REQUIREMENT.—

(1) REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision of title VII of the Elementary and Secondary Education Act of 1965 shall be considered to be a reference to the section or other provision of such title VII as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(2) IN GENERAL.—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806) or section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), with respect to any application submitted under section 7005 of such Act (20 U.S.C. 7705) for eligibility consideration under subclause (II) or (V) of section 7003(b)(2)(B)(i) of such Act for fiscal year 2017, 2018, or 2019, the Secretary of Education shall determine that a local educational agency meets the per-pupil expenditure requirement for purposes of such subclause (II) or (V), as applicable, only if—

(A) in the case of a local educational agency that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such section was in effect for such fiscal year), the agency, for the year for which the application is submitted, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement; or

(B) in the case of a local educational agency that did not receive a basic support payment for fiscal year 2015 under such section 8003(b)(2)(B), as so in effect, the agency, for the year for which the application is submitted—

(i) has a total student enrollment of 350 or more students and a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

(ii) has a total student enrollment of less than 350 students and a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency or 3 comparable local educational agencies (whichever average per-pupil expenditure is greater), in the State in which the agency is located.

(c) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—

(1) AMENDMENTS.—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), as amended by subsection (a) and sections 7001 and 7004 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended—

(A) in subclause (IV) of subparagraph (B)(i)—

(i) in the matter preceding item (aa), by inserting ''received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and'' before ''has'';

(ii) in item (aa), by striking ''50'' and inserting ''35''; and

(iii) by striking item (bb) and inserting the following:

''(bb)(AA) not less than 3,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(BB) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1);''; and

(B) in subparagraph (D)—

(i) in clause (i)—

(I) in subclause (I), by striking ''clause (ii)'' and inserting ''clauses (ii), (iii), and (iv)''; and

(II) in subclause (II)—

(aa) by inserting ''received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and'' after ''agency that'';

(bb) by striking ''50 percent'' and inserting ''35 percent'';

(cc) by striking ''subsection (a)(1) and not less than 5,000'' and inserting the following: ''subsection (a)(1) and—

''(aa) not less than 3,500''; and

(dd) by striking ''subsection (a)(1).'' and inserting the following: ''subsection (a)(1); or

''(bb) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).'';

(ii) in clause (ii), by striking ''shall be 1.35.'' and inserting the following: ''shall be—

''(I) for fiscal year 2016, 1.35;

''(II) for each of fiscal years 2017 and 2018, 1.38;

''(III) for fiscal year 2019, 1.40;

''(IV) for fiscal year 2020, 1.42; and

''(V) for fiscal year 2021 and each fiscal year thereafter, 1.45.''; and

(iii) by adding at the end the following:

''(iii) FACTOR FOR CHILDREN WHO LIVE OFF BASE.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

''(I) for fiscal year 2016, .20;

''(II) for each of fiscal years 2017 and 2018, .22;

''(III) for each of fiscal years 2019 and 2020, .25; and

''(IV) for fiscal year 2021 and each fiscal year thereafter—

''(aa) .30 with respect to each of the first 7,000 children; and

''(bb) .25 with respect to the number of children that exceeds 7,000.

''(iv) SPECIAL RULE.—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in subsection (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

''(I) the factor used, for the fiscal year for which the determination is being made, to determine the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.40; and

''(II) the factor used, for such fiscal year, to determine the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be .20.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965 beginning with fiscal year 2017 and as if enacted as part of title VII of

the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074).

(3) SPECIAL RULES.—

(A) APPLICABILITY FOR FISCAL YEAR 2016.—Notwithstanding any other provision of law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) LOSS OF ELIGIBILITY.—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under subparagraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

(C) PAYMENT AMOUNTS.—If, before the date of enactment of this Act, a local educational agency receives 1 or more payments under section 8003(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the sum of which is greater than the amount the Secretary of Education determines the local educational agency is entitled to receive under such section in accordance with subparagraph (A)—

(i) the Secretary shall allow the local educational agency to retain the larger amount; and

(ii) such local educational agency shall not be eligible to receive any additional payment under such section for fiscal year 2016.

SEC. 574. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

(a) EXTENSION.—Section 547(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

(b) INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION.—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 547(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following:

(1) A full accounting of the expenditure of funds pursuant to such section 547(c) during the last fiscal year ending before the date of the submittal of the budget.

(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.

SEC. 575. COMPTROLLER GENERAL OF THE UNITED STATES ANALYSIS OF UNSATISFACTORY CONDITIONS AND OVERCROWDING AT PUBLIC SCHOOLS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the condition and capacity of public schools on military installations. The analysis shall include schools that were omitted from the July 2011 Department of Defense analysis of such schools.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report setting forth the analysis required by subsection (a). The report shall include the following:

(1) The Numerical Condition Index and Condition Rating of each public school on a military installation, with a ranking of such schools based on the severity of unsafe conditions and facility deficiencies.

(2) The Percentage Over or Under Capacity and the Capacity Rating for each school.

(3) An identification and assessment of the schools likely to become overcrowded, or face condition deficiencies, during the five-year period beginning on the date of the report, based on anticipated changes in the force structure or deteriorating conditions.

(4) A ranking of schools nationwide based on severity of unsatisfactory conditions and on overcrowding.

(5) Such other information as the Comptroller General considers appropriate to establish priorities for the renovation, repair, or revitalization of schools in order to address unsatisfactory conditions and overcrowding.

SEC. 576. ENHANCED FLEXIBILITY IN PROVISION OF RELOCATION ASSISTANCE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of subsection (c) of section 1056 of title 10, United States Code, is amended by striking the second, third, and fourth sentences and inserting the following new sentence: ''Such relocation assistance programs shall ensure that members of the armed forces and their families are provided relocation assistance regardless of geographic location.''.

(b) COMPUTERIZED INFORMATION SYSTEM.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking ''available through each military'' and inserting ''a''; and

(B) by striking ''all other military relocation assistance programs'' and inserting ''the relocation assistance programs''; and

(2) in paragraph (3)—

(A) by striking ''Duties of each military relocation assistance program shall include assisting'' and inserting ''Assistance shall be provided to''; and

(B) by striking ''the program'' and inserting ''a relocation assistance program''.

(c) DISCHARGE THROUGH PROGRAM MANAGER.—Subsection (d) of such section is amended to read as follows:

''(d) PROGRAM MANAGER.—The Secretary of Defense shall establish the position of Program Manager of Military Relocation Assistance in the office of the Assistant Secretary of Defense for Manpower and Reserve Affairs. The Program Manager shall oversee the development and implementation of relocation assistance under this section.''.

SEC. 577. REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES.

(a) REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.—

(1) IN GENERAL.—The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

(B) Information, learned by a member of the Armed Forces engaged in a profession or activity described in subsection (b) of section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) for members of the Armed Forces and their dependents, that gives reason to suspect that a child in the family or home of the member has suffered an incident of child abuse.

(2) REGULATIONS.—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Navy when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

(3) CHILD ABUSE DEFINED.—In this subsection, the term ''child abuse'' has the meaning given that term in subsection (c) of section 226 of the Victims of Child Abuse Act of 1990.

(b) REPORTS TO STATE CHILD WELFARE SERVICES.—Section 226 of the Victims of Child Abuse Act of 1990 (title II of Public Law 101–647; 104 Stat. 4806; 42 U.S.C. 13031) is amended—

(1) in subsection (a), by inserting '' and to the agency or agencies provided for in subsection (e), if applicable'' before the period;

(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) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.—

''(1) RECIPIENTS OF REPORTS.—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Navy when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

''(2) MAKERS OF REPORTS.—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.''.

SEC. 578. BACKGROUND CHECKS FOR EMPLOYEES OF AGENCIES AND SCHOOLS PROVIDING ELEMENTARY AND SECONDARY EDUCATION FOR DEPARTMENT OF DEFENSE DEPENDENTS.

(a) BACKGROUND CHECKS.—Commencing not later than two years after the date of the enactment of this Act, each covered local educational agency and each Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code, shall have in effect policies and procedures that—

(1) require that a criminal background check be conducted for each school employee

of the agency or school, respectively, that includes—

(A) a search of the State criminal registry or repository of the State in which the school employee resides;

(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

(D) a search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

(2) prohibit the employment of a school employee as a school employee at the agency or school, respectively, if such employee—

(A) refuses to consent to a criminal background check under paragraph (1);

(B) makes a false statement in connection with such criminal background check;

(C) has been convicted of a felony consisting of—

(i) murder;

(ii) child abuse or neglect;

(iii) a crime against children, including child pornography;

(iv) spousal abuse;

(v) a crime involving rape or sexual assault;

(vi) kidnapping;

(vii) arson; or

(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is five years before the date of such employee's criminal background check under paragraph (1); or

(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

(3) require that each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with policies established by the covered local educational agency or the Department of Defense (in the case of a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code);

(4) upon request, provide each school employee who has had a criminal background check under paragraph (1) with a copy of the results of the criminal background check;

(5) provide for a timely process, by which a school employee of the school or agency may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) which prohibit the employee from being employed as a school employee under paragraph (2) to—

(A) challenge the accuracy or completeness of the information produced by such criminal background check; and

(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected; and

(6) allow the covered local educational agency or school, as the case may be, to share the results of a school employee's criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

(b) FEES FOR BACKGROUND CHECKS.—The Attorney General, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

(c) DEFINITIONS.—In this section:

(1) COVERED LOCAL EDUCATIONAL AGENCY.—The term ''covered local educational agency'' means a local educational agency that receives funds—

(A) under subsection (b) or (d) of section 8003, or section 8007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), as such sections are in effect before the effective date for title VII of the Every Student Succeeds Act (Public Law 114–95); or

(B) under subsection (b) or (d) of section 7003, or section 7007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), beginning on the effective date of such title VII.

(2) SCHOOL EMPLOYEE.—The term ''school employee'' means—

(A) a person who—

(i) is an employee of, or is seeking employment with—

(I) a covered local educational agency; or

(II) a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code, such elementary and secondary school; and

(ii) as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students; or

(B)(i) any person, or an employee of any person, who has a contract or agreement to provide services to a covered local educational agency or a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code; and

(ii) such person or employee, as a result of such contract or agreement, has a job duty that results in unsupervised access to elementary school or secondary school students.

SEC. 579. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

(a) IN GENERAL.—The Secretary of Defense may provide financial or non-monetary support to qualified nonprofit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp or camp-like setting of children of military families.

(b) REPORTS TO DOD.—Each organization that receives support from the Secretary pursuant to subsection (a) shall submit to the Secretary a report on the use of such support containing such information as the Secretary considers appropriate.

SEC. 580. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of each Exceptional Family Member Program (EFMP) of the Armed Forces.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the differences between the Exceptional Family Member Programs of the Armed Forces.

(2) A description and assessment of the manner in which Exceptional Family Member Programs are implemented on joint bases and installations.

(3) An assessment whether all children of members of each Armed Forces are screened for potential coverage under the Exceptional Family Member Program.

(4) An assessment of the degree to which conditions of children of members of the Armed Forces who qualify for coverage under an Exceptional Family Member Program are taken into account in making assignments of military personnel.

(5) An assessment of the degree to which medical and educational services are available to address the conditions identified by the screening described in (3) in children of members of the Armed Forces who qualify for coverage under an Exceptional Family Member Program.

(6) An assessment whether the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to families with special needs children.

(7) An assessment whether the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to children with special needs.

(8) An assessment whether the Department has established an advisory panel on community support for military families with special needs.

(9) An assessment of the uniform policy for the Department regarding families with special needs required by section 1781c(e) of title 10, United States Code.

(10) An assessment of the implementation of the uniform policy described in paragraph (9).

(11) An assessment of the implementation by each Armed Force of the recommendations in the Government Accountability Report entitled ''Military Dependent Students, Better Oversight Needed to Improve Services for Children with Special Needs'' (GAO–12–680).

SEC. 581. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS' EDUCATION.

Section 1411 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 929) is repealed.

Subtitle G—Decorations and Awards

SEC. 586. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO CHARLES S. KETTLES FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to Charles S. Kettles for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Charles S. Kettles during combat operations on May 15, 1967, while serving as Flight Commander, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam, for which he was previously awarded the Distinguished Service Cross.

SEC. 587. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United

States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

SEC. 588. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN (FIRST LIEUTENANT) JOSEPH VERBIS LAFLEUR FOR ACTS OF VALOR DURING WORLD WAR II.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Chaplain (First Lieutenant) Joseph Verbis LaFleur for the acts of valor referred to in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Chaplain (First Lieutenant) Joseph Verbis LaFleur while interned as a Prisoner of War by Japan from December 30, 1941, to September 7, 1944.

SEC. 589. POSTHUMOUS ADVANCEMENT OF COLONEL GEORGE E. "BUD" DAY, UNITED STATES AIR FORCE, ON THE RETIRED LIST.

(a) ADVANCEMENT.—Colonel George E. ''Bud'' Day, United States Air Force (retired), is entitled to hold the rank of brigadier general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of George E. ''Bud'' Day on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which George E. ''Bud'' Day would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 591. APPLICABILITY OF MILITARY SELECTIVE SERVICE ACT TO FEMALE CITIZENS AND PERSONS.

Section 3 of the Military Selective Service Act (50 U.S.C. 3802) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) The duty to register imposed on male citizens and persons residing in the United States by subsection (a) shall apply to female citizens of the United States and female persons residing in the United States who attain the age of 18 years on or after January 1, 2018.

''(2) The responsibilities and rights of female registrants under this Act shall be the responsibilities and rights of male registrants under this Act, and shall be subject to such terms, conditions, and limitations as are applicable under the provisions of this Act to similarly situated male registrants.

''(3) Any reference in this Act to a registrant or other person subject to the duties, responsibilities, and rights of a registrant under this Act shall be deemed to refer to female citizens of the United States and female persons residing in the United States registering pursuant to this subsection.''.

SEC. 592. SENIOR MILITARY ACQUISITION ADVISORS IN THE DEFENSE ACQUISITION CORPS.

(a) POSITIONS.—

(1) IN GENERAL.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1725. Senior Military Acquisition Advisors

''(a) POSITION.—

''(1) IN GENERAL.—The Secretary of Defense may establish in the Defense Acquisition Corps positions to be known as 'Senior Military Acquisition Advisor'.

''(2) APPOINTMENT.—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) SCOPE OF POSITION.—An officer who is appointed as a Senior Military Acquisition Advisor—

''(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the Service Acquisition Executive of that officer's military department in accordance with this section; and

''(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

''(b) CONTINUATION ON ACTIVE DUTY.—An officer who is appointed as a Senior Military Acquisition Advisor may continue on active duty while serving in such position without regard to any mandatory retirement date that would otherwise be applicable to that officer by reason of years of service or age. An officer who is continued on active duty pursuant to this section is not eligible for consideration for selection for promotion.

''(c) RETIRED GRADE.—Upon retirement, an officer who is a Senior Military Acquisition Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear admiral (lower half) if—

''(1) the officer has served as a Senior Military Acquisition Advisor for a period of not less than three years; and

''(2) the officer's service as a Senior Military Acquisition Advisor has been distinguished.

''(d) SELECTION AND TENURE.—

''(1) IN GENERAL.—Selection of an officer for recommendation for appointment as a Senior Military Acquisition Advisor shall be made competitively, and shall be based upon demonstrated experience and expertise in acquisition.

''(2) OFFICERS ELIGIBLE.—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers of the Defense Acquisition Corps who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

''(3) TERM.—The appointment of an officer as a Senior Military Acquisition Advisor shall be for a term of not longer than five years.

''(e) LIMITATION.—

''(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

''(A) not more than five may be officers of the Army;

''(B) not more than five may be officers of the Navy and Marine Corps; and

''(C) not more than five may be officers of the Air Force.

''(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of Senior Military Acquisition Advisors for each military department shall be as required and identified by the Service Acquisition Executive of such military department and approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer's primary duty providing strategic, technical, and programmatic advice to the Service Acquisition Executive of the officer's military department on matters pertaining to the Defense Acquisition System, including matters pertaining to procurement, research and development, advanced technology, test and evaluation, production, program management, systems engineering, and lifecycle logistics.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by adding at the end the following new item:

''1725. Senior Military Acquisition Advisors.''.

(b) EXCLUSION FROM OFFICER GRADE-STRENGTH LIMITATIONS.—Section 523(b) of such title is amended by adding at the end the following new paragraph:

''(9) Officers who are Senior Military Acquisition Advisors under section 1725 of this title, but not to exceed 15.''.

SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY AND THE MARINE CORPS IN INTEGRATING WOMEN INTO MILITARY OCCUPATIONAL SPECIALITIES AND UNITS RECENTLY OPENED TO WOMEN.

(a) REPORTS REQUIRED.—Not later than April 1, 2017, and each year thereafter through 2021, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to women military occupational specialties and units previously closed to women.

(b) ELEMENTS.—Each report shall include, current as of the date of such report and for the Armed Force covered by such report, the following:

(1) The status of gender-neutral standards throughout the Entry Level Training continuum.

(2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.

(3) Success rates in Initial Screening Tests and Military Occupational Speciality (MOS) Classification Standards for newly-opened ground combat military occupational specialties, by gender.

(4) Attrition rates and causes of attrition throughout the Entry Level Training continuum, by gender and military occupational specialty.

(5) Reclassification rates and causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.

(6) Injury rates and causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.

(7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(8) A comparative analysis of injury rates, causes of injury, and nondeployability rates under paragraphs (6) and (7) with injury rates, causes of injury, and nondeployability rates in similar military occupational specialties of allied countries, including Australia, Canada, Israel, and the United Kingdom, and a comparative analysis of the mitigation factors used by the United States with respect to such injury and nondeployability and the mitigation factors used by such countries with respect to such injury and nondeployability.

(9) Lateral move approval rates into newly-opened military occupational specialties, by gender and military occupational specialty.

(10) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(11) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.

(12) Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Force of the policy referred to in paragraph (1).

(c) APPLICABILITY TO SOCOM.—In addition to the reports required by subsection (a), the Commander of the United States Special Operations Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives, on the dates provided for in subsection (a), a report on the current status of the implementation by the United States Special Operations Command of the policy of Secretary of Defense referred to in subsection (a). Each report shall include the matters specified in subsection (b) with respect to the United States Special Operations Command.

SEC. 594. REPORT ON CAREER PROGRESSION TRACKS OF THE ARMED FORCES FOR WOMEN IN COMBAT ARMS UNITS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

(1) The career progression track for entry level women as officers in combat arms units of such Armed Force.

(2) The career progression track for laterally transferred women as officers in combat arms units of such Armed Force.

(3) The career progression track for entry level women as enlisted members in combat arms units of such Armed Force.

(4) The career progression track for laterally transferred women as enlisted members in combat arms units of such Armed Force.

SEC. 595. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY APPOINTED BY THE PRESIDENT.

(a) REPEAL.—Section 9337 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by striking the item related to section 9337.

SEC. 596. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

SEC. 597. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE, CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 1.6 percent.

SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF ACTUAL RATES OF BASIC PAY PAYABLE TO MEMBERS OF THE ARMED FORCES BY PAY GRADE FOR ANNUAL OR OTHER PAY PERIODS.

Any pay table published or otherwise issued by the Department of Defense to indicate the rates of basic pay of the Armed Forces in effect for members of the Armed Forces for a calendar year or other period shall state the rate of basic pay to be received by members in each pay grade for such year or period as specified or otherwise provided by applicable law, including any rate to be so received pursuant during such year or period by the operation of a ceiling under section 203(a)(2) of title 37, United States Code, or a similar provision in an annual defense authorization Act.

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 604. REFORM OF BASIC ALLOWANCE FOR HOUSING.

(a) REFORM.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

''§ 403a. Basic allowance for housing: members first entitled after January 1, 2018; members entitled before January 1, 2018, with interruption in eligibility after that date

''(a) GENERAL ENTITLEMENT.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is entitled to basic pay is entitled to a basic allowance for housing at the monthly rate prescribed under this section or another provision of law with regard to the applicable component of the basic allowance for housing. The maximum amount of the basic allowance for housing for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes and the geographic location of the member. The basic allowance for housing may be paid in advance.

''(b) BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.—

''(1) IN GENERAL.—The monthly rate of basic allowance for housing payable under this section to a member of the uniformed services covered by this section who is assigned to duty in the United States shall be the rate prescribed by the Secretary of Defense for purposes of this section.

''(2) ELEMENTS.—Subject to the provisions of this subsection, the rates of basic allowance for housing payable under this subsection shall meet the following requirements:

''(A) A maximum amount of the allowance shall be established for each military housing area, based on the costs of adequate housing in such area, for each pay grade.

''(B) The amount of the allowance payable to a member may not exceed the lesser of—

''(i) the actual monthly cost of housing of the member; or

''(ii) the maximum amount determined under subparagraph (A) for members in the member's pay grade.

''(C) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

''(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (B); divided by

''(ii) the total number of members occupying such housing.

''(D) So long as a member on retains uninterrupted eligibility to receive the allowance and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance may not be reduced as a result of changes in housing costs in the area or the promotion of the member.

''(3) CERTAIN RENTAL MATTERS.—

''(A) LUMP SUM PAYMENT FOR DEPOSITS AND ADVANCE RENT.—In the case of a member authorized payment of an allowance under this subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

''(i) incurred by the member in occupying private housing; and

''(ii) authorized or approved under regulations prescribed by the Secretary concerned.

''(B) RECOUPMENT.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A).

''(c) BASIC ALLOWANCE FOR HOUSING OUTSIDE THE UNITED STATES.—

''(1) IN GENERAL.—The monthly rate of basic allowance for housing payable under this section to a member of the uniformed services covered by this section who is assigned to duty outside in the United States shall be the rate prescribed by the Secretary of Defense for purposes of this section.

''(2) ELEMENTS.—Subject to the provisions of this subsection, the rates of basic allowance for housing payable under this subsection shall meet the following requirements:

''(A) The rates shall be based on the housing costs in the overseas area in which the member is assigned and shall be determined in the manner specified in subparagraphs (A) and (B) of subsection (b)(2).

''(B) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

''(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (A); divided by

''(ii) the total number of members occupying such housing.

''(C) So long as a member retains uninterrupted eligibility to receive the allowance in an overseas area and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance in the area may not be reduced as a result of changes in housing costs in the area or the promotion of the member. The monthly amount of the allowance may be adjusted to reflect changes in currency rates.

''(3) RENTAL MATTERS.—

''(A) LUMP SUM PAYMENTS FOR DEPOSIT AND ADVANCE RENT.—In the case of a member authorized payment of an allowance under this subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

''(i) incurred by the member in occupying private housing outside of the United States; and

''(ii) authorized or approved under regulations prescribed by the Secretary concerned.

''(B) CURRENCY FLUCTUATION LOSSES AS ALLOWANCE EXPENSES.—Expenses for which a member may be reimbursed under this paragraph may include losses relating to housing that are sustained by the member as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which the housing is located.

''(C) RECOUPMENT.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A), including any gain resulting from currency fluctuations between the time of payment and the time of recoupment.

''(d) RESERVE AND RETIRED MEMBERS.—

''(1) IN GENERAL.—A member of a reserve component described in paragraph (2) is entitled to a basic allowance for housing determined in accordance with this section during the time the member is on active duty as described in that paragraph.

''(2) COVERED MEMBERS.—A member of a reserve component described in this paragraph is a member as follows:

''(A) A member of a reserve component of the uniformed services covered by this section without dependents who is called or ordered to active duty to attend accession training, in support of a contingency operation, or for a period of more than 30 days.

''(B) A retired member of the uniformed services covered by this section without dependents who is ordered to active duty under section 688(a) of title 10 in support of a contingency operation or for a period of more than 30 days.

''(e) BASIC ALLOWANCE FOR HOUSING WHEN DEPENDENTS DO NOT ACCOMPANY MEMBER.—

''(1) IN GENERAL.—A member of the uniformed services covered by this section with dependents who is on permanent duty at a location described in paragraph (2) may be paid a family separation basic allowance for housing under this subsection at a monthly rate equal to the rate of the basic allowance for housing established under subsection (b) or the overseas basic allowance for housing established under subsection (c), whichever applies to that location, for members in the same grade at that location without dependents.

''(2) DUTY LOCATIONS.—A permanent duty location described in this paragraph is a location—

''(A) to which the movement of the member's dependents is not authorized at the expense of the United States under section 476 of this title, and the member's dependents do not reside at or near the location; and

''(B) at which quarters of the United States are not available for assignment to the member.

''(3) MEMBER ASSIGNED TO DIFFERENT LOCATION THAN DEPENDENTS RESIDENCE.—If a member with dependents is assigned to duty in an area that is different from the area in which the member's dependents reside, the member is entitled to a basic allowance for housing as provided in subsection (b) or (c), whichever applies to the member, subject to the following:

''(A) If the member's assignment to duty in that area, or the circumstances of that assignment, require the member's dependents to reside in a different area, as determined by the Secretary concerned, the amount of the basic allowance for housing for the member shall be based on the area in which the dependents reside or the member's last duty station, whichever the Secretary concerned determines to be most equitable.

''(B) If the member's assignment to duty in that area is under the conditions of a low-cost or no-cost permanent change of station or permanent change of assignment, the amount of the basic allowance for housing for the member shall be based on the member's last duty station if the Secretary concerned determines that it would be inequitable to base the allowance on the cost of housing in the area to which the member is reassigned.

''(C) If the member is reassigned for a permanent change of station or permanent change of assignment from a duty station in the United States to another duty station in the United States for a period of not more than one year for the purpose of participating in professional military education or training classes, the amount of the basic allowance for housing for the member may be based on whichever of the following areas the Secretary concerned determines will provide the more equitable basis for the allowance:

''(i) The area of the duty station to which the member is reassigned.

''(ii) The area in which the dependents reside, but only if the dependents reside in that area when the member departs for the duty station to which the member is reassigned and only for the period during which the dependents reside in that area.

''(iii) The area of the former duty station of the member, if different than the area in which the dependents reside.

''(4) CONSTRUCTION WITH OTHER ALLOWANCES.—A family separation basic allowance for housing paid to a member under this subsection is in addition to any other allowance or per diem that the member receives under this title. A member may receive a basic allowance for housing under both paragraphs (1) and (3).

''(f) EFFECT OF ASSIGNMENT TO QUARTERS.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service appropriate to the grade, rank, or rating of the member and adequate for the member and dependents of the member, if with dependents, is not entitled to a basic allowance for housing.

''(g) INELIGIBILITY DURING INITIAL FIELD DUTY OR SEA DUTY.—

''(1) INITIAL FIELD DUTY.—A member of the uniformed services covered by this section without dependents who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for housing while on that initial field duty unless the commanding officer of the member certifies that the member was necessarily required to procure quarters at the member's expense.

''(2) SEA DUTY.—A member of the uniformed services covered by this section without dependents who is in a pay grade below pay grade E–6 is not entitled to a basic allowance for housing while the member is on sea duty.

''(3) DEFINITIONS.—The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, shall prescribe regulations defining the terms 'field duty' and 'sea duty' for purposes of this subsection.

''(h) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—A member of the uniformed services covered by this section is entitled to a temporary basic allowance for housing (at a rate determined by the Secretary of Defense) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.

''(i) TEMPORARY CONTINUATION OF ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—

''(1) OCCUPATION WITHOUT CHARGE FOLLOWING DEATH.—The Secretary of Defense, or the Secretary of Homeland Security in the case of the Coast Guard when not operating as a service in the Navy, may allow the dependents of a member of the armed forces covered by this section who dies on active duty and whose dependents are occupying family housing provided by the Department of Defense, or by the Department of Homeland Security in the case of the Coast Guard, other than on a rental basis, on the date of the member's death to continue to occupy such housing without charge for a period of 365 days.

''(2) ALLOWANCE.—The Secretary concerned may pay a basic allowance for housing (at the rate otherwise payable to the deceased member on the date of death) to the dependents of a member of the uniformed services covered by this section who dies while on active duty and whose dependents—

''(A) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of death;

''(B) are occupying such housing on a rental basis on such date; or

''(C) vacate such housing sooner than 365 days after the date of death.

''(3) TERMINATION OF ALLOWANCE.—The payment of the allowance under paragraph (2) shall terminate 365 days after the date of death of the member concerned.

''(j) MEMBERS PAYING CHILD SUPPORT.—A member of the uniformed services covered by this section with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

''(1) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

''(2) the member is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above pay grade E–3.

''(k) TREATMENT OF LOW-COST AND NO-COST MOVES AS NOT BEING REASSIGNMENTS.—In the case of a member of the uniformed services covered by this section who is assigned to duty at a location or under circumstances that make it necessary for the member to be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated for the purposes of this section as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.

''(l) ADMINISTRATION.—This section shall be administering in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

''(m) MEMBER COVERED BY THIS SECTION DEFINED.—In this section, the term 'member covered by this section', with respect to a member of the uniformed services, a member or retired member of the armed forces, or a member of a reserve component of the armed forces, as applicable, means the following:

''(1) A member who first becomes entitled to basic pay on or after January 1, 2018.

''(2) In the case of a member of a reserve component or retired member described in subsection (d), a member who is not entitled to basic allowance for housing as of December 31, 2017, and who becomes entitled to basic allowance for housing after that date pursuant to active duty described in that subsection.

''(3) A member who—

''(A) is entitled to basic allowance for housing under section 403 of this title as of December 31, 2017, within a particular housing or overseas area; and

''(B) after that date, loses uninterrupted eligibility to receive a basic allowance for housing within an area of the United States or an area outside the United States, as applicable.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 403 the following new item:

''403a. Basic allowance for housing: members first entitled after January 1, 2018; members entitled before January 1, 2018, with interruption in eligibility after that date.''.

(b) CONFORMING AMENDMENT.—Section 403 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(p) This section does not apply to members of the uniformed services who are covered by section 403a of this title. In general, such coverage begins on and after January 1, 2018. For provisions applicable to the payment of basic allowance for housing for members of the uniformed services covered by that section after that date, see section 403a of this title.''.

(c) SUBMITTAL OF PROPOSED REGULATIONS TO CONGRESS.—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees the regulations the Secretary purposes to prescribe under subsection (l) of section 403a of title 37, United States Code (as added by subsection (a)), to administer basic allowances for housing pursuant to that section.

SEC. 605. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-RELATED INJURY REHABILITATION PAY.

(a) REPEAL.—Section 328 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 328.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. CONFORMING AMENDMENT TO CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

Section 332(c)(1)(B) of title 37, United States Code, is amended by striking ''$12,000'' and inserting ''$20,000''.

Subtitle C—Travel and Transportation Allowances

SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF RESERVES TO ATTEND INACTIVE DUTY TRAINING OUTSIDE OR NORMAL COMMUTING DISTANCES.

Section 478a(c) of title 37, United States Code, is amended—

(1) by striking ''The amount'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the amount''; and

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

''(2) HIGHER REIMBURSEMENT AMOUNT AUTHORIZED.—The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

''(A) resides—

''(i) in the same State as the inactive duty training location; and

''(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

''(B) is required to commute to the inactive duty training location—

''(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

''(ii) from a permanent residence located more than 75 miles from the training location.''.

SEC. 622. PERIOD FOR RELOCATION OF SPOUSES AND DEPENDENTS OF CERTAIN MEMBERS OF THE ARMED FORCES UNDERGOING A PERMANENT CHANGE OF STATION.

(a) PERIOD OF RELOCATION.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784a the following new section:

''§ 1784b. Relocation of spouses and dependents in connection with the permanent change of station of certain members

''(a) ELECTION OF TIMING OF RELOCATION OF SPOUSES IN CONNECTION WITH PCS.—

''(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), a member of the armed forces undergoing a permanent change of

station and the member's spouse may jointly elect that the spouse may relocate to the location to which the member will relocate in connection with the permanent change of station at such time during the covered relocation period as the member and spouse jointly select.

''(2) MEMBERS AND SPOUSES ELIGIBLE TO MAKE ELECTIONS.—A member and spouse may make an election pursuant to paragraph (1) as follows:

''(A) If the spouse either—

''(i) is gainfully employed at the beginning of the covered relocation period concerned; or

''(ii) is enrolled in a degree, certificate, or license granting program at the beginning of the covered relocation period.

''(B) If the member and spouse have one or more dependents at the beginning of the covered relocation period concerned, either—

''(i) at least one dependent is a child in elementary or secondary school at the beginning of the covered relocation period;

''(ii) the spouse or at least one such dependent are covered by the Exceptional Family Member Program at the beginning of the covered relocation period; or

''(iii) the member and spouse are caring at the beginning of the covered relocation period for an immediate family member with a chronic or long-term illness, as determined pursuant to the regulations applicable to the member's armed force pursuant to subsection (g).

''(C) If the member is undergoing a permanent change of station as an individual augmentee or other deployment arrangement specified in the regulations applicable to the member's armed force pursuant to subsection (h).

''(D) If the member, spouse, or both, meet such other qualification or qualifications as are specified in the regulations applicable to the member's armed force pursuant to subsection (g).

''(E) In the case of a member and spouse who do not otherwise meet any qualification in subparagraphs (A) through (D), if the commander of the member at the beginning of the covered relocation period determines that eligibility to make the election is in the interests of the member and spouse for family stability during the covered relocation period and in the interests of the armed force concerned. Any such determination shall be made on a case-by-case basis.

''(b) ELECTION OF TIMING OF RELOCATION OF CERTAIN DEPENDENTS OF UNMARRIED MEMBERS IN CONNECTION WITH PCS.—

''(1) IN GENERAL.—Subject to subsection (c), a member of the armed forces undergoing a permanent change of station who has one or more dependents described in paragraph (2) and is no longer married to the individual who is or was the parent (including parent by adoption) of such dependents at the beginning of the covered period of relocation may elect that such dependents may relocate to the location to which the member will relocate in connection with the permanent change of station at such time during the covered relocation period as elected as follows:

''(A) By the member alone if such individual is dead or has no custodial rights in such dependents at the beginning of such period.

''(B) By the member and such individual jointly in all other circumstances.

''(2) DEPENDENTS.—The dependents described in this paragraph are as follows:

''(A) Dependents over the age of 19 years for whom the member has power of attorney regarding residence.

''(B) Dependents under the age of 20 years who will reside with a caregiver according to the Family Care Plan of the member during the covered period of relocation until relocated pursuant to an election under this subsection.

''(c) LIMITATION ON NUMBER OF ELECTIONS.—The aggregate number of elections made by a member under subsections (a) and (b) may not exceed three elections.

''(d) HOUSING.—(1)(A) If the spouse of a member relocates before the member in accordance with an election pursuant to subsection (a), the member shall be assigned to quarters or other housing facilities of the United States as a bachelor, if such quarters are available, until the date of the member's permanent change of station.

''(B) The quarters or housing facilities to which a member is assigned pursuant to subparagraph (A) shall, to the extent practicable, be quarters or housing facilities that do not impose or collect a lease fee on the member for occupancy.

''(C) If quarters or housing facilities that do not impose or collect a lease fee for occupancy are not available for a particular member, the quarters or housing facilities to which the member is assigned shall be quarters or housing facilities that impose or collect the lowest reasonable lease fee for occupancy that can be obtained for the member by the Secretary concerned for purposes of this subparagraph.

''(2) If a spouse and any dependents of a member covered by an election under this section reside in housing of the United States at the beginning of the covered period of relocation, the spouse and dependents may continue to reside in such housing throughout the covered period of relocation, regardless of the date of the member's permanent change of station.

''(3) If a spouse and any dependents of a member covered by an election under this section are eligible to reside in housing of the United States following the member's permanent change of station, the spouse and dependents may commence residing in such housing at any time during the covered relocation period, regardless of the date of the member's permanent change of station.

''(e) TRANSPORTATION OF PROPERTY.—(1) Transportation allowances authorized for the transportation of the personal property of a member and spouse making an election under subsection (a) may be allocated either to the relocation of the member or the relocation of the family, as the member and spouse shall elect.

''(2) In this subsection, the terms 'transportation allowances' and 'personal property' have the meaning given such terms in section 451(b) of title 37.

''(f) APPROVAL.—(1) The Secretary of Defense shall establish a single approval process for applications for coverage under this section. The process shall apply uniformly among the armed forces.

''(2) Applications for approval for coverage under this section shall consist of such elements (including documentary evidence) as the Secretary shall prescribe for purposes of the approval process required by this subsection.

''(3) The approval process required by this subsection shall ensure that the processing of applications for coverage under this section is completed in a timely manner that permits a spouse and any dependents to relocate whenever during the covered relocation period selected in the election concerned. In meeting that requirement, the approval process shall provide for the processing of applications at the lowest level in the chain of command of members as it appropriate to ensure proper administration of this section.

''(g) REGULATIONS.—Each Secretary concerned shall prescribe regulations for the administration of this section with respect to the armed force or forces under the jurisdiction of such Secretary.

''(h) COVERED RELOCATION PERIOD DEFINED.—In this section, the term 'covered relocation period', in connection with the permanent change of station of a member, means the period that—

''(1) begins 180 days before the date of the permanent change of station; and

''(2) ends 180 days after the date of the permanent change of station.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1784a the following new item:

''1784b. Relocation of spouses and dependents in connection with the permanent change of station of certain members.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply with respect to permanent changes of station of members of the Armed Forces that occur on or after the date that is 180 days after such effective date.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) REPORT REQUIRED.—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 potential actions of the Department of Defense to enhance the stability of military families undergoing a permanent change of station.

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

(A) A comparison of the current percentage of spouses in military families who work with the percentage of spouses in military families who worked in the recent past, and an assessment of the impact of the change in such percentage on military families.

(B) An assessment of the effects of relocation of military families undergoing a permanent change of station on the employment, education, and licensure of spouses of military families.

(C) An assessment of the effects of relocation of military families undergoing a permanent change of station on military children, including effect on their mental health.

(D) An identification of potential actions of the Department to enhance the stability of military families undergoing a permanent change of station and to generate cost savings in connection with such changes of station.

(E) Such other matters as the Comptroller General considers appropriate.

(3) ADDITIONAL ELEMENT ON FUNDING OF MILITARY FAMILY SUPPORT PROGRAMS.—In addition to the elements specified in paragraph (2), the report required by paragraph (1) shall also include a comparison of—

(A) the average annual amount spent by each Armed Force over the five-year period ending on December 31, 2015, on recruiting and retention bonuses and special pays for members of such Armed Force; with

(B) the average annual amount spent by such Armed Force over such period on programs for military families and support of military families.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERVICE ACADEMIES AND INACTIVE RESERVES TO PARTICIPATE IN THE MODERNIZED RETIREMENT SYSTEM.

(a) IN GENERAL.—Paragraph (4)(C) of section 1409(b) of title 10, United States Code, is amended—

(1) in clause (i), by striking ''and (iii)'' and inserting '', (iii), (iv) and (v)''; and

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

''(iv) CADETS AND MIDSHIPMEN, ETC.—A member of a uniformed service who serves as a cadet, midshipman, or member of the Senior Reserve Officers' Training Corps during the election period specified in clause (i) shall make the election described in subparagraph (B)—

''(I) on or after the date on which such cadet, midshipman, or member of the Senior Reserve Officers' Training Corps is appointed as a commissioned officer or otherwise begins to receive basic pay; and

''(II) not later than 30 days after such date or the end of such election period, whichever is later.

''(v) INACTIVE RESERVES.—A member of a reserve component who is not in an active status during the election period specified in clause (i) shall make the election described in subparagraph (B)—

''(I) on or after the date on which such member is transferred from an inactive status to an active status or active duty; and

''(II) not later than 30 days after such date or the end of such election period, whichever is later.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 631(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendments made by subsection (a) relate.

SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE UNIFORMED SERVICES ON PARTICIPATION IN THE THRIFT SAVINGS PLAN.

Effective as of the date of the enactment of this Act, paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 847) is repealed, and the amendment proposed to be made by that paragraph shall not be made or go into effect.

SEC. 633. CONTINUATION PAY FOR MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

(a) CONTINUATION PAY.—Section 356 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and''; and

(B) in paragraph (2), by striking ''an additional 4 years'' and inserting ''not less than 3 additional years''; and

(2) by striking subsection (d) and inserting the following new subsection (d):

''(d) TIMING OF PAYMENT.—Continuation pay may be paid to a full TSP member under subsection (a) at any time after the member completes 8 years of service in a uniformed service, but before the member completes 12 years of service, as the Secretary concerned shall elect for purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

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

''§ 356. Continuation pay: full TSP members with not less than 8 and more than 12 years of service''.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 356 and inserting the following new item:

''356. Continuation pay: full TSP members with not less than 8 and more than 12 years of service.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 634 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 850), to which the amendments made by this section relate.

SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING AMENDMENT.

(a) IN GENERAL.—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking ''2½ percent'' and inserting ''the retired pay percentage (determined for the member under section 1409(b) of this title)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendment made by subsection (a) relates.

SEC. 635. SENSE OF CONGRESS ON ROTH CONTRIBUTIONS AS DEFAULT CONTRIBUTIONS OF MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN UNDER RETIRED PAY REFORM.

It is the sense of Congress that—

(1) having the contribution of a member of the Armed Forces participating in the Thrift Savings Plan (TSP) under military retired pay reform (as enacted pursuant to part I of subtitle C of title of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92)) default to Roth contributions until the member elects not to designate such contributions as Roth contributions would aid enlisted and junior commissioned members of the Armed Forces in saving for their retirement; and

(2) the Department of Defense should assess the feasibility and advisability of making the contributions of members participating in the Thrift Savings Plan under military retired pay reform default to Roth contributions until members elect otherwise.

PART II—OTHER MATTERS

SEC. 641. EXTENSION OF ALLOWANCE COVERING MONTHLY PREMIUM FOR SERVICEMEMBERS' GROUP LIFE INSURANCE WHILE IN CERTAIN OVERSEAS AREAS TO COVER MEMBERS IN ANY COMBAT ZONE OR OVERSEAS DIRECT SUPPORT AREA.

(a) EXPANSION OF COVERAGE.—Subsection (a) of section 437 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''In the case of'';

(2) by striking ''who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom'' and inserting ''who serves in a designated duty assignment''; and

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

''(2) In this subsection, the term 'designated duty assignment' means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that—

''(A) has been designated a combat zone; or

''(B) is in direct support of an area that has been designated a combat zone.''.

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Subsection (b) of such section is amended by striking ''theater of operations'' and inserting ''designated duty assignment''.

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

''§ 437. Allowance to cover monthly premiums for Servicemembers' Group Life Insurance: members serving in a designated duty assignment''.

(3) TABLE OF SECTIONS.—The item relating to section 437 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in a designated duty assignment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to service by members of the Armed Forces in a designated duty assignment (as defined in subsection (a)(2) of section 437 of title 37, United States Code) for any month beginning on or after the date of the enactment of this Act.

SEC. 642. USE OF MEMBER'S CURRENT PAY GRADE AND YEARS OF SERVICE, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) IN GENERAL.—Section 1408(a)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D) as clauses (i), (ii), (iii), (iv), respectively;

(2) by inserting ''(A)'' after ''(4)'';

(3) in subparagraph (A), as designated by paragraph (2), by inserting ''(as determined pursuant to subparagraph (B)'' after ''member is entitled''; and

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

''(B) In calculating the total monthly retired pay to which a member is entitled for purposes of subparagraph (A), the following shall be used:

''(i) The member's pay grade and years of service at the time of the court order.

''(ii) The amount of pay that is payable at the time of the member's retirement to a member in the member's pay grade and years of service as fixed pursuant to clause (i).''.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.

SEC. 643. PERMANENT EXTENSION OF PAYMENT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCES UNDER THE SURVIVOR BENEFIT PLAN.

Section 1450(m) of title 10, United States Code, is amended—

(1) in paragraph (2)(I), by striking ''during fiscal year 2017'' and inserting ''after fiscal year 2016''; and

(2) by striking paragraph (6).

SEC. 644. AUTHORITY TO DEDUCT SURVIVOR BENEFIT PLAN PREMIUMS FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT SUFFICIENT.

(a) AUTHORITY.—Subsection (d) of section 1452 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) DEDUCTION FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT ADEQUATE.—In the case of a person who has elected to participate in the Plan and who has been awarded both retired pay and combat-related special compensation under section 1413a of this title, if a deduction from the person's retired pay for any period cannot be made in the full amount required, there shall be deducted from the person's combat-related special compensation in lieu of deduction from the person's retired pay the amount that would otherwise have been deducted from the person's retired pay for that period.''.

(b) CONFORMING AMENDMENTS TO SECTION 1452.—

(1) Subsection (d) of such section is further amended—

(A) in the subsection heading, by inserting ''OR NOT SUFFICIENT'' after ''NOT PAID'';

(B) in paragraph (1), by inserting before the period at the end the following: '', except to the extent that the required deduction is made pursuant to paragraph (2)''; and

(C) in paragraph (3), as redesignated by subsection (a)(1), by striking ''Paragraph (1) does not'' and inserting ''Paragraphs (1) and (2) do not''.

(2) Subsection (f)(1) of such section is amended by inserting ''or combat-related special compensation'' after ''from retired pay''.

(3) Subsection (g)(4) of such section is amended—

(A) in the paragraph heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) by inserting ''or combat-related special compensation'' after ''from the retired pay''.

(c) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF SBP STATUTE.—

(1) Section 1449(b)(2) of such title is amended—

(A) in the paragraph heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) by inserting ''or combat-related special compensation'' after ''from retired pay''.

(2) Section 1450(e) of such title is amended—

(A) in the subsection heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) in paragraph (1), by inserting ''or combat-related special compensation'' after ''from the retired pay''.

SEC. 645. SENSE OF CONGRESS ON OPTIONS FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE PAYMENT OF THE DEATH GRATUITY TO A TRUST FOR A SPECIAL NEEDS INDIVIDUAL.

It is the sense of Congress that the Department of Defense should explore options to allow members of the Armed Forces to designate that, upon their death, the death gratuity payable with respect to members of the Armed Forces upon death may be paid to a trust that is legally established under any Federal, State, or territorial law in order to provide greater financial and estate planning capability for members seeking to provide for those who require the protections of a trust, such as minor children or incapacitated adults, or those with special needs.

SEC. 646. INDEPENDENT ASSESSMENT OF THE SURVIVOR BENEFIT PLAN.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the Survivor Benefit Plan (SBP) under subchapter II of chapter 73 of title 10, United States Code, by a Federally-funded research and development center (FFRDC).

(b) ASSESSMENT ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include, but not be limited to, the following:

(1) The purposes of the Survivor Benefit Plan, the manner in which the Plan interacts with other Federal programs to provide financial stability and resources for survivors of members of the Armed Forces and military retirees, and a comparison between the benefits available under the Plan, on the one hand, and benefits available to Government and private sector employees, on the other hand, intended to provide financial stability and resources for spouses and other dependents when a primary family earner dies.

(2) The effectiveness of the Survivor Benefit Plan in providing survivors with intended benefits, including the provision of survivor benefits for survivors of members of the Armed Forces dying on active duty and members dying while in reserve active-status.

(3) The feasibility and advisability of providing survivor benefits through alternative insurance products available commercially for similar purposes, the extent to which the Government could subsidize such products at no cost in excess of the costs of the Survivor Benefit Plan, and the extent to which such products might meet the needs of survivors, especially those on fixed incomes, to maintain financial stability.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the results of the assessment conducted pursuant to subsection (a), together with such recommendations as the Secretary considers appropriate for legislative or administration action in light of the results of the assessment.

Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.

(a) OPTIMIZATION STRATEGY.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following paragraph:

''(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by nonappropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

''(B) The Secretary shall ensure that savings generated due to such optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect the participation of the systems in the development and implementation of such practices.''.

(b) AUTHORITY TO SUPPLEMENT APPROPRIATIONS THROUGH BUSINESS OPTIMIZATION.—Section 2483(c) of such title is amended by adding at the end the following new sentence: ''Such appropriated amounts may also be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title and the alternative pricing program implemented pursuant to section 2484(i) of this title.''.

(c) ALTERNATIVE PRICING PROGRAM.—Section 2484 of such title is amended by adding at the end the following new subsections:

''(i) ALTERNATIVE PRICING PROGRAM.—(1) The Secretary of Defense may establish and carry out, in accordance with the requirements of this subsection, an alternative pricing program pursuant to which prices may be established in response to market conditions and customer demand. Prices under the alternative pricing program shall reflect the uniform sales price surcharge applicable under subsection (d).

''(2) Before establishing an alternative pricing program under this subsection, the Secretary shall establish the following:

''(A) Specific, measurable benchmarks for success in the provision of high quality grocery merchandise, discount savings to patrons, and levels of customer satisfaction while achieving savings for the Department of Defense.

''(B) A baseline of overall savings to patrons achieved by commissary stores before the initiation of the alternative pricing program, based on a comparison of prices charged by those stores on a regional basis with prices charged by relevant local competitors for a representative market basket of goods. In determining the savings baseline, the Secretary shall take into account the effect of the surcharges added under the pricing program by reason of subsection (d).

''(3) The Secretary shall ensure that the defense commissary system implements the alternative pricing program by conducting price comparisons using the methodology established for paragraph (2)(B) and adjusting pricing as necessary to ensure that pricing in the alternative pricing program achieves overall savings to patrons that are reasonably consistent with the baseline savings established for the relevant region pursuant to such paragraph.

''(j) CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.—(1) If the Secretary of Defense determines that the alternative pricing program under subsection (i) has met the benchmarks for success established pursuant to subsection (i)(2)(A) and the savings requirements established pursuant to subsection (i)(3) over a period of at least six months, the Secretary may convert the defense commissary system to a nonappropriated fund entity or instrumentality, with operating expenses financed in whole or in part by receipts from the sale of products and the sale of services. Upon such conversion, appropriated funds shall be transferred to the defense commissary system only in accordance with paragraph (2) or section 2491 of this title. The requirements of section 2483 of this title shall not apply to the defense commissary system operating as a nonappropriated fund entity or instrumentality.

''(2) If the Secretary determines that the defense commissary system operating as a nonappropriated fund entity or instrumentality is not likely, in any fiscal year, to afford the level of patron savings required in subsection (i)(3), the Secretary may authorize a transfer of appropriated funds available for such purpose to the commissary system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be considered to be nonappropriated funds for such purpose.

''(3) The Secretary may identify positions of employees in the defense commissary system who are paid with appropriated funds whose status may be converted to the status of an employee of a nonappropriated fund entity or instrumentality. The status and conversion of such employees shall be addressed as provided in section 2491(c) of this title for employees in morale, welfare, and recreation programs. No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of the conversion.''.

(d) ESTABLISHMENT OF COMMON BUSINESS PRACTICES.—Section 2487 of such title is amended—

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

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

''(c) COMMON BUSINESS PRACTICES.—(1) Notwithstanding subsections (a) and (b), the Secretary of Defense may establish common business processes, practices, and systems—

''(A) to exploit synergies between the operations of the defense commissary system and the exchange system; and

''(B) to optimize the operations of the defense retail systems as a whole and the benefits provided by the commissaries and exchanges.

''(2) The Secretary may authorize the defense commissary system and the exchange system to enter into contracts or other agreements for the following:

''(A) Products and services that are shared by the defense commissary system and the exchange system.

''(B) The acquisition of supplies, resale goods, and services on behalf of both the defense commissary system and the exchange system.

''(3) For the purpose of a contract or agreement authorized under paragraph (2), the Secretary may—

''(A) use funds appropriated pursuant to section 2483 of this title to reimburse a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the nonappropriated fund entity or instrumentality that is attributable to the defense commissary system; and

''(B) authorize the defense commissary system to accept reimbursement from a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the defense commissary system that is attributable to the nonappropriated fund entity or instrumentality.''.

(e) CLARIFICATION OF REFERENCES TO ''THE EXCHANGE SYSTEM''.—Section 2481(a) of such title is amended by adding at the end the following new sentence: ''Any reference in this chapter to 'the exchange system' shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary has implemented the requirement under this subsection for a world-wide system of exchange stores.''.

(f) OPERATION OF DEFENSE COMMISSARY SYSTEM AS A NONAPPROPRIATED FUND ENTITY.—In the event that the defense commissary system is converted to a nonappropriated fund entity or instrumentality as authorized by section 2484(j)(1) of title 10, United States Code, as added by subsection (c) of this section, the Secretary of Defense may—

(1) provide for the transfer of commissary assets, including inventory and available funds, to the nonappropriated fund entity or instrumentality; and

(2) ensure that revenues accruing to the defense commissary system are appropriately credited to the nonappropriated fund entity or instrumentality.

(g) CONFORMING AMENDMENT.—Section 2643(b) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Such appropriated funds may be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title.''.

Subtitle F—Other Matters

SEC. 671. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

''(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall comply with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 of title 10 (or any other provision of law).

''(3) This subsection does not prohibit the provision of a cash allowance to a member described in paragraph (1) for the purchase of athletic footwear if such footwear—

''(A) is medically required to meet unique physiological needs of the member; and

''(B) cannot be met with athletic footwear that complies with the requirements of this subsection.''.

SEC. 672. AUTHORITY FOR PAYMENT OF PAY AND ALLOWANCES AND RETIRED AND RETAINER PAY PURSUANT TO POWER OF ATTORNEY.

Section 602 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', in the opinion of a board of medical officers or physicians,''; and

(B) by striking ''use or benefit'' and all that follows through ''any person designated'' and inserting the following: ''use or benefit to—

''(1) a legal committee, guardian, or other representative that has been appointed by a court of competent jurisdiction;

''(2) an individual to whom the member has granted authority to manage such funds pursuant to a valid and legally executed durable power of attorney; or

''(3) any person designated'';

(2) in subsection (b)—

(A) by striking ''The board shall consist'' and inserting ''An individual may not be designated under subsection (a)(3) to receive payments unless a board consisting''; and

(B) by inserting ''determines that the member is mentally incapable of managing the member's affairs. Any such board shall be'' after ''treatment of mental disorders,'';

(3) in subsection (c), by striking ''designated'' and inserting ''authorized to receive payments'';

(4) is subsection (d), by inserting '', unless a court of competent jurisdiction orders payment of such fee, commission, or other charge'' before the period;

(5) by striking subsection (e);

(6) by redesignating subsection (f) as subsection (e); and

(7) in subsection (e), as redesignated by paragraph (6)—

(A) by inserting ''under subsection (a)(3)'' after ''who is designated''; and

(B) by striking ''$1,000'' and inserting ''$25,000''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. REFORM OF HEALTH CARE PLANS AVAILABLE UNDER THE TRICARE PROGRAM.

(a) REFORM OF HEALTH CARE PLANS.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

''§ 1075. TRICARE program: health care plans

''(a) HEALTH CARE PLANS.—This section establishes the following health care plans under which covered beneficiaries may enroll under the TRICARE program:

''(1) TRICARE Prime (the managed care option).

''(2) TRICARE Choice (the self-managed option).

''(3) TRICARE Supplemental.

''(b) BENEFICIARY CATEGORIES.—In this section, the beneficiary categories for purposes of eligibility to enroll in a health care plan under subsection (a) and cost sharing requirements applicable to those health care plans are as follows:

''(1) ACTIVE-DUTY FAMILY MEMBERS.—The category of 'active-duty family members' consists of the following beneficiaries:

''(A) Beneficiaries covered by section 1079 of this title.

''(B) Beneficiaries covered by section 1086(c)(1) of this title by reason of being a retired member under chapter 61 of this title or a dependent of such a retired member.

''(C) Beneficiaries covered by section 1086(c)(2) of this title.

''(2) RETIRED MEMBERS.—The category of 'retired members' consists of beneficiaries covered by section 1086(c) of this title who are not—

''(A) beneficiaries described in subparagraph (B) or (C) of paragraph (1); or

''(B) beneficiaries described in section 1086(d)(2) of this title.

''(c) TRICARE PRIME.—

''(1) IN GENERAL.—The Secretary of Defense shall establish the TRICARE Prime health care plan in areas described in paragraph (6).

''(2) BENEFITS.—TRICARE Prime is a managed care option that provides medical services to beneficiaries enrolled in such option at reduced cost-sharing amounts for beneficiaries whose care is managed by a designated primary care manager and provided by a network provider.

''(3) ELIGIBILITY.—

''(A) ACTIVE-DUTY FAMILY MEMBERS.—Except as provided in subparagraph (C), a beneficiary in the active-duty family members category is eligible to enroll in TRICARE Prime under this subsection.

''(B) RETIRED MEMBERS.—Except as provided in subparagraph (C), a beneficiary in the retired members category is eligible to enroll in TRICARE Prime under this subsection in locations in which a facility of the uniformed services has, in the judgment of the Secretary, a significant number of health care providers, including specialty care providers, and sufficient capability to support the efficient operation of TRICARE Prime for projected enrollees in that location.

''(C) EXCLUSION.—A beneficiary covered by section 1076d, 1076e, 1078a, or 1086(d)(2) of this title is not eligible to enroll in TRICARE Prime under this subsection.

''(4) REFERRAL REQUIRED.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a beneficiary enrolled in TRICARE Prime shall be required to obtain a referral for care through a designated primary care manager (or other care coordinator) prior to obtaining care under the TRICARE program.

''(B) EXCUSED REFERRAL.—The Secretary may excuse the requirement that a beneficiary obtain a referral under subparagraph (A) in such circumstances as the Secretary may establish for purposes of this section.

''(C) SPECIALTY CARE.—Beneficiaries enrolled in TRICARE Prime shall not be required to obtain a pre-authorization for a referral for specialty care services.

''(D) COST-SHARING.—Notwithstanding subsections (f) and (g), the cost-sharing requirement for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care as required under subparagraph (A) and is not excused from obtaining such a referral under subparagraph (B) shall be an amount equal to 50 percent of the allowed point-of-service charge for such care.

''(5) ACCESS TO HEALTH CARE.—

''(A) IN GENERAL.—The Secretary shall ensure that beneficiaries enrolled in TRICARE Prime have access to primary care and specialty care services from facilities of the uniformed services or network providers in the applicable area within specific timeliness standards that meet or exceed those of high-performing health care systems in the United States, as determined by the Secretary.

''(B) URGENT CARE SERVICES.—

''(i) IN GENERAL.—In implementing subparagraph (A), the Secretary shall make special provisions for appropriate access of beneficiaries to urgent care services.

''(ii) PRE-AUTHORIZATION.—Beneficiaries enrolled in TRICARE Prime shall not be subject to a pre-authorization requirement for urgent care services.

''(6) AREAS DESCRIBED.—Areas described in this paragraph are areas in which a facility of the uniformed services is located (other than a facility limited to members of the armed forces) that have been designated by the Secretary for purposes of this subsection.

''(d) TRICARE CHOICE.—

''(1) IN GENERAL.—The Secretary of Defense shall establish, without limitation to certain areas, the TRICARE Choice health care plan.

''(2) BENEFITS.—TRICARE Choice is a self-managed option under which beneficiaries enrolled in such option may receive care from any health care provider selected by the beneficiary, subject to such restrictions as the Secretary may establish for purposes of this subsection.

''(3) ELIGIBILITY.—A beneficiary in the active-duty family members category or the retired members category is eligible to enroll in TRICARE Choice under this subsection.

''(e) TRICARE SUPPLEMENTAL.—

''(1) IN GENERAL.—The Secretary of Defense shall establish the TRICARE Supplemental health care plan.

''(2) BENEFITS.—Under TRICARE Supplemental, the Secretary shall pay on behalf of a beneficiary the deductible and copayment amounts under a primary health care plan under which the beneficiary is covered, not to exceed the amount the Secretary would have paid as a primary payer to an out-of-network provider under this section.

''(3) ELIGIBILITY.—A beneficiary in the retired members category is eligible to enroll in TRICARE Supplemental under this subsection.

''(4) ENROLLMENT FEE.—A beneficiary who enrolls in TRICARE Supplemental shall pay an enrollment fee of ½ of the enrollment fee applicable to a beneficiary in the retired members category who enrolls in TRICARE Choice.

''(5) REGULATIONS.—The regulations prescribed by the Secretary under subsection (i) may include such other limitations and provisions for TRICARE Supplemental as the Secretary determines appropriate.

''(f) COST-SHARING AMOUNTS.—

''(1) IN GENERAL.—During calendar year 2018, beneficiaries enrolled in TRICARE Prime and TRICARE Choice under this section shall be subject to cost-sharing requirements, including an enrollment fee, a deductible amount, and copayments, in accordance with the amounts and percentages set forth in the following table:

	"ADFM Category	ADFM Category	Retired Category	Retired Category
	TRICARE Prime	TRICARE Choice	TRICARE Prime	TRICARE Choice
Enrollment Fees, Deductible, and Catastrophic Caps				
Annual Enrollment Fee	$0	$0	$350 Individual $700 Family	$150 Individual $300 Family
Annual Deductible	$0	E4 and below (E4≤) $100 Individual $200 Family. E5 and above (E5≥) $300 Individual $600 Family.	$0	$300 Individual $600 Family
Annual Catastrophic Cap	$1,500	$1,500	$4,000	$4,000
Copayments (by Service Type)				
Outpatient MTF Visit	$0	$0	$0	$0
Outpatient Private Sector Visit	$0	$15 primary network without deductible. $25 specialty network without deductible. 20% out of network after deductible.	$20 primary $30 specialty	$25 primary network without deductible $35 specialty network without deductible 25% out of network after deductible
ER Visit MTF	$0	$0	$0	$0
ER Visit Private Sector	$0	$50 network without deductible. 20% out of network after deductible.	$75 network	$100 network without deductible 25% out of network after deductible
Urgent Care MTF	$0	$0	$0	$0
Urgent Care Private Sector	$0	$0 network without deductible. 20% out of network after deductible.	$30 network	$40 network without deductible 25% out of network after deductible

	"ADFM Category	ADFM Category	Retired Category	Retired Category
	TRICARE Prime	TRICARE Choice	TRICARE Prime	TRICARE Choice
Ambulatory Surgery MTF	$0	$0	$0	$0
Ambulatory Surgery Private Sector	$0	$50 network without deductible.	$100	$125 network without deductible
		20% out of network after deductible.		25% out of network after deductible
Ambulance Service MTF	$0	$0	$0	$0
Ambulance Service Private Sector	$0	$15	$50	$75
Durable Medical Equipment MTF	$0	$0	$0	$0
Durable Medical Equipment Private Sector	$0	10%	20%	20%
Hospitalization tion MTF	$0	$0	$0	$0
Hospitalization Private Sector	$0	$80 per admission - network without deductible.	$200 per Admission	$250 per admission - network without deductible
		20% out of network after deductible.		25% out of network after deductible
Inpatient Skilled Nursing/ Rehabilitation - MTF/ Network	$0	$25 per day - network without deductible.	$25 per day	$25 per day - network without deductible
		$35 per day out of network without deductible.		$250 per day or 20% of billed charges (whichever is less) out of network without deductible

''(2) ADJUSTMENTS TO AMOUNTS.—

''(A) ANNUAL ENROLLMENT FEES.—

''(i) CONSUMER PRICE INDEX.—

''(I) IN GENERAL.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, for each calendar year after calendar year 2023, and with respect to all other beneficiaries, for each calendar year after calendar year 2018, each dollar amount for an annual enrollment fee in the table set forth in paragraph (1) shall be increased by the annual percentage increase of the Consumer Price Index for Health Care Services published by the Bureau of Labor Statistics for such calendar year rounded to the next lower multiple of $1.

''(II) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under subclause (I) for an annual enrollment fee shall be accumulated with such amounts for subsequent years and added to the amount of the increase under such subclause when the aggregate accumulated amount under this subclause (and not yet so added) for such fee equals $1 or more.

''(ii) TRICARE CHOICE FOR RETIRED MEMBERS.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, the annual enrollment fee for calendar years 2019 through 2023 shall be—

''(I) for calendar year 2019—

''(aa) for enrollment as an individual, $210; and

''(bb) for enrollment as a family, $420;

''(II) for calendar year 2020—

''(aa) for enrollment as an individual, $270; and

''(bb) for enrollment as a family, $540;

''(III) for calendar year 2021—

''(aa) for enrollment as an individual, $330; and

''(bb) for enrollment as a family, $660;

''(IV) for calendar year 2022—

''(aa) for enrollment as an individual, $390; and

''(bb) for enrollment as a family, $780; and

''(V) for calendar year 2023—

''(aa) for enrollment as an individual, $450; and

''(bb) for enrollment as a family, $900.

''(B) OTHER AMOUNTS.—

''(i) IN GENERAL.—For each calendar year after calendar year 2018, each dollar amount (other than a dollar amount for an annual enrollment fee) expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be increased by an amount equal to the percentage by which retired pay is increased under section 1401a(b)(2) of this title

for such calendar year rounded to the next lower multiple of $1.

''(ii) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under clause (i) for a fixed dollar amount specified in the table set forth in paragraph (1) shall be accumulated with such rounded amounts for subsequent years and added to the amount indexed under such clause when the aggregate accumulated amount under this subclause (and not yet so added) for such fixed dollar amount equals $1 or more.

''(3) SPECIAL COVERAGE AND REIMBURSEMENT.—

''(A) IN GENERAL.—In the case of services and products furnished under a health care plan under this section, the Secretary may, under regulations prescribed by the Secretary, adopt special coverage and reimbursement methods, amounts, and procedures to encourage the use of high-value services and products and discourage the use of low-value services and products, as determined by the Secretary.

''(B) AFFECT ON COST-SHARING REQUIREMENTS.—The special coverage and reimbursement methods, amounts, and procedures adopted under subparagraph (A) may include a reduction, waiver, or increase, as the case may be, of cost-sharing requirements set forth in paragraph (1) (as modified under paragraph (2)).

''(4) DEDUCTIBLE AMOUNT.—The deductible amount specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the initial cost incurred by an individual or family enrolled in a health care plan under this section during a calendar year for services furnished by an out-of-network provider before costs may be paid under the plan.

''(5) CATASTROPHIC CAP.—The catastrophic cap specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the annual limit on the amount of cost-sharing that an individual or family enrolled in a health care plan under this section may be required to pay under such plan. Enrollment fees and point-of-service charges do not count against the catastrophic cap.

''(6) CALENDAR YEAR ENROLLMENT PERIOD.—Enrollment fees, deductible amounts, and catastrophic caps specified in the table set forth in paragraph (1) (as modified under paragraph (2)) are on a calendar-year basis.

''(7) DEFINITIONS.—For purposes of the table set forth in paragraph (1) (as modified under paragraph (2)):

''(A) ADFM CATEGORY.—The term 'ADFM Category' means the active-duty family members category.

''(B) MTF.—The term 'MTF', with respect to care or services, means care or services provided at a military treatment facility.

''(C) PRIVATE SECTOR.—The term 'private sector', with respect to care or services, means care or services provided in the private sector.

''(D) NETWORK.—The term 'network', with respect to care or services, means care or services provided by a network provider.

''(E) OUT OF NETWORK.—The term 'out of network', with respect to care or services, means care or services provided by an out-of-network provider.

''(g) SPECIAL RULES REGARDING COST SHARING.—

''(1) BENEFICIARIES.—

''(A) TRICARE-FOR-LIFE BENEFICIARIES.—A Medicare-eligible beneficiary enrolled in a health care plan under this section is not responsible for cost sharing for care covered by section 1086(d)(3) of this title, except that the catastrophic cap specified in the table set forth in subsection (f)(1) (as modified under subsection (f)(2)) applies to such care.

''(B) REMOTE AREA DEPENDENTS.—

''(i) COST SHARING.—A remote area dependent (as described in section 1079(o) of this title) enrolled in TRICARE Choice is subject to the cost-sharing requirements for beneficiaries under TRICARE Prime.

''(ii) REFERRAL.—The referral requirements for a beneficiary enrolled in TRICARE Prime shall not apply to a remote area dependent described in clause (i).

''(2) BENEFITS AND PROGRAMS.—

''(A) EXTENDED BENEFITS.—Cost sharing under this section does not apply to extended benefits under subsections (d) and (e) of section 1079 of this title.

''(B) PHARMACY BENEFITS PROGRAM.—

''(i) COPAYMENTS.—Copayments for the receipt of pharmaceutical agents under a health care plan under this section shall be the copayments set forth in section 1074g(6) of this title.

''(ii) OTHER COST SHARING.—The enrollment fee, deductible, and catastrophic cap under this section shall apply to pharmaceutical agents furnished under a health care plan under this section.

''(iii) PHARMACEUTICAL AGENT DEFINED.—In this subparagraph, the term 'pharmaceutical agent' has the meaning given that term in section 1074g(2) of this title.

''(C) OTHER PROGRAMS.—If a beneficiary is enrolled in a program under this chapter for which an annual premium applies, including a premium under Medicare part B for care covered under section 1086(d)(3) of this title, the beneficiary is not required to pay an enrollment fee to enroll in a health care plan under this section.

''(h) OPEN ENROLLMENT PERIOD.—The Secretary of Defense shall establish—

''(1) an annual open enrollment period for beneficiaries to enroll or modify enrollment in a health care plan under this section; and

''(2) other appropriate circumstances under which beneficiaries may enroll or modify enrollment in such a plan outside of that period.

''(i) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this section.

''(j) DEFINITIONS.—In this section:

''(1) NETWORK PROVIDER.—The term 'network provider' means an individual or institutional health care provider that—

''(A) has met the requirements established by the Secretary to become a preferred provider under this section; and

''(B) improves the experience of care, meets established quality of care and effectiveness metrics, and reduces the per capita costs of health care.

''(2) OUT-OF-NETWORK PROVIDER.—The term 'out-of-network provider' means an individual or institutional health care provider, other than a network provider, that has met the requirements established by the Secretary to be an authorized provider under this section.''.

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 1072, by amending paragraph (7) to read as follows:

''(7) The term 'TRICARE program' means the various programs carried out by the Secretary of Defense under this chapter and any other provision of law providing for the furnishing of medical and dental care and health benefits to members and former members of the uniformed services and their dependents, including care furnished under the following health care plans:

''(A) TRICARE Prime under section 1075 of this title (a managed care option).

''(B) TRICARE Choice under such section 1075 (a self-managed option).

''(C) TRICARE Supplemental under such section 1075.

''(D) TRICARE-for-Life under section 1086(d) of this title.'';

(B) in section 1079—

(i) by amending subsection (b) to read as follows:

''(b) Plans covered by subsection (a) shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.'';

(ii) by striking subsection (c); and

(iii) in subsection (g)—

(I) in paragraph (1), by striking ''(1) When'' and inserting ''When''; and

(II) by striking paragraphs (2) through (5);

(C) in section 1086, by amending subsection (b) to read as follows:

''(b) For persons covered by this section, plans contracted for under section 1079(a) of this title shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.'';

(D) in section 1097, by amending subsection (e) to read as follows:

''(e) CHARGES FOR HEALTH CARE.—The charges for health care provided under this section shall consist of cost-sharing amounts as specified in section 1075 of this title.''; and

(E) by striking section 1097a.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by inserting after the item relating to section 1074n the following new item:

''1075. TRICARE program: health care plans.''; and

(B) by striking the item relating to section 1097a.

(b) REFORM OF HEALTH CARE ENROLLMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 1099 of title 10, United States Code, is amended to read as follows:

''(c) HEALTH CARE PLANS AVAILABLE UNDER SYSTEM.—Covered beneficiaries that seek to receive health care services under this chapter shall enroll in one of the following health care plans and pay an enrollment fee, if any, applicable to such health care plan:

''(1) TRICARE Prime under section 1075 of this title.

''(2) TRICARE Choice under such section 1075.

''(3) TRICARE Supplemental under such section 1075.

''(4) TRICARE-for-Life under section 1086(d) of this title.''.

(2) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''eligible health care plans designated by the Secretary of Defense'' and inserting ''among health care plans specified in subsection (c)''.

(c) CHANGES TO CLASSIFICATION OF CERTAIN HEALTH CARE PLANS.—

(1) TRICARE RESERVE SELECT.—Section 1076d of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**TRICARE Standard**'' and inserting ''**TRICARE Reserve Select**''; and

(B) by striking ''TRICARE Standard'' each place it appears and inserting ''TRICARE Reserve Select''.

(2) TRICARE RETIRED RESERVE.—Section 1076e of such title is amended—

(A) in the section heading, by striking ''**TRICARE Standard**'' and inserting ''**TRICARE Retired Reserve**'';

(B) by striking ''TRICARE Standard'' each place it appears, other than subsections (b) and (c), and inserting ''TRICARE Retired Reserve'';

(C) in subsection (b)—

(i) in the subsection heading, by striking ''TRICARE STANDARD''; and

(ii) by striking ''TRICARE Standard'' the second place it appears; and

(D) in subsection (c), by striking ''TRICARE Standard'' the fourth place it appears.

(3) CHAMPUS.—Section 1079a of such title is amended—

(A) in the section heading, by striking ''**CHAMPUS**'' and inserting ''**TRICARE program**'';

(B) by inserting ''(including interagency transfers of funds or obligational authority and similar transactions)'' after ''amounts collected''; and

(C) by striking ''the Civilian Health and Medical Program of the Uniformed Services'' and inserting ''the TRICARE program''.

(4) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by striking the item relating to section 1076d and inserting the following new item:

''1076d. TRICARE program: TRICARE Reserve Select coverage for members of the Selected Reserve.'';

(B) by striking the item relating to section 1076e and inserting the following new item:

''1076e. TRICARE program: TRICARE Retired Reserve coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''; and

(C) by striking the item relating to section 1079a and inserting the following new item:

''1079a. TRICARE Program: treatment of refunds and other amounts collected.''.

(d) TRANSITION RULES.—

(1) IN GENERAL.—With respect to cost-sharing requirements for covered beneficiaries under section 1079, 1086, or 1097 of title 10, United States Code, during the period beginning on October 1, 2017, and ending on December 31, 2017—

(A) any enrollment fee shall be one-fourth of the amount in effect during fiscal year 2017;

(B) any deductible amount applicable during fiscal year 2017 shall apply for the 15-month period beginning on October 1, 2016, and ending on December 31, 2017.

(C) any catastrophic cap applicable during fiscal year 2017 shall apply for the 15-month period beginning on October 1, 2016, and ending on December 31, 2017.

(2) COVERED BENEFICIARIES DEFINED.—In this subsection, the term ''covered beneficiaries'' has the meaning given that term in section 1072 of such title.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on January 1, 2018.

(2) TRANSITION RULES.—Subsection (d) shall take effect on October 1, 2017.

SEC. 702. MODIFICATIONS OF COST-SHARING REQUIREMENTS FOR THE TRICARE PHARMACY BENEFITS PROGRAM AND TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.

(a) IN GENERAL.—Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

''(6)(A) In the case of any of the years 2017 through 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be determined in accordance with the following table:

''For:	The cost-sharing amount for 30-day supply of a retail generic is:	The cost-sharing amount for 30-day supply of a retail formulary is:	The cost-sharing amount for a 90-day supply of a mail order generic is:	The cost-sharing amount for a 90-day supply of a mail order formulary is:	The cost-sharing amount for a 90-day supply of a mail order non-formulary is:
2017	$10	$28	$0	$28	$54
2018	$10	$30	$0	$30	$58
2019	$10	$32	$0	$32	$62
2020	$11	$34	$11	$34	$66
2021	$11	$36	$11	$36	$70
2022	$11	$38	$11	$38	$75
2023	$12	$40	$12	$40	$80
2024	$13	$42	$13	$42	$85
2025	$14	$45	$14	$45	$90

''(B) For any year after 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, determined by the Secretary to reflect changes in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

''(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts under this subsection for a dependent of a member of the uniformed services who dies while on active duty, a member retired under chapter 61 of this title, or a dependent of a member retired under such chapter shall be equal to the cost-sharing amounts, if any, for 2016.''.

(b) TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.—

(1) PHARMACY BENEFITS PROGRAM.—Such section is amended by adding at the end the following new paragraph:

''(10) Notwithstanding paragraphs (2), (5), and (6), in order to encourage the use by covered beneficiaries of pharmaceutical agents that provide the greatest value to covered beneficiaries and the Department of Defense (as determined by the Secretary, including considerations of better care, healthier people, and smarter spending), the Secretary may, upon the recommendation of the Pharmacy and Therapeutics Committee established under subsection (b) and review by the Uniform Formulary Beneficiary Advisory Panel established under subsection (c)—

''(A) exclude from the pharmacy benefits program any pharmaceutical agent that the Secretary determines provides very little or no value to covered beneficiaries and the Department under the program; and

''(B) give preferential status to any non-generic pharmaceutical agent on the uniform formulary by treating it, for purposes of cost-sharing under paragraph (6), as a generic product under the TRICARE retail pharmacy program and mail order pharmacy program.''.

(2) MEDICAL CONTRACTS.—Section 1079 of such title is amended by adding at the end the following new subsection:

''(q) In the case of any pharmaceutical agent (as defined in section 1074g(g)(2) of this title) provided under a contract entered into under this section by a physician, in an outpatient department of a hospital, or otherwise as part of any medical services provided under such a contract, the Secretary of Defense may, under regulations prescribed by the Secretary, adopt special reimbursement methods, amounts, and procedures to encourage the use of high-value products and discourage the use of low-value products, as determined by the Secretary.''.

(3) REGULATIONS.—In order to implement expeditiously the reforms authorized by the amendments made by paragraphs (1) and (2), the Secretary of Defense may prescribe such changes to the regulations implementing the TRICARE program (as defined in section 1072 of title 10, United States Code) as the Secretary considers appropriate—

(A) by prescribing an interim final rule; and

(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

SEC. 703. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER THE TRICARE PROGRAM FOR PARTICIPATION IN THE FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) IN GENERAL.—

(1) DENTAL BENEFITS.—Section 8951 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (8)''; and

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

''(8) The term 'covered TRICARE-eligible individual' means an individual entitled to dental care under chapter 55 of title 10, pursuant to section 1076c of such title, who the Secretary of Defense determines should be an eligible individual for purposes of this chapter.''.

(2) VISION BENEFITS.—Section 8981 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (8)''; and

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

''(8)(A) The term 'covered TRICARE-eligible individual'—

''(i) means an individual entitled to medical care under chapter 55 of title 10, pursuant to section 1076d, 1076e, 1079(a), 1086(c), or 1086(d) of such title, who the Secretary of Defense determines in accordance with an agreement entered into under subparagraph (B) should be an eligible individual for purposes of this chapter; and

''(ii) does not include an individual covered under section 1110b of title 10.

''(B) The Secretary of Defense shall enter into an agreement with the Director of the Office of Personnel Management relating to classes of individuals described in subparagraph (A)(i) who should be eligible individuals for purposes of this chapter.''.

(b) CONFORMING AMENDMENTS.—

(1) DENTAL BENEFITS.—Section 8958(c) of title 5, United States Code, is amended—

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

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

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

''(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

''(A) the pay (including retired pay) of such individual; or

''(B) the annuity paid to such individual; and

''(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.''.

(2) VISION BENEFITS.—Section 8988(c) of title 5, United States Code, is amended—

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

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

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

''(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

''(A) the pay (including retired pay) of such individual; or

''(B) the annuity paid to such individual; and

''(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.''.

(3) PLAN FOR DENTAL INSURANCE FOR CERTAIN RETIREES, SURVIVING SPOUSES, AND OTHER DEPENDENTS.—Subsection (a) of section 1076c of title 10, United States Code, is amended to read as follows:

''(a) REQUIREMENT FOR PLAN.—(1) The Secretary of Defense shall establish a dental insurance plan for retirees of the uniformed services, certain unremarried surviving spouses, and dependents in accordance with this section.

''(2) The Secretary may satisfy the requirement under paragraph (1) by entering into an agreement with the Director of the Office of Personnel Management to allow persons described in subsection (b) to enroll in an insurance plan under chapter 89A of title 5 that provides benefits similar to those benefits required to be provided under subsection (d).''.

SEC. 704. COVERAGE OF MEDICALLY NECESSARY FOOD AND VITAMINS FOR DIGESTIVE AND INHERITED METABOLIC DISORDERS UNDER THE TRICARE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Specialized food is often medically necessary for the safe and effective management of many digestive and inherited metabolic disorders that impact digestion, absorption, and metabolism of nutrients.

(2) Although medically necessary food is essential for patients, it is often expensive and not uniformly reimbursed by health insurance, leaving many families with an insurmountable financial burden.

(3) As a result, many patients who cannot afford medically necessary food may experience adverse health consequences from suboptimal disease management, including hospitalization, intellectual impairment, behavioral dysfunction, inadequate growth, nutrient deficiencies, and even death.

(b) AVAILABILITY UNDER THE TRICARE PROGRAM.—

(1) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3), by inserting before the period at the end the following: '', including medically necessary vitamins''; and

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

''(18) Medically necessary food and the medical equipment and supplies necessary to administer such food (other than medical equipment and supplies described in section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n))).''; and

(B) by adding at the end the following new subsection:

''(g)(1) For purposes of subsection (a)(3), the term 'medically necessary vitamins' means vitamins used for the management of a covered disease or condition pursuant to the prescription, order, or recommendation (as applicable) of a specified, duly authorized provider, such as a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5) of such Act).

''(2) For purposes of subsection (a)(18), the term 'medically necessary food'—

''(A) means food, including a low protein modified food product or an amino acid preparation product, that is—

''(i) furnished pursuant to the prescription, order, or recommendation (as applicable) of a specified, duly authorized provider, such as a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5) of such Act), for the dietary management of a covered disease or condition;

''(ii) a specially formulated and processed product (as opposed to a naturally occurring foodstuff used in its natural state) for the partial or exclusive feeding of an individual by means of oral intake or enteral feeding by tube;

''(iii) intended for the dietary management of an individual who, because of therapeutic or chronic medical needs, has limited or impaired capacity to ingest, digest, absorb, or metabolize ordinary foodstuffs or certain nutrients, or who has other special medically determined nutrient requirements, the dietary management of which cannot be achieved by the modification of the normal diet alone;

''(iv) intended to be used under medical supervision, which may include in a home setting; and

''(v) intended only for an individual receiving active and ongoing medical supervision wherein the individual requires medical care on a recurring basis for, among other things, instructions on the use of the food; and

''(B) does not include—

''(i) food taken as part of an overall diet designed to reduce the risk of a disease or medical condition or as weight loss products, even if they are recommended by a physician or other health professional;

''(ii) food marketed as gluten-free for the management of celiac disease or non-celiac gluten sensitivity;

''(iii) food marketed for the management of diabetes; or

''(iv) such other products as the Secretary determines appropriate.

''(3) In this subsection:

''(A) The term 'covered disease or condition' means the following diseases or conditions:

''(i) Inflammatory bowel disease, including Crohn's disease, ulcerative colitis, and indeterminate colitis.

''(ii) Gastroesophageal reflux disease that is nonresponsive to standard medical therapies.

''(iii) Immunoglobulin E and non-Immunoglobulin E mediated allergies to food proteins.

''(iv) Food protein-induced enterocolitis syndrome.

''(v) Eosinophilic disorders, including eosinophilic esophagitis, eosinophilic gastroenteritis, eosinophilic colitis, and post-transplant eosinophilic disorders.

''(vi) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract, including short bowel syndrome and chronic intestinal pseudo-obstruction.

''(vii) Malabsorption due to liver or pancreatic disease.

''(viii) Inherited metabolic disorders, including the following:

''(I) Disorders classified as metabolic disorders on the Recommended Uniform Screening Panel Core Conditions list of the Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children.

''(II) N-acetyl glutamate synthase deficiency.

''(III) Ornithine transcarbamylase deficiency.

''(IV) Carbamoyl phosphate synthetase deficiency.

''(V) Inherited disorders of mitochondrial functioning.

''(ix) Such other diseases or conditions as the Secretary determines appropriate.

''(B) The term 'low protein modified food product' means a product formulated to have less than one gram of protein per serving.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to health care provided under chapter 55 of such title on or after the date that is one year after the date of the enactment of this Act.

SEC. 705. ENHANCEMENT OF USE OF TELEHEALTH SERVICES IN MILITARY HEALTH SYSTEM.

(a) INCORPORATION OF TELEHEALTH.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall incorporate, throughout the direct care and purchased care components of the military health system, the use of telehealth services, including mobile health applications—

(A) to improve access to primary care, urgent care, behavioral health care, and specialty care;

(B) to perform health assessments;

(C) to provide diagnoses, interventions, and supervision;

(D) to monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions;

(E) to improve communication between health care providers and patients; and

(F) to reduce health care costs for covered beneficiaries and the Department of Defense.

(2) TYPES OF TELEHEALTH SERVICES.—The telehealth services required to be incorporated under paragraph (1) shall include those telehealth services that—

(A) provide real-time interactive communications and remote patient monitoring;

(B) allow covered beneficiaries to schedule appointments and communicate with health care providers; and

(C) allow health care providers, through video conference, telephone or tablet applications, or home health monitoring devices—

(i) to assess and evaluate disease signs and symptoms;

(ii) to diagnose diseases;

(iii) to supervise treatments; and

(iv) to monitor health outcomes.

(b) COVERAGE OF ITEMS OR SERVICES.—An item or service furnished to a covered beneficiary via a telecommunications system shall be covered under the TRICARE program to the same extent as the item or service would be covered if furnished in the location of the covered beneficiary.

(c) REIMBURSEMENT RATES FOR TELEHEALTH SERVICES.—The Secretary shall develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, including by using reimbursement rates that incentivize the provision of telehealth services.

(d) LOCATION OF CARE.—For purposes of reimbursement, licensure, professional liability, and other purposes relating to the provision of telehealth services under this section, providers of such services shall be considered to be furnishing such services at their location and not at the location of the patient.

(e) REDUCTION OR ELIMINATION OF COPAYMENTS.—The Secretary shall reduce or eliminate, as the Secretary considers appropriate, copayments or cost shares for covered beneficiaries in connection with the receipt of telehealth services under the purchased care component of the TRICARE program.

(f) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the full range of telehealth services to be available in the direct care and purchased care components of the military health system and the copayments and cost shares, if any, associated with those services.

(B) REIMBURSEMENT PLAN.—The report required under subparagraph (A) shall include a plan to develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, as required under subsection (c).

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than three years after the date on which the Secretary begins incorporating, throughout the direct care and purchased care components of the military health system, the use of telehealth services as required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the impact made by the use of telehealth services, including mobile health applications, to carry out the actions specified in subparagraphs (A) through (F) of subsection (a)(1).

(B) ELEMENTS.—The report required under subparagraph (A) shall include an assessment of the following:

(i) The satisfaction of covered beneficiaries with telehealth services furnished by the Department of Defense.

(ii) The satisfaction of health care providers in providing telehealth services furnished by the Department.

(iii) The effect of telehealth services furnished by the Department on the following:

(I) The ability of covered beneficiaries to access health care services in the direct care and purchased care components of the military health system.

(II) The frequency of use of telehealth services by covered beneficiaries.

(III) The productivity of health care providers providing care furnished by the Department.

(IV) The reduction, if any, in the use by covered beneficiaries of health care services in military treatment facilities or medical facilities in the private sector.

(V) The number and types of appointments for the receipt of telehealth services furnished by the Department.

(VI) The savings, if any, realized by the Department by furnishing telehealth services to covered beneficiaries.

(g) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 706. EVALUATION AND TREATMENT OF VETERANS AND CIVILIANS AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense may authorize a veteran (in consultation with the Secretary of Veterans Affairs) or civilian to be evaluated and treated at a military treatment facility if the Secretary of Defense determines that—

(1) the evaluation and treatment of the individual is necessary to attain the relevant mix and volume of medical casework required to maintain medical readiness skills and competencies of health care providers at the facility;

(2) the health care providers at the facility have the competencies, skills, and abilities required to treat the individual; and

(3) the facility has available space, equipment, and materials to treat the individual.

(b) REIMBURSEMENT FOR TREATMENT.—

(1) CIVILIANS.—A military treatment facility that evaluates or treats an individual (other than an individual described in paragraph (2)) under subsection (a) may bill the individual and accept reimbursement from the individual for the costs of any health care services provided to the individual under such subsection.

(2) VETERANS.—The Secretary of Defense shall enter into a memorandum of understanding with the Secretary of Veterans Affairs under which the Secretary of Veterans Affairs will reimburse a military treatment facility for the costs of any health care services provided at the facility under subsection (a) to individuals eligible for such health care services from the Department of Veterans Affairs.

(3) USE OF AMOUNTS.—Any amounts collected by a military treatment facility under paragraph (1) or (2) for health care services provided to an individual under subsection (a) shall be made available to such facility to improve access to health care, improve health outcomes, and enhance the experience of care for covered beneficiaries at such facility.

(c) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 707. PILOT PROGRAM TO PROVIDE HEALTH INSURANCE TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense and the Director may jointly carry out a pilot program, at the election of the Secretary, under which the Director provides commercial health insurance coverage to eligible reserve component members who enroll in a health benefits plan under subsection (b) as an individual, for self plus one coverage, or for self and family coverage.

(2) ELEMENTS.—The pilot program shall—

(A) provide for enrollment by eligible reserve component members, at the election of the member, in a health benefits plan under subsection (b) during an open enrollment period established by the Director for purposes of this section;

(B) include a variety of national and regional health benefits plans that—

(i) meet the requirements of this section;

(ii) are broadly representative of the health benefits plans available in the commercial market; and

(iii) do not contain unnecessary restrictions, as determined by the Director; and

(C) offer a sufficient number of health benefits plans in order to provide eligible reserve component beneficiaries with an ample choice of health benefits plans, as determined by the Director.

(3) DURATION.—If the Secretary elects to carry out the pilot program, the Secretary and the Director shall carry out the pilot program for not less than five years.

(b) HEALTH BENEFITS PLANS.—

(1) IN GENERAL.—In providing health insurance coverage under the pilot program, the Director shall contract with qualified carriers for a variety of health benefits plans.

(2) DESCRIPTION OF PLANS.—Health benefits plans contracted for under this subsection—

(A) may vary by type of plan design, covered benefits, geography, and price;

(B) shall include maximum limitations on out-of-pocket expenses paid by an eligible reserve component beneficiary for the health care provided; and

(C) may not exclude an eligible reserve component member who chooses to enroll.

(3) QUALITY OF PLANS.—The Director shall ensure that each health benefits plan offered under this section offers a high degree of quality, as determined by criteria such as—

(A) access to an ample number of medical providers, as determined by the Director;

(B) adherence to industry-accepted quality measurements, as determined by the Director;

(C) access to benefits described in subsection (c), including ease of referral for health care services; and

(D) inclusion in the services covered by the plan of advancements in medical treatments and technology as soon as practicable in accordance with generally accepted standards of medicine.

(c) BENEFITS.—A health benefits plan offered by the Director under this section shall

include, at a minimum, the following benefits:

(1) The health care benefits provided under chapter 55 of title 10, United States Code, excluding pharmaceutical, dental, and extended health care option benefits.

(2) The essential health benefits described in section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022), excluding pharmaceutical and dental benefits.

(3) Such other benefits as the Director determines appropriate.

(d) CARE AT FACILITIES OF UNIFORMED SERVICES.—

(1) IN GENERAL.—If an eligible reserve component beneficiary receives benefits described in subsection (c) at a facility of the uniformed services, the health benefits plan under which the beneficiary is covered shall be treated as a third party payer under section 1095 of title 10, United States Code, and shall pay reasonable charges for such benefits.

(2) MILITARY TREATMENT FACILITIES.—The Secretary, in consultation with the Director—

(A) may contract with qualified carriers with which the Director has contracted under subsection (b) to provide health insurance coverage for health care services provided at military treatment facilities under this section; and

(B) may receive payments under section 1095 of title 10, United States Code, from qualified carriers for health care services provided at military treatment facilities under this section.

(e) SPECIAL RULE RELATING TO ACTIVE DUTY PERIOD.—

(1) IN GENERAL.—An eligible reserve component member may not receive benefits under a health benefits plan under this section during any period in which the member is serving on active duty for more than 30 days.

(2) TREATMENT OF DEPENDENTS.—Paragraph (1) does not affect the coverage under a health benefits plan of any dependent of an eligible reserve component member.

(f) ELIGIBILITY FOR FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—An individual is not eligible to enroll in or be covered under a health benefits plan under this section if the individual is eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

(g) COST SHARING.—

(1) RESPONSIBILITY FOR PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible reserve component member shall pay an annual premium amount calculated under paragraph (2) for coverage under a health benefits plan under this section and additional amounts described in paragraph (3) for health care services in connection with such coverage.

(B) ACTIVE DUTY PERIOD.—

(i) IN GENERAL.—During any period in which an eligible reserve component member is serving on active duty for more than 30 days, the eligible reserve component member is not responsible for paying any premium amount under paragraph (2) or additional amounts under paragraph (3).

(ii) COVERAGE OF DEPENDENTS.—With respect to a dependent of an eligible reserve component member that is covered under a health benefits plan under this section, during any period described in clause (i) with respect to the member, the Secretary shall, on behalf of the dependent, pay 100 percent of the total annual amount of a premium for coverage of the dependent under the plan and such cost sharing amounts as may be applicable under the plan.

(2) PREMIUM AMOUNT.—

(A) IN GENERAL.—The annual premium calculated under this paragraph is an amount equal to 28 percent of the total annual amount of a premium under the health benefits plan selected.

(B) TYPES OF COVERAGE.—The premium amounts calculated under this paragraph shall include separate calculations for—

(i) coverage as an individual;

(ii) self plus one coverage; and

(iii) self and family coverage.

(3) ADDITIONAL AMOUNTS.—The additional amounts described in this paragraph with respect to an eligible reserve component member are such cost sharing amounts as may be applicable under the health benefits plan under which the member is covered.

(h) CONTRACTING.—

(1) IN GENERAL.—In contracting for health benefits plans under subsection (b), the Director may contract with qualified carriers in a manner similar to the manner in which the Director contracts with carriers under section 8902 of title 5, United States Code, including that—

(A) a contract under this section shall be for a uniform term of not less than one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party;

(B) a contract under this section shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclusions, and other definitions of benefits as the Director considers necessary or desirable;

(C) a contract under this section shall ensure that an eligible reserve component member who is eligible to enroll in a health benefits plan pursuant to such contract is able to enroll in such plan; and

(D) the terms of a contract under this section relating to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any conflicting State or local law.

(2) EVALUATION OF FINANCIAL SOLVENCY.—The Director shall perform a thorough evaluation of the financial solvency of an insurance carrier before entering into a contract with the insurance carrier under paragraph (1).

(i) RECOMMENDATIONS AND DATA.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide recommendations and data to the Director with respect to—

(A) matters involving military treatment facilities;

(B) matters unique to eligible reserve component members and their dependents; and

(C) such other strategic guidance necessary for the Director to administer this section as the Secretary of Defense, in consultation with the Secretary of Homeland Security, considers appropriate.

(2) LIMITATION ON IMPLEMENTATION.—The Director shall not implement any recommendation provided by the Secretary of Defense under paragraph (1) if the Director determines that the implementation of the recommendation would result in eligible reserve components beneficiaries receiving less generous health benefits under this section than the health benefits commonly available to individuals under the Federal Employees Health Benefits Program during the same period.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Director shall jointly establish an appropriate mechanism to fund the pilot program under this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts shall be made available to the Director pursuant to the mechanism established under paragraph (1), without fiscal year limitation—

(A) for payments to health benefits plans under this section; and

(B) to pay the costs of administering this section.

(k) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(2) ELIGIBLE RESERVE COMPONENT BENEFICIARY.—The term ''eligible reserve component beneficiary'' means an eligible reserve component member enrolled in, or a dependent of such a member described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, covered under, a health benefits plan under this section.

(3) ELIGIBLE RESERVE COMPONENT MEMBER.—The term ''eligible reserve component member'' means a member of the Selected Reserve of the Ready Reserve of an Armed Force.

(4) EXTENDED HEALTH CARE OPTION.—The term ''extended health care option'' means the program of extended benefits under subsections (d) and (e) of section 1079 of title 10, United States Code.

(5) FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—The term ''Federal Employees Health Benefits Program'' means the health insurance program under chapter 89 of title 5, United States Code.

(6) QUALIFIED CARRIER.—The term ''qualified carrier'' means an insurance carrier that is licensed to issue group health insurance in any State or the District of Columbia.

SEC. 708. PILOT PROGRAM ON TREATMENT OF MEMBERS OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER RELATED TO MILITARY SEXUAL TRAUMA.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to such conditions.

(b) GRANTS TO COMMUNITY PARTNERS.—

(1) IN GENERAL.—The pilot program authorized by subsection (a) shall be carried out using grants, awarded on a competitive basis, to community partners described in paragraph (2).

(2) COMMUNITY PARTNERS.—A community partner described in this paragraph is a private health care organization or institution that—

(A) provides health care to members of the Armed Forces;

(B) provides evidence-based treatment for psychological and neurological conditions that are common among members of the Armed Forces, including post-traumatic stress disorder, traumatic brain injury, substance use disorder, and depression;

(C) provides health care, support, and other benefits to family members of members of the Armed Forces; and

(D) provides health care under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

(c) REQUIREMENTS OF GRANT RECIPIENTS.—Each community partner awarded a grant under subsection (b) shall—

(1) carry out intensive outpatient programs of short duration to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to such conditions;

(2) use evidence-based and evidence-informed treatment strategies in carrying out such programs;

(3) share clinical and outreach best practices with other community partners participating in the pilot program authorized by subsection (a); and

(4) annually assess outcomes for members of the Armed Forces individually and throughout the community partners with respect to the treatment of conditions described in paragraph (1).

(d) FEDERAL SHARE.—The Federal share of the costs of programs carried out by a community partner awarded a grant under subsection (b) using a grant under that subsection may not exceed 50 percent.

(e) TERMINATION.—The Secretary may not carry out the pilot program authorized by subsection (a) after the date that is three years after the date of the enactment of this Act.

Subtitle B—Health Care Administration

SEC. 721. CONSOLIDATION OF THE MEDICAL DEPARTMENTS OF THE ARMY, NAVY, AND AIR FORCE INTO THE DEFENSE HEALTH AGENCY.

(a) IN GENERAL.—Not earlier than the date that is 60 days after the Committees on Armed Services of the Senate and the House of Representatives receive the consolidation plan submitted under subsection (d), the Secretary of Defense shall disestablish the medical departments of the Armed Forces and consolidate all activities of such departments into the Defense Health Agency in a manner that—

(1) ensures continuity in the provision of health care services to members of the Armed Forces and other eligible beneficiaries; and

(2) maintains the medical force readiness capabilities of the military health system.

(b) MEDICAL OPERATIONS WITHIN DEFENSE HEALTH AGENCY.—

(1) IN GENERAL.—The consolidation required by this section shall, at a minimum, meet the requirements of this subsection.

(2) MEDICAL OPERATIONS.—All medical operations of the Department of Defense (including all military medical treatment facilities, training organizations, and medical research entities of the military departments) shall be discharged through a single agency established or organized within, and assigned to, the Defense Health Agency.

(3) DIRECTOR.—The Director of the Defense Health Agency shall be an officer of the Armed Forces who, while so serving, holds the grade of lieutenant general or, in the case of the Navy, vice admiral. The Director shall be appointed from among officers of the Armed Services who are members of the medical corps, the dental corps, the medical service corps (including the biomedical service corps), or the nurse corps. An individual appointed as the Director shall serve a term of not fewer than four years.

(4) SUBORDINATE ORGANIZATIONS.—

(A) IN GENERAL.—The Defense Health Agency shall have four subordinate organizations as follows:

(i) An organization that includes all military medical treatment facilities, including facilities or elements that are combined or operating jointly with a medical facility of another department or agency of the Federal Government.

(ii) An organization responsible for the following:

(I) All medical professional recruitment and retention activities of the Department.

(II) All medical training, education, research, and development activities of the Department

(III) Any organizations designated as executive agents of the Department for medical operations or activities of the Department as of December 31, 2016.

(iii) An organization responsible for the activities and duties of the Defense Health Agency as of December 31, 2016.

(iv) An organization responsible for all activities and duties of the Department to improve and maintain medical force readiness capabilities and to ensure the combat casualty care and trauma readiness of military health care providers.

(B) HEADS OF ORGANIZATIONS.—The head of each subordinate organization under this paragraph shall, while so serving, be an officer of the Armed Forces who holds the grade of major general or, in the case of the Navy, rear admiral, or a civilian of equivalent grade. The head of each subordinate organization, if an officer of the Armed Forces, shall be a member of the medical corps, the dental corps, the medical service corps (including the biomedical service corps), or the nurse corps.

(5) AUTHORITY OF DIRECTOR.—The Director of the Defense Health Agency shall, subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, be responsible for and have the authority to conduct the following functions relating to the medical operations activities of the Department:

(A) Development of programs and doctrine.

(B) Preparation and submittal of program recommendations and budget proposals to the Secretary of Defense.

(C) Exercise of authority, direction, and control over the expenditure of funds of the Defense Health Program.

(D) Planning, budgeting, and expenditure of military construction funds within the Defense Health Program.

(E) Training assigned medical forces and conducting specialized medical instruction for military personnel.

(F) Validation, establishment, and prioritizing of requirements.

(G) Ensuring interoperability of equipment and forces.

(H) Monitoring promotions, assignments, retention, training, and professional military education of military health care providers.

(6) MAINTENANCE OF UNIQUE MEDICAL CAPABILITIES AND EXPERTISE OF THE ARMED FORCES.—Notwithstanding a single agency structure for medical operations of the Department, the unique operational medical capabilities and expertise of health care professionals of each of the Armed Forces shall, to the extent practicable, be preserved and maintained.

(c) POSITIONS OF SURGEON GENERAL IN THE ARMED FORCES.—

(1) SURGEON GENERAL OF THE ARMY.—Section 3036 of title 10, United States Code, is amended—

(A) in subsection (d), by striking ''(1)'';

(B) by redesignating subsection (e) as subsection (g);

(C) by redesignating paragraphs (2) and (3) of subsection (d) as paragraphs (1) and (2), respectively, of a new subsection (e); and

(D) by adding after subsection (e), as provided for by subparagraph (C), the following new subsection (f):

''(f)(1) The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of the Army, including strategic planning and policy development relating to such matters.

''(2) The Surgeon General serves as the chief medical advisor of Army to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Army.''.

(2) SURGEON GENERAL OF THE NAVY.—

(A) IN GENERAL.—Section 5137 of title 10, United States Code, is amended to read as follows:

''§ 5137. Surgeon General: appointment; duties

''(a) APPOINTMENT.—The Surgeon General of the Navy shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—(1) The Surgeon General shall perform duties prescribed by the Secretary of the Navy and by law.

''(2) The Surgeon General serves as the principal advisor to the Secretary of the Navy and the Chief of Naval Operations on all health and medical matters of the Navy and the Marine Corps, including strategic planning and policy development relating to such matters.

''(3) The Surgeon General serves as the chief medical advisor of the Navy and the Marine Corps to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Navy and the Marine Corps.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5137 and inserting the following new item:

''5137. Surgeon General: appointment; duties.''.

(3) SURGEON GENERAL OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8036 of title 10, United States Code, is amended to read as follows:

''§ 8036. Surgeon General: appointment; duties

''(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—(1) The Surgeon General shall perform duties prescribed by the Secretary of the Air Force and by law.

''(2) The Surgeon General serves as the principal advisor to the Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force, including strategic planning and policy development relating to such matters.

''(3) The Surgeon General serves as the chief medical advisor of the Air Force to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air Force.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by striking the item relating to section 8036 and inserting the following new item:

''8036. Surgeon General: appointment; duties.''.

(d) CONSOLIDATION PLAN.—

(1) IN GENERAL.—Before taking any action under subsection (a) to consolidate the activities of the medical departments of the Armed Forces, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a plan to consolidate such activities.

(2) ELEMENTS.—The plan submitted under paragraph (1) with respect to the consolidation of the activities of the medical departments of the Armed Forces under subsection (a) shall include, at a minimum, the following:

(A) A description of the organizational structure of the Defense Health Agency under such consolidation.

(B) A description of the manning and management of all medical personnel under such consolidation.

(C) A description of the command responsibilities of the Director of the Defense Health Agency, the head of each subordinate organization within the Defense Health Agency, and the Surgeons General of the Army, Navy, and Air Force under such consolidation.

(D) A description of the authorities and responsibilities of each commander of an installation or military service under such consolidation.

(E) A description of the activities carried out by all elements of the Defense Health Agency under such consolidation.

(F) An assessment of the impact of such consolidation on—

(i) health care provided by the Department of Defense, including the cost effectiveness of such care;

(ii) the military readiness of members of the Armed Forces; and

(iii) the ability of members of the Armed Forces to meet deployment requirements.

(G) An assessment of the delineation of accountability across the military health system under such consolidation.

(3) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the Secretary of Defense submits the plan under paragraph (1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such plan.

(e) REPORT.—Not later than January 1, 2017, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the consolidation required by this section.

(1) The number of military, civilian, and contractor positions to be eliminated from headquarters staffs by the disestablishment of the medical departments of the Armed Forces and the consolidation of all activities of such departments into the Defense Health Agency.

(2) The number of general and flag officer billets to be eliminated from each Armed Force by the disestablishment and consolidation.

(3) The cost savings expected to be realized as a result of the disestablishment and consolidation.

(4) The complete schedule for the disestablishment and consolidation.

(5) A description of the additional legislative authorities, if any, required to fully carry out the disestablishment and consolidation.

SEC. 722. ACCOUNTABILITY FOR THE PERFORMANCE OF THE MILITARY HEALTH CARE SYSTEM OF CERTAIN POSITIONS IN THE SYSTEM.

(a) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretaries of the military departments, as appropriate, shall incorporate into the annual performance review of each position specified in subsection (b) measures of accountability for the performance of the military health care system described in subsection (c) for which such position should be held accountable.

(b) POSITIONS.—The positions specified in this subsection are the following:

(1) The Director of the Defense Health Agency.

(2) The heads of the subordinate organizations of the Defense Health Agency established pursuant to section 721(b)(4).

(3) The commanders of the military medical treatment facilities of each Armed Force.

(4) The subordinate commanders of the military medical treatment facilities of each Armed Force.

(c) MEASURES OF ACCOUNTABILITY FOR PERFORMANCE.—The measures of accountability for the performance of the military health care system incorporated into the annual performance reviews of a position pursuant to this section shall include measures to assess performance and assure accountability for the following:

(1) Quality of care.

(2) Beneficiaries' access to care.

(3) Improvement in beneficiaries' health outcomes.

(4) Patient safety.

(5) Such other matters as the Secretary of Defense or the Secretaries of the military departments, as appropriate, consider appropriate.

(d) LIMITATION ON PERFORMANCE BONUS PAYMENTS.—Commencing upon the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of a position specified in subsection (b), a performance bonus payment may not paid to a civilian employee of the Department of Defense occupying such position unless the performance of the military health care system for which such position is held responsible met or exceeded expectations for performance during the period for which the performance bonus payment would otherwise be made.

(e) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of positions as required by this section. The report shall include the following:

(1) A comprehensive plan for the use of measures of accountability for performance in annual performance reviews pursuant to this section as a means of assessing and assuring accountability for the performance of the military health care system.

(2) For each position specified in subsection (b), a description of the specific measures of accountability for performance incorporated into the annual performance reviews of such position pursuant to this section.

SEC. 723. SELECTION OF COMMANDERS AND DIRECTORS OF MILITARY TREATMENT FACILITIES AND TOURS OF DUTY OF COMMANDERS OF SUCH FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall do the following:

(1) Develop the common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities.

(2) Establish a minimum length for the tour of duty of an individual as a commander of a military treatment facility.

(b) QUALIFICATIONS AND COMPETENCIES.—

(1) STANDARDS.—In developing common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities pursuant to subsection (a)(1), the Secretary shall include standards with respect to the following:

(A) Professional competence.

(B) Moral and ethical integrity and character.

(C) Formal education in healthcare executive leadership and healthcare management.

(D) Such other matters as the Secretary considers appropriate.

(2) OBJECTIVE.—The objective of the Secretary in developing such qualifications and competencies shall be to ensure that the individuals selected as commanders or directors of military treatment facilities are highly qualified to serve as health system executives in any medical treatment facility of the Armed Forces.

(c) TOURS OF DUTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the length of the tour of duty as a commander of a military treatment facility of any individual assigned to such position after January 1, 2018, may not be shorter than the longer of—

(A) the length established pursuant to subsection (a)(2); or

(B) four years.

(2) WAIVER.—The Secretary of the military department concerned may authorize a tour of duty of an individual as a commander of a military treatment facility of a shorter length than is otherwise provided for in paragraph (1) if the Secretary determines, in the discretion of the Secretary, that there is good cause for a tour of duty in such position of shorter length. Any such determination shall be made on a case-by-case basis.

SEC. 724. AUTHORITY TO CONVERT MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) LIMITED AUTHORITY FOR CONVERSION.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§ 977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation

''(a) REQUIREMENTS RELATING TO CONVERSION.—A military medical or dental position within the Department of Defense may not be converted to a civilian medical or dental position unless the Secretary of Defense determines that—

''(1) the position is not a military essential position;

''(2) conversion of the position would not result in the degradation of medical care or the medical readiness of the armed forces; and

''(3) conversion of the position to a civilian medical or dental position is more cost effective than retaining the position as a military medical or dental position, consistent with Department of Defense Instruction 7041.04.

''(b) DEFINITIONS.—In this section:

''(1) The term 'military medical or dental position' means a position for the performance of health care functions within the armed forces held by a member of the armed forces.

''(2) The term 'civilian medical or dental position' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

''(3) The term 'military essential', with respect to a position, means that the position must be held by a member of the armed forces, as determined in accordance with regulations prescribed by the Secretary.

''(4) The term 'conversion', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 976 the following new item:

''977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation.''.

(c) REPEAL OF RELATED PROHIBITION.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 129c note) is repealed.

SEC. 725. AUTHORITY TO REALIGN INFRASTRUCTURE OF AND HEALTH CARE SERVICES PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of a military department may realign the infrastructure of or modify the health care services provided by a military treatment facility under the jurisdiction of such Secretary if such realignment or modification will better serve to—

(1) ensure the provision of safe, high quality health care services to covered beneficiaries at the facility;

(2) adapt the delivery of health care at the facility to rapid changes in health care delivery models in the private sector; or

(3) maintain the medical readiness skills and core competencies of health care providers at the facility.

(b) EXCEPTION.—A Secretary of a military department may not realign the infrastructure of or modify the health care services provided by a military treatment facility under subsection (a) unless such Secretary can ensure that any covered beneficiary who may be affected by such realignment or modification will be able to receive through the purchased care component of the TRICARE program the health care services that will not be available to the covered beneficiary at the facility as a result of such realignment or modification.

(c) REPORT.—

(1) IN GENERAL.—Before taking any action under subsection (a) to realign the infrastructure of or modify the health care services provided by a military treatment facility, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any such proposed realignments or modifications.

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

(A) With respect to each military treatment facility for which realignments or modifications are proposed, the following:

(i) A comprehensive assessment of the health care services provided at the facility.

(ii) A description of the current accessibility of covered beneficiaries to health care services provided at the facility and proposed modifications to that accessibility, including with respect to types of services provided.

(iii) A description of the current manning levels at the facility and proposed modifications to such manning levels.

(iv) A description of the current availability of urgent care, emergent care, and specialty care at the facility and in the TRICARE provider network in the area in which the facility is located, and proposed modifications to the availability of such care.

(v) A description of the current level of coordination between the facility and local health care providers in the area in which the facility is located and proposed modifications to such level of coordination.

(vi) A description of any unique challenges to providing health care at the facility, with a focus on challenges relating to rural, remote, and insular areas, as appropriate.

(B) An assessment of the current accessibility of covered beneficiaries to health care from sources other than military treatment facilities and any changes that may be necessary to meet requirements relating to health care for covered beneficiaries from such sources, including access to and receipt of health care.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the Secretary of Defense submits a report under subsection (c), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such report.

(e) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 726. ACQUISITION OF MEDICAL SUPPORT CONTRACTS FOR TRICARE PROGRAM.

(a) ACQUISITION OF CONTRACTS.—

(1) NEW COMPETITION.—

(A) IN GENERAL.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a new competition of all medical support contracts with private sector entities under the TRICARE program, other than the overseas medical support contract, upon the expiration of each such contract and enter into new medical support contracts with private sector entities—

(i) to improve access to health care for covered beneficiaries;

(ii) to improve health outcomes for covered beneficiaries;

(iii) to improve the quality of health care received by covered beneficiaries;

(iv) to enhance the experience of covered beneficiaries in receiving health care; and

(v) to lower per capita costs to the Department of Defense of health care provided to covered beneficiaries.

(B) EXERCISE OF OPTIONS.—The Secretary may not exercise an option to extend any medical support contract with a private sector entity under the TRICARE program that would delay the award of a new medical support contract pursuant to the competition of that contract under subparagraph (A).

(2) CONTINUOUS COMPETITION.—

(A) IN GENERAL.—Not later than one year after entering into a medical support contract under paragraph (1), the Secretary shall issue an open broad agency announcement to allow potential contractors under the TRICARE program to propose innovative ideas and solutions to meet the medical support contract needs of the Department under the TRICARE program.

(B) COMPETITION REQUIREMENT.—A medical support contract awarded pursuant to the broad agency announcement issued under subparagraph (A) shall be deemed to meet the requirements under section 2304 of title 10, United States Code, relating to the use of competitive procedures to procure services.

(b) TYPES OF CONTRACTS.—

(1) IN GENERAL.—Each contract entered into under subsection (a) shall be competitively procured and automatically renewable for a period of not more than 10 years unless notice for termination is provided by either party not later than 180 days before such termination.

(2) SCOPE.—The Secretary shall enter into under subsection (a) a combination of local, regional, and national contracts to develop individual and institutional high-performing networks of health care providers.

(c) ELEMENTS OF CONTRACTS.—Each contract entered into under subsection (a) shall, to the extent practicable, provide for the following:

(1) The maximization of flexibility in the design and configuration of networks of individual and institutional health care providers, including a focus on the development of high-performing networks of health care providers.

(2) The creation of an integrated medical management system between military treatment facilities and health care providers in the private sector that, when appropriate, effectively coordinates and integrates health care across the continuum of care.

(3) With respect to telehealth services—

(A) the maximization of the use of such services to provide real-time interactive communications between patients and health care providers and remote patient monitoring; and

(B) the use of standardized payment methods to reimburse health care providers for the provision of such services.

(4) The use of value-based reimbursement methodologies that transfer financial risk to health care providers and medical support contractors.

(5) The use of financial incentives for contractors and health care providers to receive an equitable share in the cost savings to the Department resulting from improvement in health outcomes for covered beneficiaries and the experience of covered beneficiaries in receiving health care.

(6) The use of incentives, emphasizing prevention and wellness, for covered beneficiaries receiving health care services from private sector entities to seek such services from high-value health care providers.

(7) The adoption of a streamlined process for enrollment of covered beneficiaries to receive health care and timely assignment of primary care managers to covered beneficiaries.

(8) The elimination of the requirement to receive authorization for a referral for specialty care services from the direct or purchased care component of the military health system.

(9) The use of incentives to encourage covered beneficiaries to participate in medical and lifestyle intervention programs.

(d) RURAL, REMOTE, AND ISOLATED AREAS.—

(1) IN GENERAL.—In entering into medical support contracts under subsection (a) and implementing such contracts, the Secretary shall—

(A) assess the unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States;

(B) consider the various challenges inherent in developing robust networks of health care providers in those locations; and

(C) develop a provider reimbursement rate structure in those locations that ensures—

(i) timely access of covered beneficiaries to health care services;

(ii) the delivery of high-quality primary and specialty care;

(iii) improvement in health outcomes for covered beneficiaries; and

(iv) an enhanced experience of care for covered beneficiaries.

(2) CERTIFICATION.—The Secretary of Defense may not modify existing medical support contracts under the TRICARE program in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States, or enter into new medical support contracts under subsection (a) in those locations, until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that medical support contracts in those locations will—

(A) establish individual and institutional provider networks that will ensure timely access to care for covered beneficiaries; and

(B) deliver high-quality care, better health outcomes, and a better experience of care for covered beneficiaries.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 1, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that assesses the compliance of the Secretary of Defense with the requirements of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) Whether the approach of the Department of Defense to acquiring medical support contracts under this section would—

(i) improve access to care;

(ii) improve health outcomes;

(iii) improve the experience of care for covered beneficiaries; and

(iv) lower per capita health care costs.

(B) Whether the Department has, in its requirements for medical support contracts entered into under this section, allowed for—

(i) maximum flexibility in network design and development;

(ii) integrated medical management between military treatment facilities and network providers;

(iii) the maximum use of the full range of telehealth services;

(iv) the use of value-based reimbursement methods that transfer financial risk to health care providers and medical support contractors;

(v) the use of prevention and wellness incentives to encourage covered beneficiaries to seek health care services from high-value providers;

(vi) a streamlined enrollment process and timely assignment of primary care managers;

(vii) the elimination of the requirement to seek authorization for referrals for specialty care services;

(viii) the use of incentives to encourage certain covered beneficiaries to engage in medical and lifestyle intervention programs; and

(ix) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvements in health outcomes and the experience of care for covered beneficiaries.

(C) Whether the Department has developed a plan for continuous competition of medical support contracts to enable the Department to incorporate innovative ideas and solutions into those contracts.

(D) Whether the Department has considered, in developing requirements for medical support contracts, the following:

(i) The unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 states.

(ii) The various challenges inherent in developing robust networks of health care providers in those locations.

(iii) A provider reimbursement rate structure in those locations that ensures—

(I) timely access of covered beneficiaries to health care services;

(II) the delivery of high-quality primary and specialty care;

(III) improvement in health outcomes for covered beneficiaries; and

(IV) an enhanced experience of care for covered beneficiaries.

(f) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

(2) HIGH-PERFORMING NETWORKS OF HEALTH CARE PROVIDERS.—The term ''high-performing networks of health care providers'' means networks of health care providers that, in addition to such other requirements as the Secretary may specify for purposes of this section, do the following:

(A) Deliver high quality health care as measured by leading health quality measurement organizations such as the National Committee for Quality Assurance and the Agency for Healthcare Research and Quality.

(B) Achieve greater efficiency in the delivery of health care by identifying and implementing within such network improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services.

(C) Improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients.

(D) Focus on preventive care that emphasizes—

(i) early detection and timely treatment of disease;

(ii) periodic health screenings; and

(iii) education regarding healthy lifestyle behaviors.

(E) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(F) Facilitate access to health care providers, including—

(i) after-hours care;

(ii) urgent care; and

(iii) through telehealth appointments, when appropriate.

(G) Encourage patients to participate in making health care decisions.

(H) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

SEC. 727. AUTHORITY TO ENTER INTO HEALTH CARE CONTRACTS WITH CERTAIN ENTITIES TO PROVIDE CARE UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense may enter into contracts to provide health care to covered beneficiaries, including behavioral health care, with any of the following:

(1) The Department of Veterans Affairs.

(2) An Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service.

(3) An Indian tribe or tribal organization that has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States.

(b) DEFINITIONS.—

(1) COVERED BENEFICIARY.—The term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

(2) INDIAN TRIBE, TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meaning given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 728. IMPROVEMENT OF HEALTH OUTCOMES AND CONTROL OF COSTS OF HEALTH CARE UNDER TRICARE PROGRAM THROUGH PROGRAMS TO INVOLVE COVERED BENEFICIARIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement the programs established under subsections (b) and (c)—

(1) to increase the involvement of covered beneficiaries in making health care decisions; and

(2) to encourage covered beneficiaries to share more responsibility for the improvement of their health outcomes.

(b) MEDICAL INTERVENTION INCENTIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program to incentivize covered beneficiaries to participate in medical intervention programs established by the Secretary, such as comprehensive disease management programs, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries with chronic diseases or conditions described in paragraph (2) who met participation milestones in the previous year in such medical intervention programs, as determined by the Secretary.

(2) CHRONIC DISEASES OR CONDITIONS DESCRIBED.—Chronic diseases or conditions described in this paragraph include diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, obesity, and such other diseases or conditions as the Secretary determines appropriate.

(c) LIFESTYLE INTERVENTION INCENTIVE PROGRAM.—The Secretary shall establish a program to incentivize lifestyle interventions, such as smoking cessation and weight reduction, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries who met participation milestones in the previous year with respect to such lifestyle interventions, such as quitting smoking or achieving a lower body mass index by a certain percentage, as determined by the Secretary.

(d) FEE FOR MISSING SCHEDULED APPOINTMENT.—

(1) IN GENERAL.—The Secretary may establish a program to charge and collect a fee from a covered beneficiary, other than a member of the Armed Forces on active duty, for failure to notify a military treatment facility within 24 hours of a scheduled appointment with a health care provider at such facility that the covered beneficiary will not attend the appointment.

(2) USE OF FEE.—Any amounts collected under paragraph (1) from a covered beneficiary for failure to notify a military treatment facility that the covered beneficiary will not attend an appointment at such facility shall be made available to such facility to improve access to health care, improve health outcomes, and enhance the experience of care for covered beneficiaries at such facility.

(e) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the programs established under subsections (b), (c), and (d).

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

(A) A detailed description of the programs implemented under subsections (b), (c), and (d).

(B) An assessment of the impact of the programs implemented under subsection (b) and (c) on—

(i) improving health outcomes for covered beneficiaries; and

(ii) lowering per capita health care costs for the Department of Defense.

(C) An assessment of any reduction in numbers and types of appointments missed by covered beneficiaries at military treatment facilities resulting from charging fees under subsection (d) for failure to timely notify such facility of the inability to attend a scheduled appointment.

(f) REGULATIONS.—Not later than January 1, 2017, the Secretary shall prescribe an interim final rule to carry out this section.

(g) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 729. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish regional centers of excellence for the provision of military specialty care to covered beneficiaries at existing major medical centers of the Department of Defense.

(2) SATELLITE CENTERS.—The Secretary may establish satellite centers of excellence to provide specialty care for certain conditions, such as—

(A) post-traumatic stress;

(B) traumatic brain injury; and

(C) such other conditions as the Secretary considers appropriate.

(3) READINESS AND IMPROVEMENT OF CARE.—Centers of excellence established under this subsection shall—

(A) ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces;

(B) improve the quality of health care received by covered beneficiaries from the Department; and

(C) improve health outcomes for covered beneficiaries.

(b) TYPES OF CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Centers of excellence may be established under subsection (a) for the following areas of specialty care:

(A) Cancer care.

(B) Care for burns, wounds, and other trauma.

(C) Emergency medicine.

(D) Rehabilitative care.

(E) Care for psychological health and traumatic brain injury.

(F) Amputation and prosthetic care.

(G) Health care for women.

(H) Neurosurgical care.

(I) Orthopedic care and sports medicine.

(J) Treatment for substance use disorder, which may include medication-assisted treatment.

(K) Infectious diseases.

(L) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

(2) MULTIPLE SPECIALTIES.—A major medical center of the Department may be established as a center of excellence for more than one area of specialty care.

(c) PRIMARY SOURCE FOR SPECIALTY CARE.—

(1) IN GENERAL.—Centers of excellence established under subsection (a) shall be the primary source within the military health system for the receipt by covered beneficiaries of specialty care.

(2) REFERRAL.—Covered beneficiaries seeking specialty care services through the military health system shall be referred to a center of excellence established under subsection (a) or to an appropriate specialty care provider in the private sector.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a plan for the Department to establish centers of excellence under this section.

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

(A) A list of the centers of excellence to be established under this section and the locations of such centers.

(B) A description of the specialty care services to be provided at each such center and a staffing plan for each such center.

(C) A comprehensive plan to refer covered beneficiaries for specialty care services at centers of excellence established under this section and centers of excellence in the private sector.

(D) A plan to assist covered beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at centers of excellence established under this section or centers of excellence in the private sector.

(E) A plan to transfer the majority of specialty care providers of the Department to centers of excellence established under this section, in a number as determined by the Secretary to be required to provide specialty care services to covered beneficiaries at such centers.

(e) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 730. PROGRAM TO ELIMINATE VARIABILITY IN HEALTH OUTCOMES AND IMPROVE QUALITY OF HEALTH CARE SERVICES DELIVERED IN MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a program—

(1) to establish best practices for the delivery of health care services for certain diseases or conditions at military treatment facilities;

(2) to incorporate those best practices into the daily operations of military treatment facilities selected by the Secretary for purposes of the program, with priority in selection given to military treatment facilities that are or will be established as regional centers of excellence for the provision of military specialty care under section 729; and

(3) to eliminate variability in health outcomes and to improve the quality of health care services delivered at military treatment facilities selected by the Secretary for purposes of the program.

(b) PHASES OF PROGRAM.—The Secretary shall carry out the program in phases as follows:

(1) PHASE 1.—

(A) IN GENERAL.—During phase 1 of the program, the Secretary shall conduct a baseline assessment of health care delivery and outcomes at military treatment facilities—

(i) to evaluate and determine evidence-based best practices, within the direct care component of the military health system and the private sector, for treating not fewer than three diseases or conditions identified by the Secretary for purposes of the program; and

(ii) to select not more than five military treatment facilities to participate as test sites under the program by incorporating the evidence-based best practices determined under subparagraph (A) into the treatment at those facilities of the diseases or conditions identified under such subparagraph.

(B) TIMING.—The Secretary shall initiate phase 1 of the program not later than January 1, 2018, and complete such phase not later than July 1, 2018.

(2) PHASE 2.—

(A) IN GENERAL.—During phase 2 of the program, the Secretary shall—

(i) incorporate the evidence-based best practices determined under paragraph (1)(A)(i) for the treatment of diseases or conditions identified under such paragraph into the treatment for those diseases or conditions at all military treatment facilities that provide treatment for those diseases or conditions; and

(ii) at the military treatment facilities selected as test sites under paragraph (1)(A)(ii), evaluate and determine evidence-based best practices for treating not more than 12 additional diseases or conditions identified by the Secretary for purposes of the program.

(B) TIMING.—The Secretary shall initiate phase 2 of the program immediately following the completion of phase 1 under paragraph (1) and complete phase 2 not later than 180 days after initiating phase 2.

(3) PHASE 3.—

(A) IN GENERAL.—During phase 3 of the program, the Secretary shall incorporate the evidence-based best practices determined under paragraph (2)(A)(ii) for the treatment of the additional diseases or conditions identified under such paragraph into treatment for those diseases or conditions at all military treatment facilities that provide treatment for those diseases or conditions.

(B) TIMING.—The Secretary shall initiate phase 3 of the program immediately following the completion of phase 2 under paragraph (2) and complete phase 3 not later than 180 days after initiating phase 3.

(c) ADJUSTMENT OF SERVICES PROVIDED AT MILITARY TREATMENT FACILITIES.—During the period in which the program is being carried out, the Secretary shall continuously monitor and adjust the health care services delivered at military treatment facilities and the number of patients enrolled at military treatment facilities—

(1) to ensure a high degree of safety and quality in the provision of health care at those facilities; and

(2) to ensure that those facilities provide only the health care services that are critical for maintaining operational medical force readiness and the medical readiness of the Armed Forces.

SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory committee for each military treatment facility.

(b) MEMBERS.—

(1) IN GENERAL.—The members of each advisory committee established under subsection (a) shall include the following individuals selected by the Secretary:

(A) Six individuals who are eligible for health care under the military health system, selected as follows:

(i) Two members of the Armed Forces on active duty, including one officer and one enlisted member.

(ii) Two family members of a member of the Armed Forces on active duty.

(iii) Two former members of the Armed Forces.

(B) Such employees of the Federal Government as the Secretary considers appropriate for purposes of the advisory committee.

(2) STATUS OF CERTAIN MEMBERS.—A member selected under paragraph (1)(A) who is not a member of the Armed Forces on active duty or a employee of the Federal Government shall, with the approval of the commanding officer or director of the military treatment facility concerned, be treated as a volunteer under section 1588 of title 10, United States Code, in carrying out the duties of the member under this section.

(c) DUTIES.—Each advisory committee established under subsection (a) for a military treatment facility shall provide to the commanding officer or director of such facility advice on the administration and activities of such facility.

SEC. 732. STANDARDIZED SYSTEM FOR SCHEDULING MEDICAL APPOINTMENTS AT MILITARY TREATMENT FACILITIES.

(a) STANDARDIZED SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement a system for scheduling medical appointments at military treatment facilities

that is standardized throughout the military health system to enable timely access to care for covered beneficiaries.

(2) LACK OF VARIANCE.—The system implemented under paragraph (1) shall ensure that the appointment scheduling processes and procedures used within the military health system do not vary among military treatment facilities.

(b) SOLE SYSTEM.—Upon implementation of the system under subsection (a), no military treatment facility may use an appointment scheduling process other than such system.

(c) APPOINTMENT SCHEDULING PROCESS.—

(1) IN GENERAL.—Under the system implemented under subsection (a), each military treatment facility shall make a centralized appointment scheduling process available to covered beneficiaries that includes the ability to schedule appointments manually via telephone or automatically via a device that is connected to the Internet through an online scheduling system described in paragraph (2).

(2) ONLINE SYSTEM.—

(A) IN GENERAL.—The Secretary shall implement an online scheduling system that is available 24 hours per day, seven days per week, for purposes of scheduling appointments under the system implemented under subsection (a).

(B) CAPABILITIES OF ONLINE SYSTEM.—The online scheduling system implemented under subparagraph (A) shall have the following capabilities:

(i) An ability to send automated email and text message reminders, including repeat reminders, to patients regarding upcoming appointments.

(ii) An ability to store appointment records to ensure rapid access by medical personnel to appointment data.

(d) PLAN.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the system required under subsection (a).

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

(A) A description of the manual appointment process to be used at military treatment facilities under the system required under subsection (a).

(B) A description of the automated appointment process to be used at military treatment facilities under such system.

(C) A timeline for the full implementation of such system throughout the military health system.

(e) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 733. DISPLAY OF WAIT TIMES AT URGENT CARE CLINICS, EMERGENCY DEPARTMENTS, AND PHARMACIES OF MILITARY TREATMENT FACILITIES.

(a) URGENT CARE CLINICS AND EMERGENCY DEPARTMENTS.—

(1) PLACEMENT.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each urgent care clinic and emergency department of the military treatment facility an electronic sign that displays the current average wait time determined under paragraph (2) for a patient to be seen by a qualified medical professional.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of the arrival of a patient at the urgent care clinic or emergency department, as the case may be, and ending at the time at which the patient is first seen by a qualified medical professional.

(b) PHARMACIES.—

(1) PLACEMENT.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each pharmacy of the military treatment facility an electronic sign that displays the current average wait time to receive a filled prescription for a pharmaceutical agent.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of submission by a patient of a prescription for a pharmaceutical agent and ending at the time at which the pharmacy dispenses the pharmaceutical agent to the patient.

(c) QUALIFIED MEDICAL PROFESSIONAL DEFINED.—In this section, the term ''qualified medical professional'' means a doctor of medicine, a doctor of osteopathy, a physician assistant, or an advanced registered nurse practitioner.

SEC. 734. IMPROVEMENT AND MAINTENANCE OF COMBAT CASUALTY CARE AND TRAUMA CARE SKILLS OF HEALTH CARE PROVIDERS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement measures to improve and maintain the combat casualty care and trauma care skills of health care providers of the Department of Defense.

(b) MEASURES TO BE IMPLEMENTED.—The measures required to be implemented under subsection (a) shall include the following:

(1) The conduct of a comprehensive review of combat casualty care and wartime trauma systems during the period beginning on January 1, 2001, and ending on the date of submittal of the report, including an assessment of lessons learned to improve combat casualty care in future conflicts.

(2) The expansion of the network of military-civilian trauma combat casualty care training sites to provide integrated combat trauma teams, such as forward surgical teams, with maximum exposure to a high volume of patients with critical injuries.

(3) The establishment of a personnel management plan for important wartime medical specialties, as determined by the Secretary, such as emergency medical services and prehospital care, trauma surgery, critical care, anesthesiology, and emergency medicine, that includes, at a minimum—

(A) the number of positions required in each such medical specialty;

(B) crucial organizational and operational assignments for personnel in each such medical specialty; and

(C) career pathways for personnel in each such medical specialty.

(4) The development of standardized tactical combat casualty care instruction for all members of the Armed Forces, including the use of standardized trauma training platforms.

(5) The development of a comprehensive trauma care registry to compile relevant data from point of injury through rehabilitation of members of the Armed Forces.

(6) The development of quality of care outcome measures for combat casualty care.

(7) The conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces in combat.

SEC. 735. ADJUSTMENT OF MEDICAL SERVICES, PERSONNEL AUTHORIZED STRENGTHS, AND INFRASTRUCTURE IN MILITARY HEALTH SYSTEM TO MAINTAIN READINESS AND CORE COMPETENCIES OF HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 90 days after submitting the report required by subsection (d), or one year after the date of the enactment of this Act, whichever occurs first, the Secretary of Defense shall implement measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces.

(b) MEASURES TO BE IMPLEMENTED.—The measures required to be implemented under subsection (a) shall include the following:

(1) The Secretary shall ensure that each medical specialty required for the military medical force readiness of the Department of Defense is not substituted for any other medical specialty.

(2) The Secretary shall modify the medical services provided through the military health system to ensure that the only medical services provided at military treatment facilities are those medical services that are directly required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.

(3) The Secretary shall reduce authorized strengths for military and civilian personnel throughout the military health system to the manning levels required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.

(4) The Secretary shall reduce or eliminate infrastructure in the military health system, including infrastructure of military treatment facilities, that—

(A) does not maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; or

(B) does not ensure the medical readiness of the Armed Forces.

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

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

(d) REPORT ON MODIFICATIONS.—

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

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

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

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

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

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

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

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

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

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the implementation by the Secretary of Defense of measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces, as required under subsection (a).

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

(A) An assessment of whether the Department of Defense provides any medical services at military treatment facilities that are not services directly required—

(i) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(ii) to ensure the medical readiness of the Armed Forces.

(B) An assessment of whether the Department has maintained authorized strengths for military and civilian personnel throughout the military health system at manning levels that are higher than the levels required—

(i) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(ii) to ensure the medical readiness of the Armed Forces.

(C) An assessment of whether the Department has maintained infrastructure in the military health system, including infrastructure of military treatment facilities, that—

(i) does not maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; or

(ii) does not ensure the medical readiness of the Armed Forces.

(d) DEFINITIONS.—In this section:

(1) The term ''critical wartime medical readiness skills and core competencies'' means those essential medical capabilities, including clinical and logistical capabilities, that are—

(A) necessary to be maintained by health care providers within the Armed Forces for national security purposes; and

(B) vital to the provision of effective and timely health care during contingency operations.

(2) The term ''clinical and logistical capabilities'' means those capabilities relating to the provision of health care that are necessary to accomplish operational requirements, including—

(A) combat casualty care;

(B) medical response to and treatment of injuries sustained from chemical, biological, radiological, nuclear, or explosive incidents;

(C) diagnosis and treatment of infectious diseases;

(D) aerospace medicine;

(E) undersea medicine;

(F) diagnosis, treatment, and rehabilitation of specialized medical conditions;

(G) diagnosis and treatment of diseases and injuries that are not related to battle; and

(H) humanitarian assistance.

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

SEC. 736. ESTABLISHMENT OF HIGH PERFORMANCE MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall establish military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector and the Veterans Health Administration—

(1) to improve access to health care for covered beneficiaries;

(2) to enhance the experience of covered beneficiaries in receiving health care;

(3) to improve health outcomes for covered beneficiaries;

(4) to share resources between the Department of Defense, the Department of Veterans Affairs, and the private sector, including such staff, equipment, and training assets as may be required to carry out such integrated health delivery systems; and

(5) to transfer health care services from military treatment facilities to other health systems that are not essential for the maintenance of operational medical force readiness skills of health care providers of the Department.

(b) ELEMENTS OF SYSTEMS.—Each military-civilian integrated health delivery system established under paragraph (a) shall do the following:

(1) Deliver high quality health care as measured by leading health quality measurement organizations such as the National Committee for Quality Assurance and the Agency for Healthcare Research and Quality.

(2) Achieve greater efficiency in the delivery of health care by identifying and implementing within each such system improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services.

(3) Improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients.

(4) Focus on preventive care that emphasizes—

(A) early detection and timely treatment of disease;

(B) periodic health screenings; and

(C) education regarding healthy lifestyle behaviors.

(5) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(6) Facilitate access to health care providers, including—

(A) after-hours care;

(B) urgent care; and

(C) through telehealth appointments, when appropriate.

(7) Encourage patients to participate in making health care decisions.

(8) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

(9) Improve coordination of behavioral health services with primary health care.

(c) AGREEMENTS.—

(1) IN GENERAL.—In establishing military-civilian integrated health delivery systems through partnerships under subsection (a), the Secretary shall seek to enter into memoranda of understanding or contracts between military treatment facilities and health maintenance organizations, healthcare centers of excellence, public or private academic medical institutions, regional health organizations, integrated health systems, accountable care organizations, and such other health systems as the Secretary considers appropriate.

(2) PRIVATE SECTOR CARE.—Memoranda of understanding and contracts entered into under paragraph (1) shall ensure that covered beneficiaries are eligible to enroll in and receive medical services under the private sector components of military-civilian integrated health delivery systems established under subsection (a).

(3) VALUE-BASED REIMBURSEMENT METHODOLOGIES.—The Secretary shall incorporate value-based reimbursement methodologies, such as capitated payments, bundled payments, or pay for performance, into memoranda of understanding and contracts entered into under paragraph (1) to reimburse entities for medical services provided to covered beneficiaries under such memoranda of understanding and contracts.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 737. CONTRACTS WITH PRIVATE SECTOR ENTITIES TO PROVIDE CERTAIN HEALTH CARE SERVICES AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall enter into centrally-managed, performance-based contracts under this section with private sector entities to augment the delivery of health care services at military treatment facilities that have a limited or restricted ability to provide health care services, such as primary care or expanded-hours urgent care.

(b) CONTRACTS.—In entering into contracts with private sector entities under this section, the Secretary shall—

(1) consider the demand by covered beneficiaries for health care services, such as primary care or expanded-hours urgent care services;

(2) project the workload gaps at military treatment facilities associated with the demand for such health care services; and

(3) seek to—

(A) improve the health of covered beneficiaries;

(B) improve the access of covered beneficiaries to health care services;

(C) produce cost savings for the Department of Defense; and

(D) maximize the use by covered beneficiaries of the direct care component of the military health system to maintain operational medical force readiness and the medical readiness of the Armed Forces.

(c) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out this section.

(2) PLAN.—The plan required under paragraph (1) shall include the following:

(A) A description of the number and types of contracts that the Secretary intends to enter into under this section.

(B) A description of the performance measures to be used by the Secretary in procuring performance-based contracts under this section.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 738. MODIFICATION OF ACQUISITION STRATEGY FOR HEALTH CARE PROFESSIONAL STAFFING SERVICES.

Section 725(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1091 note) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) A plan to implement throughout the Department a performance-based, strategic-sourcing contract for acquiring such services for the military health system that includes the following:

''(i) Except as provided in clause (ii), a requirement that all components of the military health system use such contract.

''(ii) A process for obtaining a waiver of such requirement based on a documented rationale to use another contract or acquisition approach.''; and

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

''(3) EVALUATION OF RESULTS.—The Secretary shall use methods and metrics established as part of the acquisition strategy under paragraph (1) to evaluate the results of the acquisition strategy and revise the acquisition strategy as the Secretary considers appropriate.''.

SEC. 739. REDUCTION OF ADMINISTRATIVE REQUIREMENTS RELATING TO AUTOMATIC RENEWAL OF ENROLLMENTS IN TRICARE PRIME.

Section 1097a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) An'' and inserting ''An''; and

(2) by striking paragraph (2).

Subtitle C—Reports and Other Matters

SEC. 751. PILOT PROGRAM ON EXPANSION OF USE OF PHYSICIAN ASSISTANTS TO PROVIDE MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a pilot program to assess the feasibility and advisability of expanding the use by the Department of Defense of physician assistants specializing in psychiatric medicine at medical facilities of the Department of Defense in order to meet the increasing demand for mental health care providers at such facilities through the use of a psychiatry fellowship program for physician assistants.

(b) ELIGIBLE INDIVIDUALS.—An individual eligible for participation in the pilot program is an individual who—

(1) has successfully graduated with a masters degree in physician assistant studies from an accredited physician assistant program;

(2) is certified by the National Commission on Certification of Physician Assistants;

(3) has a valid license, certification, and registration necessary to practice medicine;

(4) does not have any pending challenge, investigation, revocation, restriction, disciplinary action, suspension, reprimand, probation, denial, or withdrawal with respect to any license, certification, or registration described in paragraph (3);

(5) is a commissioned officer in the Armed Forces; and

(6) meets the requirements necessary to be deployed as such an officer throughout the world.

(c) SELECTION OF INDIVIDUALS.—The Secretary shall select not fewer than five individuals described in subsection (b) to participate in the pilot program for each round of the psychiatric fellowship program conducted under subsection (d).

(d) PSYCHIATRIC FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish a psychiatric fellowship program for physician assistants.

(2) ROUNDS OF PROGRAM.—The psychiatric fellowship program under paragraph (1) shall consist of two rounds, each with a maximum duration of two years.

(3) USE OF OTHER PROGRAMS.—In carrying out the psychiatric fellowship program under paragraph (1), the Secretary shall use resources available under existing graduate medical education programs of the Department of Defense to the greatest extent possible.

(e) REPORTS ON PILOT PROGRAM.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the first round of the psychiatric fellowship program under subsection (d), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

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

(i) A description of the implementation of the pilot program, including a detailed description of the education and training provided under the pilot program.

(ii) An assessment of potential cost savings, if any, to the Federal Government resulting from the pilot program.

(iii) A description of improvements, if any, to the access of members of the Armed Forces to mental health care resulting from the pilot program.

(iv) A description of recommendations, if any, of the Secretary of alternative methods to improve the access of members of the Armed Forces to mental health care other than through the pilot program.

(v) A recommendation as to the feasibility and advisability of extending or expanding the pilot program.

(2) FINAL REPORT.—Not later than 90 days after the date on which the pilot program terminates under subsection (f), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an update to the report submitted under paragraph (1).

(f) TERMINATION.—The authority of the Secretary to carry out the pilot program shall terminate upon the completion of the second round of the psychiatric fellowship program under subsection (d).

SEC. 752. IMPLEMENTATION OF PLAN TO ELIMINATE CERTAIN GRADUATE MEDICAL EDUCATION PROGRAMS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall implement a phased plan to eliminate graduate medical education programs of the Department of Defense that do not directly support the operational medical force readiness requirements for health care providers within the Armed Forces or the medical readiness of the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth the phased plan of the Secretary that is required to be implemented under subsection (a).

(2) ELEMENTS.—The report required to be submitted under paragraph (1) shall include the following with respect to the phased plan of the Secretary:

(A) An identification of locations at which training under a graduate medical education program will be eliminated under the plan, including training at civilian institutions, disaggregated by military department.

(B) An identification of the types of graduate medical education programs to be eliminated under the plan, such as intern, residency, subspecialty, and fellowship programs, and the number of participants affected, disaggregated by military department.

(C) An assessment of the amount of time required to eliminate the graduate medical education programs under the plan, including a timeline for the elimination of each such program.

(D) An assessment of the annual cost savings to the Department resulting from the elimination of graduate medical education programs under the plan.

SEC. 753. MODIFICATION OF AUTHORITY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO INCLUDE UNDERGRADUATE AND OTHER MEDICAL EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—Section 2112(a) of title 10, United States Code, is amended to read as follows:

''(a)(1) There is established a Uniformed Services University of the Health Sciences (in this chapter referred to as the 'University') with authority to grant appropriate certificates, certifications, undergraduate degrees, and advanced degrees.

''(2) The University shall be so organized as to graduate not fewer than 100 medical students annually.

''(3) The headquarters of the University shall be at a site or sites selected by the Secretary of Defense within 25 miles of the District of Columbia.''.

(b) ADMINISTRATION.—Section 2113 of such title is amended—

(1) in subsection (d)—

(A) in the first sentence, by striking ''located in or near the District of Columbia'';

(B) in the third sentence, by striking ''in or near the District of Columbia''; and

(C) by striking the fifth sentence; and

(2) in subsection (e)(3), by inserting after ''programs'' the following: '', including certificate, certification, and undergraduate degree programs,''.

(c) REPEAL OF EXPIRED PROVISION.—Section 2112a of such title is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) CLOSURE PROHIBITED.—''.

SEC. 754. MEMORANDA OF AGREEMENT WITH INSTITUTIONS OF HIGHER EDUCATION THAT OFFER DEGREES IN ALLOPATHIC OR OSTEOPATHIC MEDICINE.

(a) IN GENERAL.—The Secretary of Defense shall enter into memoranda of agreement with local or regional institutions of higher education that offer degrees in allopathic or osteopathic medicine to establish affiliations between such institutions and military treatment facilities.

(b) AFFILIATION WITH MILITARY TREATMENT FACILITY.—Under each memorandum of

agreement entered into with an institution of higher education under subsection (a), not fewer than one military treatment facility located in the area of such institution shall serve as an affiliated teaching hospital for such institution, including by sharing training facilities, staff, and material resources between the military treatment facility and such institution.

SEC. 755. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) and section 723 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking ''September 30, 2017'' and inserting ''September 30, 2018''.

SEC. 756. PROHIBITION ON CONDUCT OF CERTAIN MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.

The Secretary of Defense and each Secretary of a military department may not fund or conduct a medical research and development project unless the Secretary funding or conducting the project determines that the project is designed to directly protect, enhance, or restore the health and safety of members of the Armed Forces.

SEC. 757. AUTHORIZATION OF REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.

(a) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary of Defense may reimburse an amount determined under paragraph (2) to an entity carrying out a State vaccination program for the cost of vaccines provided to covered beneficiaries through such program.

(2) AMOUNT OF REIMBURSEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount determined under this paragraph with respect to a State vaccination program shall be the amount assessed by the entity carrying out such program to purchase vaccines provided to covered beneficiaries through such program.

(B) LIMITATION.—The amount determined under this paragraph may not exceed the amount that the Department would reimburse an entity for providing vaccines to covered beneficiaries under the TRICARE program.

(b) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

(2) STATE VACCINATION PROGRAM.—The term ''State vaccination program'' means a vaccination program that provides vaccinations to individuals in a State and is carried out by an entity (including an agency of the State) within the State.

SEC. 758. MAINTENANCE OF CERTAIN REIMBURSEMENT RATES FOR CARE AND SERVICES TO TREAT AUTISM SPECTRUM DISORDER UNDER DEMONSTRATION PROGRAM.

Effective as of the date of the enactment of this Act, in order to maintain access to care and services to treat autism spectrum disorder under the Comprehensive Autism Care Demonstration program of the Department of Defense conducted under section 705 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1092 note), as extended and modified by the Secretary of Defense, the Secretary shall reinstate the reimbursement rates for the provision of applied behavior analysis therapy under such program that were in effect on March 31, 2016, and may not modify such reimbursement rates throughout the duration of such program.

SEC. 759. INCORPORATION INTO CERTAIN SURVEYS BY DEPARTMENT OF DEFENSE OF QUESTIONS ON SERVICEWOMEN EXPERIENCES WITH FAMILY PLANNING SERVICES AND COUNSELING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate action to integrate into the surveys by the Department of Defense specified in subsection (b) questions designed to obtain information on the experiences of women members of the Armed Forces—

(1) in accessing family planning services and counseling; and

(2) in using family planning methods, including information on which method was preferred and whether deployment conditions affected the decision on which family planning method or methods to be used.

(b) COVERED SURVEYS.—The surveys into which questions shall be integrated as described in subsection (a) are the following:

(1) The Health Related Behavior Survey of Active Duty Military Personnel.

(2) The Health Care Survey of Department of Defense Beneficiaries.

SEC. 760. ASSESSMENT OF TRANSITION TO TRICARE PROGRAM BY FAMILIES OF MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY AND ELIMINATION OF CERTAIN CHARGES FOR SUCH FAMILIES.

(a) ASSESSMENT OF TRANSITION TO TRICARE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on active duty pursuant to a call or order to active duty for a period of more than 30 days experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.

(2) ELEMENTS.—The assessment under paragraph (1) shall address the following:

(A) The extent to which family members of members of the reserve components of the Armed Forces are required to change health care providers when they become eligible for health care benefits under the TRICARE program.

(B) The extent to which health care providers in the private sector with whom such family members have established relationships when not covered under the TRICARE program are providers who—

(i) are in a preferred provider network under the TRICARE program;

(ii) are participating providers under the TRICARE program; or

(iii) will agree to treat covered beneficiaries at a rate not to exceed 115 percent of the maximum allowable charge under the TRICARE program.

(C) The extent to which such family members encounter difficulties associated with a change in health care claims administration, health care authorizations, or other administrative matters when transitioning to health care benefits under the TRICARE program.

(D) Any particular reasons for, or circumstances that explain, the conditions described in subparagraphs (A), (B), and (C).

(E) The effects of the conditions described in subparagraphs (A), (B), and (C) on such family members and the Department of Defense.

(F) Recommendations for changes in policies and procedures under the TRICARE program, or other administrative action by the Secretary, to remedy or mitigate difficulties faced by such family members in transitioning to health care benefits under the TRICARE program.

(G) Recommendations for legislative action to remedy or mitigate such difficulties.

(H) Such other matters as the Secretary determines relevant to the assessment.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after completing the assessment under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the results of the assessment.

(B) ANALYSIS OF RECOMMENDATIONS.—The report required by subparagraph (A) shall include an analysis of each recommendation for legislative action addressed under paragraph (2)(G), together with a cost estimate for implementing each such action.

(b) EXPANSION OF AUTHORITY TO ELIMINATE BALANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10, United States Code, is amended by striking ''in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title''.

(c) 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.

SEC. 761. REQUIREMENT TO REVIEW AND MONITOR PRESCRIBING PRACTICES AT MILITARY TREATMENT FACILITIES OF PHARMACEUTICAL AGENTS FOR TREATMENT OF POST-TRAUMATIC STRESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the prescribing practices at military treatment facilities of pharmaceutical agents for the treatment of post-traumatic stress;

(2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents that are discouraged from use under the VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress;

(3) implement a plan to address any deviations from such guideline in prescribing practices of pharmaceutical agents for management of post-traumatic stress at such facilities; and

(4) implement a plan to address any instances in which benzodiazepines and opioids are concurrently prescribed.

(b) PHARMACEUTICAL AGENT DEFINED.—In this section, the term ''pharmaceutical agent'' has the meaning given that term in section 1074g(g) of title 10, United States Code.

SEC. 762. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE AND RELATED SERVICES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan of the Department of Defense to improve pediatric care and related services for children of members of the Armed Forces.

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

(1) In order to ensure that children receive developmentally-appropriate and age-appropriate health care services from the Department, a plan to align preventive pediatric care under the TRICARE program with—

(A) standards for such care as required by the Patient Protection and Affordable Care Act (Public Law 111–148);

(B) guidelines established for such care by the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) recommendations by organizations that specialize in pediatrics.

(2) A plan to develop a uniform definition of ''pediatric medical necessity'' for the Department that aligns with recommendations of organizations that specialize in pediatrics in order to ensure that a consistent definition of such term is used in providing health care in military treatment facilities and by health care providers under the TRICARE program.

(3) A plan to revise certification requirements for residential treatment centers of the Department to expand the access of children of members of the Armed Forces to services at such centers.

(4) A plan to develop measures to evaluate and improve access to pediatric care, coordination of pediatric care, and health outcomes for such children.

(5) A plan to include an assessment of access to pediatric specialty care in the annual report to Congress on the effectiveness of the TRICARE program.

(6) A plan to improve the quality of and access to behavioral health care under the TRICARE program for such children, including intensive outpatient and partial hospitalization services.

(7) A plan to mitigate the impact of permanent changes of station and other service-related relocations of members of the Armed Forces on the continuity of health care services received by such children who have special medical or behavioral health needs.

(8) A plan to mitigate deficiencies in data collection, data utilization, and data analysis to improve pediatric care and related services for children of members of the Armed Forces.

(c) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 763. COMPTROLLER GENERAL REPORT ON HEALTH CARE DELIVERY AND WASTE IN MILITARY HEALTH SYSTEM.

(a) COMPTROLLER GENERAL REPORTS.—Not later than one year after the date of the enactment of this Act, and not less frequently than once each year thereafter for four years, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing various issues relating to the delivery of health care in the military health system, with an emphasis on identifying potential waste and inefficiency.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report submitted under subsection (a) shall, within the direct and purchased care components of the military health system, evaluate the following:

(A) Processes for ensuring that health care providers adhere to clinical practice guidelines.

(B) Processes for reporting and resolving adverse medical events.

(C) Processes for ensuring program integrity by identifying and resolving medical fraud and waste.

(D) Processes for coordinating care within and between the direct and purchased care components of the military health system.

(E) Procedures for administering the TRICARE program.

(F) Processes for assessing and overseeing the efficiency of clinical operations of military hospitals and clinics, including access to care for covered beneficiaries at such facilities.

(2) ADDITIONAL INFORMATION.—Each report submitted under subsection (a) may include, if the Comptroller General considers feasible—

(A) an estimate of the costs to the Department of Defense relating to any waste or inefficiency identified in the report; and

(B) such recommendations for action by the Secretary of Defense as the Comptroller General considers appropriate, including eliminating waste and inefficiency in the direct and purchased care components of the military health system.

(c) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

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.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy Management

SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.

Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting ''; or''; and

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

''(C) developed or procured under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); and'';

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by striking ''Whenever the Secretary'' and inserting ''(i) Except as provided under clause (ii), whenever the Secretary''; and

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

''(ii) Clause (i) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) if the designated official for acquisitions using such pathways is the Service Acquisition Executive.'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''or upon the Secretary making a determination that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) based on a compelling national security need'' after ''of paragraph (1)'';

(ii) in subparagraph (B)—

(I) by striking ''The authority'' and inserting ''Except as provided under subparagraph (C), the authority'';

(II) in clause (ii), by striking ''; and'' and inserting a semicolon;

(III) in clause (iii), by striking the period at the end and inserting ''; and''; and

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

''(iv) in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), in an amount not more than $200,000,000 during any fiscal year.''; and

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

''(C) For each of fiscal years 2017 and 2018, the limits set forth in clauses (i) and (ii) of subparagraph (B) do not apply to the exercise of authority under such clauses provided that the total amount of supplies and associated support services acquired as provided under such subparagraph does not exceed $800,000,000 during such fiscal year.'';

(C) in paragraph (4)—

(i) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(ii) by inserting after subparagraph (B) the following new subparagraph:

''(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.''; and

(D) in paragraph (5)—

(i) by striking ''Any acquisition'' and inserting ''(A) Any acquisition''; and

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

''(B) Subparagraph (A) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).''.

SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRINCIPAL MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION AS ACTING ASSISTANT SECRETARIES.

(a) ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 3016(b)(5)(B) of title 10, United States Code, is amended by adding at the end the following new sentence: ''In the event of a

vacancy in the position of Assistant Secretary of the Army for Acquisition Technology, and Logistics, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

(b) ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.—Section 5016(b)(4)(B) of such title is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

(c) ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of such title is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

SEC. 803. CONDUCT OF INDEPENDENT COST ESTIMATION AND COST ANALYSIS.

(a) IN GENERAL.—Section 2334 of title 10, United States Code, is amended—

(1) in subsection (a)(6), by striking ''conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority'' and inserting ''prepare or approve independent cost estimates and cost analyses for major defense acquisition programs, major automated information system programs, and major subprograms'';

(2) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (a) the following new subsection:

''(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary of Defense may not approve the technology maturation and risk reduction, the engineering and manufacturing development, or the production and deployment of a major defense acquisition program, major automated information system program, or major subprogram unless an independent cost estimate of the full life-cycle cost of the program prepared or approved by Director of Cost Assessment and Program Evaluation has been considered by the Secretary.

''(2) The regulations governing the content and submission of independent cost estimates shall require that the independent estimate of the full life-cycle cost of a program include—

''(A) all costs of development, procurement, military construction, operations and support, and manpower to operate, maintain, and support the program upon full operational deployment without regard to funding source or management control; and

''(B) an analysis to support decision making that identifies and evaluates alternative courses of action that may reduce cost and risk and result in more affordable and less costly systems.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—

(1) IN GENERAL.—Section 2434 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking the item relating to section 2434.

SEC. 804. MODERNIZATION OF SERVICES ACQUISITION.

(a) SERVICES ACQUISITION CATEGORIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 5000.74, dated January 6, 2016 (in this section referred to as the ''Services Acquisition Instruction'')—

(1) to provide guidance on how the acquisition community should consider the changing nature of the technology and professional services markets, particularly the convergence of hardware and services, in its application of the Services Acquisition Categories Instruction;

(2) to reflect a review of, and as appropriate revisions to, the current categories of services acquisition referenced in the Services Acquisition Categories Instruction in order to ensure the categories are fully reflective of changes to the technology and professional services market; and

(3) to reflect a review of existing service contracts of the Department of Defense for purposes of reducing redundancy and duplication.

(b) GUIDANCE REGARDING TRAINING AND DEVELOPMENT OF THE ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue new guidance addressing the training and development of the acquisition workforce, particularly the components of the workforce that are engaged in the procurement of services.

(2) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND ALTERNATIVES.—The guidance required under paragraph (1) shall identify training and professional development opportunities and alternatives, not limited to existing Department of Defense institutions, that focus on and provide relevant training and professional development in commercial business models and contracting.

(3) TREATMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT.—The training and professional development provided pursuant to this subsection shall be deemed to be equivalent to the respective and appropriate training currently certified or provided by the Defense Acquisition University.

SEC. 805. MODIFIED NOTIFICATION REQUIREMENT FOR EXERCISE OF WAIVER AUTHORITY TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.

Subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended to read as follows:

''(d) NOTIFICATION REQUIREMENT.—Not later than 10 days after exercising the waiver authority under subsection (a), the Secretary of Defense shall provide a written notification to Congress providing the details of the waiver and the expected benefits it provides to the Department of Defense.''.

SEC. 806. REPEAL OF TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY CONTRACTORS.

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is hereby repealed.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. DEFENSE COST ACCOUNTING STANDARDS.

(a) DEFENSE COST ACCOUNTING STANDARDS BOARD.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 190. Defense Cost Accounting Standards Board

''(a) ORGANIZATION.—The Defense Cost Accounting Standards Board is an independent board in the Office of the Secretary of Defense.

''(b) MEMBERSHIP.—(1) The Board consists of 7 members. One member is the Chief Financial Officer of the Department of Defense or his or her designee, who serves as Chairman. The other 6 members, who shall have experience in contract pricing, finance, or cost accounting in either the Federal government or the private sector, are as follows:

''(A) 3 representatives of the Department of Defense appointed by the Secretary of Defense; and

''(B) 3 individuals from the private sector, each of whom is appointed by the Secretary, and—

''(i) 1 of whom is a representative of an nontraditional defense contractor as defined in section 2302(9) of this title; and

''(ii) 1 of whom is a representative from a public accounting firm.

''(2) A member appointed under paragraph (1)(A) may not continue to serve after ceasing to be an officer or employee of the Department of Defense.

''(c) DUTIES.—

''(1) The Defense Cost Accounting Standards Board has exclusive authority, with respect to the Department of Defense, to prescribe, amend, and rescind cost accounting standards, and interpretations of the standards, designed to achieve uniformity and consistency in the cost accounting standards governing measurement, assignment, and allocation of costs to contracts with the Department of Defense.

''(2) The Chief Financial Officer of the Department of Defense, after consultation with the Board, shall prescribe rules and procedures governing actions of the Board under this section. The Under Secretary when prescribing rules shall ensure the following:

''(A) Cost accounting standards used by contractors to the Department of Defense shall to the maximum extent practicable rely on commercial standards and accounting practices and systems.

''(B)(i) The Secretary, in consultation with the Defense Cost Accounting Standards Board, shall review the cost accounting standards under section 1502 of title 41 and make recommendations to the Cost Accounting Standards Board to conform these standards where practicable to United States Generally Accepted Accounting Principles (GAAP).

''(ii) 180 days after this review, the Under Secretary of Acquisitions, Technology, and Logistics may promulgate new cost accounting standards as they apply to direct costs under cost type contracts at the Department of Defense to conform to the Secretary's recommendations.

''(C) Indirect costs under cost type contracts shall be determined under procedures developed by the Department of Defense Cost Accounting Standards Board using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP).

''(D) Any cost information necessary to allocate incentives on fixed-price incentive contracts shall be determined using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP). However, incentives under fixed price incentive contracts should to the maximum extent practicable be performance-based and not cost-based.

''(3) The Board shall develop standards to ensure that commercial operations performed by government employees at the Department of Defense adhere to cost accounting standards that inform managerial decision making. These standards should be based on cost accounting standards established under this section or United States

Generally Accepted Accounting Principles (GAAP).

''(d) COMPENSATION.—(1) Members of the Board who are officers or employees of the Department of Defense shall not receive additional compensation for services but shall continue to be compensated by the employing department or agency of the officer or employee.

''(2) Each member of the Board appointed from the private sector shall receive compensation at a rate not to exceed the daily equivalent of the rate for level IV of the Executive Schedule for each day (including travel time) in which the member is engaged in the actual performance of duties vested in the Board.

''(3) While serving away from home or regular place of business, Board members and other individuals serving on an intermittent basis shall be allowed travel expenses in accordance with section 5703 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding after the item relating to section 189 the following new item:

''190. Defense Cost Accounting Standards Board.''.

(b) USE OF STANDARDS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Defense Cost Accounting Standards

''(a) MANDATORY USE OF STANDARDS.—(1) Cost accounting standards prescribed under section 190(c)(2) of this title are mandatory for use by the Department of Defense and by contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing and administration of, and settlement of disputes concerning, all negotiated prime contract and subcontract procurements with the Federal Government in excess of the amount set forth in section 2306a(a)(1)(A)(i) of this title as the amount is adjusted in accordance with applicable requirements of law.

''(2) Paragraph (1) does not apply to—

''(A) a contract or subcontract for the acquisition of a commercial item;

''(B) a contract or subcontract where the price negotiated is based on a price set by law or regulation;

''(C) a firm, fixed-price contract or subcontract; or

''(D) a contract or subcontract with a value of less than $7,500,000 if, when the contract or subcontract is entered into, the segment of the contractor or subcontractor that will perform the work has not been awarded at least one contract or subcontract with a value of more than $7,500,000 that is covered by the standards.

''(b) EXEMPTIONS AND WAIVERS.—(1) The Defense Cost Accounting Standards Board established under section 190 of this title may—

''(A) exempt classes of contractors and subcontractors from the requirements of this section; and

''(B) establish procedures for the waiver of the requirements of this section for individual contracts and subcontracts.

''(2) The Secretary of Defense may waive the applicability of the cost accounting standards for a contract or subcontract if the Secretary determines in writing that the segment of the contractor or subcontractor that will perform the work—

''(A) is primarily engaged in the sale of commercial items; and

''(B) would not otherwise be subject to the cost accounting standards under this section.

''(3) In exceptional circumstances, the head of a military service or defense agency may waive the applicability of the cost accounting standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the service or agency. A determination to waive the applicability of the standards under this paragraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such chapter is amended by adding at the end the following new item:

''2338. Defense cost accounting standards.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2018.

(c) COMPTROLLER GENERAL REPORT.—Not later than December 31, 2019, the Comptroller General of the United States shall submit to the congressional defense committees an annual report on the adequacy of the Department of Defense's approach to applying commercial cost accounting standards to indirect and fixed price incentive contracts.

(d) AUDITING REQUIREMENTS.—

(1) GAAP.—Commercial accounting firms shall audit the adequacy of information presented in compliance with United States Generally Accepted Accounting Principles (GAAP).

(2) DCAA AUDITS.—DCAA shall audit direct costs on cost contracts and rely on commercial audits of indirect costs, except that in the case of companies or business units that have more than 50 percent of government cost type contracts as a percentage of sales, DCAA shall audit both direct and indirect costs.

SEC. 812. INCREASED MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE PROCUREMENTS.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Micro-purchase threshold

''Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000.''.

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

''2338. Micro-purchase threshold.''.

(b) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking ''For purposes'' and inserting ''Except as provided in section 2338 of title 10, for purposes''.

SEC. 813. ENHANCED COMPETITION REQUIREMENTS.

Section 2306a of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting ''that is only expected to receive one bid'' after ''entered into using procedures other than sealed-bid procedures''; and

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking ''price competition'' and inserting ''competition that results in at least two or more responsive and viable competing bids''; and

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

''(6) DETERMINATION BY PRIME CONTRACTOR.—A prime contractor required to submit certified cost or pricing data under subsection (a) with respect to a prime contract shall be responsible for determining whether a subcontract under such contract qualifies for an exception under paragraph (1)(A) from such requirement.''.

SEC. 814. ELIMINATION OF BID AND PROPOSAL COSTS AND OTHER EXPENSES AS ALLOWABLE INDEPENDENT RESEARCH AND DEVELOPMENT COSTS ON CERTAIN CONTRACTS.

(a) IN GENERAL.—Section 2372 of title 10, United States Code, is amended to read as follows:

''§ 2372. Independent research and development costs: allowable costs

''(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment, by the Department of Defense, of expenses incurred by contractors for independent research and development costs.

''(b) COSTS TREATED AS FAIR AND REASONABLE AND ALLOWABLE EXPENSES.—The regulations prescribed pursuant to subsection (a) shall provide that independent research and development costs shall be considered a fair and reasonable and allowable expense on Department of Defense contracts.

''(c) ADDITIONAL CONTROLS.—Subject to subsection (f), the regulations prescribed pursuant to subsection (a) may include the following provisions:

''(1) A limitation on the fair and reasonableness determination with respect to costs of independent research and development which the Secretary of Defense determines is of potential interest to the Department of Defense.

''(2) A limitation that the total amount of the independent research and development costs of the contractor that are determined as fair and reasonable may not exceed the contractor's adjusted maximum reimbursement amount.

''(3) Implementation of regular methods for transmission—

''(A) from the Department of Defense to contractors, in a reasonable manner, of timely and comprehensive information regarding planned or expected Department of Defense future technology and advanced capability needs; and

''(B) from contractors to the Department of Defense, in a reasonable manner, of information regarding progress by the contractor on the contractor's independent research and development programs.

''(d) ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—For purposes of subsection (c)(2), the adjusted maximum reimbursement amount for a contractor for a fiscal year is 5 percent of the total amount of the work performed by the contractor during the preceding fiscal year on Department of Defense contracts funded through procurement or research development, test, and evaluation accounts using authorized appropriations.

''(e) WAIVER OF ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—The Secretary of Defense may waive the applicability of any limitation prescribed under subsection (c)(2) to any contractor for a fiscal year to the extent that the Secretary determines that allowing the contractor to exceed the contractor's adjusted maximum reimbursement amount for such year is otherwise in the best interest of the Government.

''(f) LIMITATIONS ON REGULATIONS.—Regulations prescribed pursuant to subsection (c) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program so long as the chief executive officer certifies that the expenditures will advance Department of Defense future technology and advanced capability needs as transmitted pursuant to subsection (c)(3)(A).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2372 and inserting the following new item:

''2372. Independent research and development costs: payments to contractors.''.

SEC. 815. EXCEPTION TO REQUIREMENT TO INCLUDE COST OR PRICE TO THE GOVERNMENT AS A FACTOR IN THE EVALUATION OF PROPOSALS FOR CERTAIN MULTIPLE-AWARD TASK OR DELIVERY ORDER CONTRACTS.

Section 2305(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''(except as provided in subparagraph (C))'' after ''shall''; and

(B) in clause (ii), by inserting ''(except as provided in subparagraph (C))'' 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. 816. MODIFIED RESTRICTIONS ON UNDEFINITIZED CONTRACTUAL ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''Any undefinitized contract shall be awarded on a fixed-price level of effort basis.'';

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

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

''(f) TIME LIMIT.—No undefinitized contractual action may extend beyond 90-days without a written determination by the Secretary of the military department or head of a Defense Agency that it is in the best interests of the military department or Defense Agency to continue the action.

''(g) FOREIGN MILITARY CONTRACTS.—(1) Except as provided in paragraph (2), a contracting officer of the Department of Defense may not enter into an undefinitized contractual action for a foreign military sale unless the contractual action provides for agreement upon contractual terms, specifications, and price by the end of the 180-day period described in subsection (b)(1)(A).

''(2) The requirement under paragraph (1) may be waived in accordance with subsection (b)(4).''; and

(4) in subsection (i)(1), as redesignated by paragraph (2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. 817. NON-TRADITIONAL CONTRACTOR DEFINITION.

Section 2302(9) of title 10, United States Code, is amended—

(1) by striking ''of this title, means an entity that is not currently performing'' and inserting the following: ''of this title—

''(A) means a specific business unit or function with a unique entity identifier that is not currently performing'';

(2) by striking the period at the end and inserting ''; and''; and

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

''(B) does not mean a business unit that received a transfer of procurement or transaction from another business unit within the same corporate entity that is currently performing or performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section.''.

SEC. 818. COMPREHENSIVE SMALL BUSINESS CONTRACTING PLANS.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Comprehensive small business contracting plans

''(a) AUTHORITY.—The Secretary of Defense may negotiate and administer comprehensive subcontracting plans for the purpose of reducing administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and covered small business concerns.

''(b) COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLAN.—

''(1) The Secretary of a military department or head of a Defense Agency shall negotiate, monitor, and enforce compliance with a comprehensive subcontracting plan with a Department of Defense contractor described in paragraph (4).

''(2) The comprehensive subcontracting plan of a contractor—

''(A) shall apply to the entire business organization of the contractor or to one or more of the contractor's divisions or operating elements, as specified in the subcontracting plan; and

''(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.

''(3) Each comprehensive subcontracting plan of a contractor shall require that the contractor report to the Secretary of Defense on a semi-annual basis the following information:

''(A) The amount of first-tier subcontract dollars awarded during the six-month period covered by the report to covered small business concerns, with the information set forth separately—

''(i) by North American Industrial Classification System code;

''(ii) by major defense acquisition program, as defined in section 2430(a) of this title, that meets the criteria of Acquisition Category 1;

''(iii) by contract, if the contract is for the maintenance, overhaul, repair, servicing, rehabilitation, salvage, modernization, or modification of supplies, systems, or equipment and the total value of the contract, including options, exceeds $250,000,000; and

''(iv) by military department.

''(B) The total number of subcontracts active under the test program during the six-month period covered by the report that would have otherwise required a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

''(C) Costs incurred in negotiating, complying with, and reporting on comprehensive subcontracting plans.

''(D) Costs avoided by adoption of a comprehensive subcontracting plan.

''(4) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $100,000,000.

''(c) WAIVER OF CERTAIN SMALL BUSINESS ACT SUBCONTRACTING PLAN REQUIREMENTS.—A Department of Defense contractor is not required to negotiate or submit a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) with respect to a Department of Defense contract if—

''(1) the contractor has negotiated a comprehensive subcontracting plan under the test program that includes the matters specified in section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6));

''(2) such matters have been determined acceptable by the Secretary of the military department or head of a Defense Agency negotiating such comprehensive subcontracting plan; and

''(3) the comprehensive subcontracting plan applies to the contract.

''(d) FAILURE TO MAKE A GOOD FAITH EFFORT TO COMPLY WITH A COMPREHENSIVE SUBCONTRACTING PLAN.—

''(1) A contractor that has negotiated a comprehensive subcontracting plan under the test program shall be subject to section 8(d)(4)(F) of the Small Business Act (15 U.S.C. 637(d)(4)(F)) regarding the assessment of liquidated damages for failure to make a good faith effort to comply with its comprehensive subcontracting plan and the goals specified in that plan. In addition, any such failure shall be a factor considered as part of the evaluation of past performance of an offeror.

''(2) Effective in fiscal year 2017 and each fiscal year thereafter, the Secretary of Defense shall report to Congress on any negotiated comprehensive subcontracting plan that the Secretary determines did not meet the subcontracting goals negotiated in the plan for the prior fiscal year.

''(e) DEFINITIONS.—In this section, the term 'covered small business concern' includes each of the following:

''(1) A small business concern, as that term is defined under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

''(2) A small business concern owned and controlled by veterans, as that term is defined in section 3(q)(3) of such Act (15 U.S.C. 632(q)(3)).

''(3) A small business concern owned and controlled by service-disabled veterans, as that term is defined in section 3(q)(2) of such Act (15 U.S.C. 632(q)(2)).

''(4) A qualified HUBZone small business concern, as that term is defined under section 3(p)(5) of such Act (15 U.S.C. 632(p)(5)).

''(5) A small business concern owned and controlled by socially and economically disadvantaged individuals, as that term is defined in section 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

''(6) A small business concern owned and controlled by women, as that term is defined

under section 3(n) of such Act (15 U.S.C. 632(n)).''.

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

''2338. Comprehensive small business contracting plans.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is hereby repealed.

SEC. 819. LIMITATION ON TASK AND DELIVERY ORDER PROTESTS.

Section 2304c(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order if the Secretary of Defense determines that a task and delivery order ombudsman responsible for reviewing complaints related to task and delivery order contracts of the issuing agency has been appointed or designated pursuant to subsection (f) and a process for reviewing such complaints has been established.''.

SEC. 820. MODIFIED DATA COLLECTION REQUIREMENTS APPLICABLE TO PROCUREMENT OF SERVICES.

(a) INCREASED THRESHOLD.—Subsection (a) of section 2330a of title 10, United States Code, is amended by striking ''in excess of the simplified acquisition threshold'' and inserting ''in excess of $5,000,000''.

(b) CLARIFICATION OF APPLICABILITY OF INVENTORY REQUIREMENT TO STAFF AUGMENTATION CONTRACTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''contracts for services'' and inserting ''staff augmentation contracts''; and

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

''(4) The term 'staff augmentation contracts' means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of this title).''.

(c) ELIMINATION OF REPORTING REQUIREMENTS.—Such section is further amended—

(1) by striking subsections (g) and (h); and

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

SEC. 821. GOVERNMENT ACCOUNTABILITY OFFICE BID PROTEST REFORMS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Government Accountability Office bid protests

''(a) PAYMENT OF COSTS FOR DENIED PROTESTS.—

''(1) IN GENERAL.—A contractor who files a protest described under paragraph (2) with the Government Accountability Office on a contract with the Department of Defense shall pay to the Government Accountability Office costs incurred for processing a protest.

''(2) COVERED PROTESTS.—A protest described under this paragraph is a protest—

''(A) all of the elements of which are denied in an opinion issued by the Government Accountability Office; and

''(B) filed by a party with revenues in excess of $100,000,000 during the previous year.

''(b) WITHHOLDING OF PAYMENTS ABOVE INCURRED COSTS OF INCUMBENT CONTRACTORS.—

''(1) IN GENERAL.—Contractors who file a protest on a contract on which they are the incumbent contractor shall have all payments above incurred costs withheld on any bridge contracts or temporary contract extensions awarded to the contractor as a result of a delay in award resulting from the filing of such protest.

''(2) DISPOSITION OF WITHHELD PAYMENTS ABOVE INCURRED COSTS.—

''(A) RELEASE TO INCUMBENT CONTRACTOR.—All payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the protesting incumbent contractor if—

''(i) the solicitation that is the subject of the protest is cancelled and no subsequent request for proposal is released or planned for release; or

''(ii) if the Government Accountability Office issues an opinion that upholds any of the protest grounds filed under the protest.

''(B) RELEASE TO AWARDEE.—Except for the exceptions set forth in subparagraph (A), all payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the contractor that was awarded the protested contract prior to the protest.

''(C) RELEASE TO GAO IN EVENT OF NO CONTRACT AWARD.—Except for the exceptions set forth in subparagraph (A), if a protested contract for which payments above incurred costs are withheld under paragraph (1) is not awarded to a contractor, the withheld payments shall be released to the Government Accountability Office and deposited into an account that can be used by the Office to offset costs associated with Government Accountability Office bid protests in which the Government Accountability Office issues an opinion in favor of a small business concern, either as a direct or third party beneficiary.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2337 the following new item:

''2338. Government Accountability Office bid protests.''.

SEC. 822. REPORT ON BID PROTESTS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a Federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study on the prevalence and impact of bid protests on Department of Defense acquisitions, including protests filed with contracting agencies, the Government Accountability Office, and the Court of Federal Claims.

(b) ELEMENTS.—The report required by subsection (a) shall cover Department of Defense contracts and include, at a minimum, the following elements:

(1) A description of trends in the number of bid protests filed, and the rate of such bid protests compared to contract obligations and the number of contracts.

(2) An analysis of bid protests filed by incumbent contractors, including—

(A) the rate at which such protesters are awarded bridge contracts or contract extensions over the period that the protest remains unresolved; and

(B) an assessment of the cost and schedule impact of successful and unsuccessful bid protests filed by incumbent contractors on contracts for services with a value in excess of $100,000,000.

(3) A description of trends in the number of bid protests filed and the rate of such bid protests on—

(A) contracts valued in excess of $3,000,000,000;

(B) contracts valued between $500,000,000 and $3,000,000,000;

(C) contracts valued between $50,000,000 and $500,000,000; and

(D) contracts valued under $50,000,000.

(4) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed on contracts valued in excess of $3,000,000,000.

(5) An analysis of how often protestors win the protested contract.

(6) A summary of the results of protests in which the contracting agencies took unilateral corrective action, including—

(A) the average time for remedial action to be completed; and

(B) a determination as to what extent such unilateral action was a result of a violation of law or regulation by the agency, or such action was a result of some other factor.

(7) A description of the time it takes agencies to implement corrective actions after a ruling or decision.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the independent entity that conducts the study under subsection (a) shall provide to the Secretary of Defense and the congressional defense committees a report on the results of the study, along with any related recommendations.

SEC. 823. TREATMENT OF SIDE-BY-SIDE TESTING OF CERTAIN EQUIPMENT, MUNITIONS, AND TECHNOLOGIES MANUFACTURED AND DEVELOPED UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS AS USE OF COMPETITIVE PROCEDURES.

Section 2350a(g) of title 10, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

''(3) The use of side-by-side testing under this subsection shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title, when procuring items that have been successfully tested and found to satisfy United States military requirements or to correct operational deficiencies.''.

SEC. 824. DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) EXPANSION OF SCOPE TO INCLUDE ALTERNATIVES TO EXISTING ACQUISITION PROGRAMS.—Subsection (a)(2) of section 2359b of title 10, United States Code, is amended—

(1) by inserting '', or an alternative approach to an existing Department of Defense acquisition program,'' after ''of an existing Department of Defense acquisition program''; and

(2) by inserting ''or function'' after ''capability of that acquisition program''.

(b) TREATMENT OF CHALLENGE PROPOSAL PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—Such section is further amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection:

''(j) TREATMENT OF USE OF DEVELOPED PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures developed pursuant to subsection (c)(3) shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title.''.

(c) EXTENSION OF SUNSET FOR PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—Such section is further amended in paragraph (5) of subsection (l), as redesignated by subsection (b)(1) of this subsection, by striking ''2016'' and inserting ''2021''.

SEC. 825. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense to avoid

using Lowest Price Technically Acceptable source selection criteria in inappropriate circumstances that potentially deny the Department the benefits of cost and technical tradeoffs in the source selection process.

(b) REVISION OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—Not later than 120 days after the date of the enactment of this Act, the Department of Defense shall revise the Defense Federal Acquisition Regulation Supplement (DFARS) to require that, for new solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, Lowest Price Technically Acceptable source selection criteria are used only in situations in which—

(1) the Department of Defense is able to comprehensively and clearly describe the minimum requirements expressed in term of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the Department of Defense would realize no, or minimal, value from a contract proposal exceeding the minimum technical or performance requirements set forth in the Request for Proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(4) a review of technical proposals of offerors other than the lowest bidder would result in no, or minimal, benefit to the Department; and

(5) the contracting officer has included a justification for the use of a Lowest Price Technically Acceptable evaluation methodology in the contract file, if the contract to be awarded is predominately for the acquisition of information technology services, systems engineering and technical assistance services, or other knowledge-based professional services.

(c) AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN PROCUREMENTS OF INFORMATION TECHNOLOGY.—To the maximum extent practicable, the use of Lowest Price Technically Acceptable source selection criteria shall be avoided when the procurement is predominately for the acquisition of information technology services, systems engineering and technical assistance services, or other knowledge-based professional services.

(d) REPORTING.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary of Defense shall submit to the congressional defense committees a report on the number of instances in which Lowest Price Technically Acceptable source selection criteria is used, including an explanation of how the criteria in subsection (b) was considered when making a determination to use Lowest Price Technically Acceptable source selection criteria.

SEC. 826. PENALTIES FOR THE USE OF COST-TYPE CONTRACTS.

(a) PENALTIES.—Except as provided under subsection (d), for each fiscal year beginning with fiscal year 2018, the Secretary of each military department and the head of each of the Defense Agencies shall pay a penalty for the use of cost-type contracts.

(b) CALCULATION OF COST-TYPE CONTRACT PENALTY.—

(1) IN GENERAL.—For the purposes of this section, the amount of the cost-type contract penalty per fiscal year for a military department or Defense Agency is the total amount of penalties assessed in accordance with paragraph (2) for the use by such military department or Defense Agency during such fiscal year of cost-type contracts awarded on or after October 1, 2017, including cost no fee, cost plus award fee, cost plus fixed fee, and cost plus incentive fee contracts.

(2) PENALTY PER CONTRACT.—the cost-type contract penalty for using a cost-type contract is—

(A) 2 percent of obligated funds in the case of a contract using procurement funds; and

(B) 1 percent of obligated funds in the case of a contract using research, development, test and evaluation funds.

(c) TRANSFER OF FUNDS.—

(1) REDUCTION OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AND PROCUREMENT ACCOUNTS.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2018, the Secretary of each military department and the head of each Defense Agency shall reduce the applicable research, development, test, and evaluation account and procurement account of the military department or Defense Agency that incurs obligations for cost-type contracts by the percentage determined under paragraph (2), and remit such amount to the Secretary of Defense.

(2) DETERMINATION OF AMOUNT.—The percentage reduction to research, development, test, and evaluation and procurement accounts of a military department or Defense Agency referred to in paragraph (1) is the percentage reduction to such accounts necessary to equal the cost-type contract penalty for the fiscal year for such department or Defense Agency determined pursuant to subsection (b).

(3) CREDITING OF FUNDS.—Any amount remitted under paragraph (1) shall be credited to the Department of Defense Rapid Prototyping Fund established pursuant to section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

(d) EXCEPTIONS.—

(1) FIRST LEAD SHIPS IN A CLASS.—There shall be no penalty assessed under this section for the use of cost-type contracts for first lead ships in a class.

(2) DELAYED APPLICABILITY TO SCIENCE AND TECHNOLOGY AND SBIR/STTR PROGRAMS.—There shall be no penalty assessed under this section until fiscal year 2019 for the following types of contracts:

(A) Contracts awarded under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) programs (as those terms are defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(B) Contracts awarded using funds under the Basic Research, Applied Research, and Advanced Technology Development budget activity titles.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting or otherwise modifying transfer authorities available to the Secretary of Defense.

(f) SUNSET.—This section shall terminate at the close of September 30, 2021.

SEC. 827. PREFERENCE FOR FIXED-PRICE CONTRACTS.

(a) ESTABLISHMENT OF PREFERENCE.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type.

(b) APPROVAL REQUIREMENT FOR CERTAIN COST-TYPE CONTRACTS.—

(1) IN GENERAL.—A contracting officer of the Department of Defense may not enter into a cost-type contract described in paragraph (2) unless the contract is approved by—

(A) the Service Acquisition Executive, in the case of a contract entered into by a military service; or

(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense Agency contract.

(2) COVERED CONTRACTS.—A contract described in this paragraph is—

(A) a cost-type contract in excess of $50,000,000, in the case of a contract entered into after the date that is 180 days after the date of the enactment of this Act and before October 1, 2018;

(B) a cost-type contract in excess of $20,000,000, in the case of a contract entered into on or after October 1, 2018, and before October 1, 2019; and

(C) a cost-type contract in excess of $5,000,000, in the case of a contract entered into on or after October 1, 2019.

SEC. 828. REQUIREMENT TO USE FIRM FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to require the use of firm fixed-price contracts for foreign military sales.

(b) WAIVER AUTHORITY.—The regulations prescribed pursuant to subsection (a) shall include a waiver that may be exercised by the Secretary of Defense if the Secretary certifies that a different contract type is in the best interest of United States taxpayers.

SEC. 829. PREFERENCE FOR PERFORMANCE-BASED CONTRACTUAL PAYMENTS.

(a) IN GENERAL.—Section 2307(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''PREFERENCE FOR'' before ''PERFORMANCE-BASED'';

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

(3) by striking ''Wherever practicable, payment under subsection (a) shall be made'' and inserting ''(1) Whenever practicable, payments under subsection (a) shall be made using performance-based payments''; and

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

''(2) Performance-based payments shall not be conditioned upon costs incurred in contract performance but on the achievement of milestones or events based on the performance outcomes listed in paragraph (1).

''(3) The Secretary of Defense shall ensure that non-traditional contractors and commercial companies shall be eligible for performance based payments, consistent with best commercial practices.

''(4) In order to receive performance-based payments, a contractor's accounting system shall be in compliance with Generally Accepted Accounting Principles, and there shall be no requirement for a contractor to develop government unique accounting systems or practices as a prerequisite for agreeing to use performance-based payments.''.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with section 2307(b) of title 10, United States Code, as amended by subsection (a).

SEC. 829A. SHARE-IN-SAVINGS CONTRACTS.

SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) INEFFECTIVENESS OF SUPERSEDED REQUIREMENTS.—Sections 1036 and 1037 shall have no force or effect, and the amendments proposed to be made by section 1037 shall not be made.

(b) IN GENERAL.—Any competition for a contract for the provision of launch services

for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(c) AWARD OF CONTRACTS.—In awarding a contract under subsection (b), the Secretary of Defense—

(1) subject to paragraphs (2) and (3), and notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle;

(2) may award contracts utilizing an engine designed or manufactured in the Russian Federation for only phase 1(a) and phase 2 evolved expendable launch vehicle procurements; and

(3) LIMITATION.—The total number of rocket engines designed or manufactured in the Russian Federation and used on launch vehicles for the evolved expendable launch vehicle program shall not exceed 18.

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

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

SEC. 829C. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST OR RECOVERY FROM A CYBER, NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Special emergency procurement authority

''(a) APPLICABILITY.—The authorities provided in subsections (b) and (c) apply with respect to a procurement of property or services by or for the Department of Defense that the Secretary of Defense determines are to be used—

''(1) in support of a contingency operation; or

''(2) to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the United States.

''(b) INCREASED THRESHOLDS AND LIMITATION.—For a procurement to which this section applies under subsection (a)—

''(1) the amount specified in subsections (a), (d), and (e) of section 1902 of title 41 shall be deemed to be—

''(A) $15,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

''(B) $25,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States;

''(2) the term 'simplified acquisition threshold' means—

''(A) $750,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

''(B) $1,500,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States; and

''(3) the $5,000,000 limitation in section 1901(a)(2) of title 41 and sections 3305(a)(2) and 2304(g)(1)(B) of this title is deemed to be $10,000,000.

''(c) AUTHORITY TO TREAT PROPERTY OR SERVICE AS COMMERCIAL ITEM.—

''(1) IN GENERAL.—The Secretary of Defense, in carrying out a procurement of property or a service to which this section applies under subsection (a)(2), may treat the property or service as a commercial item for the purpose of carrying out the procurement.

''(2) CERTAIN CONTRACTS NOT EXEMPT FROM STANDARDS OR REQUIREMENTS.—A contract in an amount of more than $15,000,000 that is awarded on a sole source basis for an item or service treated as a commercial item under paragraph (1) is not exempt from—

''(A) cost accounting standards prescribed under section 1502 of title 41; or

''(B) cost or pricing data requirements (commonly referred to as truth in negotiating) under chapter 35 of title 41 and section 2306a of this title.''.

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

''2338. Special emergency procurement authority.''.

SEC. 829D. LIMITATION ON USE OF REVERSE AUCTION AND LOWEST PRICE TECHNICALLY ACCEPTABLE CONTRACTING METHODS.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended—

(1) to prohibit the use by the Department of Defense of reverse auction or lowest price technically acceptable contracting methods for the procurement of personal protective equipment where the level of quality or failure of the item could result in combat casualties; and

(2) to establish a preference for the use of best value contracting methods for the procurement of such equipment.

(b) CONFORMING AMENDMENT.—Section 884 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is hereby repealed.

SEC. 829E. AVOIDANCE OF USE OF BRAND NAMES OR BRAND-NAME OR EQUIVALENT DESCRIPTIONS IN SOLICITATIONS.

The Secretary of Defense shall ensure that competition in Department of Defense contracts is not limited through the use of specifying brand names or brand-name or equivalent descriptions, or proprietary specifications or interfaces, in solicitations unless a justification for such specification is provided and approved in accordance with section 2304(f) of title 10, United States Code.

SEC. 829F. SUNSET AND REPEAL OF CERTAIN CONTRACTING PROVISIONS.

(a) SUNSETS.—

(1) PLANTATIONS AND FARMS: OPERATION, MAINTENANCE, AND IMPROVEMENT.—Section 2421 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(2) OBLIGATIONS FOR CONTRACT SERVICES: REPORTING IN BUDGET OBJECT CLASSES.—Section 2212 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(3) REQUIREMENT TO ESTABLISH COST, PERFORMANCE, AND SCHEDULE GOALS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND EACH PHASE OF RELATED ACQUISITION CYCLES.—Section 2220 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(4) GOVERNMENT PERFORMANCE OF CERTAIN ACQUISITION FUNCTIONS.—Section 1706 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) SUNSET.—This section shall terminate at the close of September 30, 2019.''.

(b) REPEALS.—

(1) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR PURCHASE OF INVESTMENT ITEMS.—

(A) IN GENERAL.—Section 2245a of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2245a.

(C) CONFORMING AMENDMENT.—Section 166a(e)(1)(A) of such title is amended by striking ''in effect under section 2245a of this title''.

(2) INFORMATION TECHNOLOGY PURCHASES: TRACKING AND MANAGEMENT.—

(A) IN GENERAL.—Section 2225 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2225.

(C) CONFORMING AMENDMENTS.—

(i) SECTION 2330A OF TITLE 10, UNITED STATES CODE.—Section 2330a(j) of such title is amended—

(I) by striking paragraph (2);

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

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

''(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given the term in section 134 of title 41.

''(6) SMALL BUSINESS CONCERN.—The term 'small business concern' means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)) of title 41.

''(7) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

''(8) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term 'small business concern owned and controlled by women' has the meaning given that term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).''.

(ii) SECTION 222 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Section 222(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2358 note) is amended by striking ''as defined in section 2225(f)(3)'' and inserting ''as defined in section 2330a(j)''.

(3) PROCUREMENT OF COPIER PAPER CONTAINING SPECIFIED PERCENTAGES OF POST-CONSUMER RECYCLED CONTENT.—

(A) IN GENERAL.—Section 2378 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by striking the item relating to section 2378.

(4) LIMITATION ON PROCUREMENT OF TABLE AND KITCHEN EQUIPMENT FOR OFFICERS' QUARTERS.—

(A) IN GENERAL.—Section 2387 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2387.

(5) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—

(A) REPEAL.—

(i) IN GENERAL.—Section 2302c of title 10, United States Code, is repealed.

(ii) EXEMPTION FROM GENERAL FEDERAL PROCUREMENT REQUIREMENT.—Section 2301 of

title 41, United States Code, is amended by inserting ''other than the Department of Defense'' after ''each executive agency'' each place it appears.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2302c.

SEC. 829G. FLEXIBILITY IN CONTRACTING AWARD PROGRAM.

(a) ESTABLISHMENT OF AWARD PROGRAM.—The Secretary of Defense shall create an award to recognize those acquisition programs and professionals that make the best use of the flexibilities and authorities granted by the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

(b) PURPOSE OF AWARD.—The award established under subsection (a) shall recognize outstanding performers whose approach to program management emphasizes innovation and local adaptation, including the use of—

(1) simplified acquisition procedures;

(2) inherent flexibilities within the Federal Acquisition Regulation;

(3) commercial contracting approaches;

(4) public-private partnership agreements and practices;

(5) cost sharing arrangements;

(6) innovative contractor incentive practices; and

(7) other innovative implementations of acquisition flexibilities.

(c) BENCHMARKS.—The Secretary of Defense shall, for purposes of administering the award program established under this section, establish specific, measurable benchmarks for measuring successful application of Federal Acquisition Regulation flexibilities, both in terms of assessing the level of innovation being applied and in terms of program outcomes.

SEC. 829H. PRODUCTS AND SERVICES PURCHASED THROUGH CONTRACTING PROGRAM FOR FIRMS THAT HIRE THE SEVERELY DISABLED.

(a) LIMITATION ON CONTRACTING WITH ABILITYONE PROGRAM.—

(1) IN GENERAL.—For purposes of procuring goods and services on the procurement list described in section 8503 of title 41, United States Code (in this section referred to as the ''procurement list'') to be performed by other severely disabled, the Secretary of Defense shall not contract with the AbilityOne nonprofit agency or the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled, or use the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled to identify vendors who are other severely disabled, but shall contract directly with qualified nonprofit agencies for other severely disabled, until such time that the Inspector General for the Department of Defense certifies to Congress as follows:

(A) The internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled are sufficient to protect the Department of Defense against waste, fraud, and abuse.

(B) There are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list.

(C) Pass-through contracts to contractors who are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense.

(D) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by qualified nonprofit agencies for other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services.

(E) Opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies for other severely disabled when participating in Department of Defense contracts.

(F) The Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(2) RECOMMENDATIONS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—In conducting its review of the internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled, the Inspector General of the Department of Defense shall consider recommendations previously made by the Comptroller General of the United States pertaining to the AbilityOne program.

(b) PURCHASING CRITERIA.—Contracting officers for the Department of Defense, when purchasing items off the procurement list under subsection (a), shall ensure that—

(1) there are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list;

(2) pass-through contracts to contractors that are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense;

(3) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by the qualified nonprofit agencies for other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services;

(4) opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies for other severely disabled when participating in Department of Defense contracts; and

(5) the Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(c) QUALIFIED NONPROFIT FOR OTHER SEVERELY DISABLED.—In this section, the term ''qualified nonprofit for other severely disabled'' has the meaning given the term in section 8501(6) of title 41, United States Code.

SEC. 829I. APPLICABILITY OF EXECUTIVE ORDER 13673 ''FAIR PAY AND SAFE WORKPLACES'' TO DEPARTMENT OF DEFENSE CONTRACTORS.

(a) LIMITATION.—The Secretary of Defense shall apply any acquisition regulations promulgated pursuant to Executive Order 13673 or any successor executive order only to contractors or subcontractors who have been suspended or debarred as a result of a Federal labor law violations covered by Executive Order 13673.

(b) COMPLIANCE REQUIREMENTS.—The Secretary shall ensure that Department of Defense contractors or subcontractors who are not described under subsection (a) are not compelled or required to comply with the conditions for contracting eligibility as stated in any acquisition regulations promulgated to implement Executive Order 13673.

SEC. 829J. CONTRACT CLOSEOUT AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense may close out a contract or group of contracts as described in subsection (b) through the issuance of one or more modifications to existing Department of Defense contracts without completing a reconciliation audit or other corrective action. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether the appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently obligated to fund each contract and regardless of whether the appropriation has closed.

(b) COVERED CONTRACTS.—Contracts covered by this section are contracts or a group of contracts between the Department of Defense and a defense contractor that—

(1) were entered into prior to fiscal year 2000;

(2) have no further supplies or services deliverables due under their terms and conditions; and

(3) are determined by the Secretary of Defense to be not otherwise reconcilable because—

(A) the records have been destroyed or lost; or

(B) the records are available but the Secretary of Defense has determined that the time or effort required to determine the exact amount owed to the United States Government or amount owed to the contractor is disproportionate to the amount at issue.

(c) NEGOTIATED SETTLEMENT AUTHORITY.—Any contract or contracts covered by this section may be closed out through a negotiated settlement with the contractor.

(d) WAIVER AUTHORITY.—The Secretary of Defense is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where the authority under this section is exercised, the cognizant payment or accounting offices may adjust and close any open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority provided under this section.

(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(h) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

SEC. 829K. CLOSEOUT OF OLD NAVY CONTRACTS.

(a) AUTHORITY.—The Secretary of the Navy may close out contracts described in subsection (b) through the issuance of one or more modifications to existing Department of the Navy contracts without completing further reconciliation audits or corrective actions other than those described in this section. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line

items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether either appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently obligated to find each contract and regardless of whether either appropriation has closed.

(b) COVERED CONTRACTS.—The contracts covered by this section are contracts to design, construct, repair, or support the construction or repair of Navy submarines that—

(1) were entered into between fiscal years 1974 and 1998;

(2) have no further supply or services deliverables due under their terms and conditions;

(3) for which the Secretary of the Navy has established the total final contract value; and

(4) the final allowable cost for which the Secretary of the Navy has determined may have a negative or positive unliquidated obligation balance with respect to which it would be difficult to determine the year or type of appropriation because—

(A) the records have been destroyed or lost; or

(B) the records are available but the contracting officer in collaboration with the certifying official has determined that a discrepancy is of a de minimis value such that the time and effort required to determine the cause of an out-of-balance condition is disproportionate to the amount of the discrepancy.

(c) CLOSEOUT TERMS.—The contracts identified in subsection (b) may be closed out—

(1) upon receipt of $581,803 from the contractor to be deposited into the Treasury as miscellaneous receipts;

(2) without seeking further amounts from the contractor; and

(3) without payment to the contractor of any amounts that may be due under any such contracts.

(d) WAIVER AUTHORITY.—The Secretary of the Navy is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where the authority under this section is exercised, the cognizant payment or accounting offices may adjust and close any open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority provided under this section.

(g) NOTIFICATION REQUIREMENT.—The Secretary of the Navy shall notify the congressional defense committees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

(h) EXPIRATION OF WAIVER AUTHORITY.—The authority under this section shall expire upon receipt of the funds identified in subsection (c)(1).

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. REPEAL OF MAJOR AUTOMATED INFORMATION SYSTEMS PROVISIONS.

(a) IN GENERAL.—Chapter 144A of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of such title, and at the beginning of part IV of subtitle A, are amended by striking the item relating to chapter 144A.

(c) CONFORMING AMENDMENTS.—Section 2334(a)(2) of title 10, United States Code, is amended by striking ''or a major automated information system under chapter 144A of this title''.

SEC. 832. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.

(a) IN GENERAL.—Section 2430 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''In this chapter'' and inserting ''(1) Except as provided under paragraph (2), in this chapter''; and

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

''(2) In this chapter, the term 'major defense acquisition program' does not include—

''(A) an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); or

''(B) a stand-alone prototype project that—

''(i) is not included or planned as part of an existing major defense acquisition program; and

''(ii) is carried out under a fixed price contract.''.

(b) ANNUAL REPORTING.—The Secretary of Defense shall include in each comprehensive annual Selected Acquisition Report submitted under section 2432 of title 10, United States Code, a listing of all programs or projects being developed or procured under the exceptions to the definition of major defense acquisition program set forth in paragraph (2) of section 2430(a) of United States Code, as added by subsection (a)(1)(C) of this section.

SEC. 833. ACQUISITION STRATEGY.

Section 2431a of title 10, United States Code, is amended—

(1) in subsection (b), by inserting '', or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program,'' after ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program,'' after ''the Under Secretary'';

(B) in paragraph (2)(C), by striking '', in accordance with section 2431b of this title''; and

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

''(K) A sustainment strategy which includes all aspects of the total life cycle management of the weapon system, including product support, logistics, product support engineering, supply chain integration, maintenance, acquisition logistics, and all aspects of software sustainment.''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking ''(1) Subject to the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the'' and inserting ''The'';

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A), (B), (C), (D), (E), (F), and (G) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(D) in paragraph (6), as redesignated by subparagraph (C), by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively.

SEC. 834. IMPROVED LIFE CYCLE COST CONTROL.

(a) MODIFIED GUIDANCE FOR RAPID FIELDING PATHWAY.—Section 804(c)(3) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

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

''(E) a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs.''.

(b) LIFE CYCLE COST MANAGEMENT.—Section 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302 note) is amended by inserting ''life cycle cost management,'' after ''budgeting,''.

(c) GUIDANCE ON ACQUISITION OF BUSINESS SYSTEMS.—Section 883(e) of such Act (Public Law 114–92; 10 U.S.C. 2223a note) is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

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

''(9) policies to maximize use of fixed-price contracting elements and ability to implement tradeoffs among total cost of ownership, schedule, and performance.''.

(d) SUSTAINMENT REVIEWS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2441. Sustainment reviews

''(a) IN GENERAL.—Following the earliest of (i) five years after declaration of initial operational capability of a major defense acquisition program, (ii) failure of the program to maintain its availability or reliability thresholds, or (iii) breach of the program's operations and support affordability cap, there shall be a sustainment review with the results documented in a memorandum by the relevant decision authority.

''(b) ELEMENTS.—At a minimum, the review required under subsection (a) shall include the following elements:

''(1) An independent cost estimate for the remainder of the life cycle of the program.

''(2) A comparison of actual costs to the budget, and if budgetary shortfalls exists, an explanation of availability implications.

''(3) A comparison between the assumed and achieved system reliabilities.

''(4) An analysis of the most cost-effective source of repairs and maintenance.

''(5) Data on the cost of consumables and depot-level repairables.

''(6) Data on costs of information technology, networks, computer hardware, and software maintenance and upgrades.

''(7) As applicable, an assessment of the actual fuel efficiencies compared to the projected fuel efficiencies as demonstrated in tests or operations.

''(8) An analysis of the effort required for contracted sustaining engineering by contractors and the government.

''(9) As applicable, a comparison of actual manpower requirements to previous estimates.

''(10) An analysis of whether accurate and complete data is being reported in the relevant military department's cost systems, and if deficiencies exist, a plan to update the data and insure accurate and complete data is submitted in the future.''.

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

''2441. Sustainment reviews.''.

(e) COMMERCIAL OPERATIONAL AND SUPPORT SAVINGS INITIATIVE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a commercial operational and

support savings initiative to improve readiness and reduce operations and support costs by inserting existing commercial items or technology into military legacy systems through the rapid development of prototypes and fielding of production items based on current commercial technology.

(2) PROGRAM PRIORITY.—The commercial operational and support savings initiative shall fund programs that—

(A) reduce the costs of owning and operating a military system, including the costs of personnel, consumables, goods and services, and sustaining the support and investment associated with the peacetime operation of a weapon system;

(B) take advantage of the commercial sector's technological innovations by inserting commercial technology into fielded weapon systems; and

(C) emphasize prototyping and experimentation with new technologies and concepts of operations.

(3) FUNDING PHASES.—

(A) IN GENERAL.—Projects funded under the commercial operational and support savings initiative shall consist of two phases, Phase 1 and Phase 2.

(B) PHASE I.—(i) Funds made available during Phase I shall be used to perform the nonrecurring engineering, testing, and qualification that are typically needed to adapt a commercial item or technology for use in a military system.

(ii) Phase I shall include—

(I) establishment of cost and performance metrics to evaluate project success;

(II) establishment of a transition plan and agreement with a military service or Defense Agency for adoption and sustainment of the technology or system; and

(III) the development, fabrication, and delivery of a prototype to a military service for installation into a fielded Department of Defense system.

(iii) Programs shall be terminated if no agreement is established within two years of project initiation.

(iv) The Office of the Secretary of Defense may provide up to 50 percent of Phase I funding for a project. The relevant military service or Defense Agency shall provide the remainder of Phase I funding, which may be provided out of operation and maintenance funding.

(v) Phase I funding shall not exceed three years.

(C) PHASE II.—(i) Phase II shall include the purchase of limited production quantities of the prototype kits and transition to a program of record for continued sustainment.

(ii) Phase II awards may be made without competition as firm, fixed-price awards or as awards for the purchase of commercial items under part 12 of the Federal Acquisition Regulation.

(iii) The competitive procedures requirements of chapter 173 of title 10, United States Code, and the cost and pricing data requirements of section 2306a of such title shall not apply to contracts awarded during Phase II of the commercial operational and support savings initiative.

(4) TREATMENT AS COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures under the commercial operational and support savings initiative shall be considered to be the use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

SEC. 835. MODIFICATION OF CERTAIN MILESTONE B CERTIFICATION REQUIREMENTS.

Section 2366b(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made'' and inserting ''total resources available to the program''; and

(2) in subparagraph (D), by striking '', through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made,''.

SEC. 836. DISCLOSURE OF RISK IN COST ESTIMATES.

Subsection (d) of section 2334 of title 10, United States Code, is amended to read as follows:

''(d) DISCLOSURE OF RISK IN COST ESTIMATES.—The Director of Cost Assessment and Program Evaluation, and the Secretary of the military department concerned or the head of the Defense Agency concerned (as applicable), shall each—

''(1) issue guidance requiring a discussion of risk, the potential impacts of risk on program costs, and approaches to mitigate risk in cost estimates for major defense acquisition programs;

''(2) ensure that cost estimates are developed based on historical actual cost information that is based on demonstrated contractor and government performance and that such estimates provide a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets; and

''(3) include the information required by paragraph (1)—

''(A) in any decision documentation approving a cost estimate within the baseline description or any other cost estimate for use at any event specified in subsection (a)(6); and

''(B) in the next Selected Acquisition Report pursuant to section 2432 of this title.''.

SEC. 837. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF ITEMS DELIVERED UNDER MAJOR DEFENSE ACQUISITION PROGRAMS AS MAJOR SUBPROGRAMS FOR PURPOSES OF ACQUISITION REPORTING.

Section 2430a(1)(B) of title 10, United States Code, is amended by striking ''major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks'' and inserting ''major defense acquisition program requires the delivery of two or more increments or blocks''.

SEC. 838. COUNTING OF MAJOR DEFENSE ACQUISITION PROGRAM SUBCONTRACTS TOWARD SMALL BUSINESS GOALS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Counting of major defense acquisition program subcontracts toward small business goals

''(a) ANNUAL PROCUREMENT GOALS.—First tier and second tier subcontracts awarded by the Department of Defense under major defense acquisition programs to small business concerns, small businesses concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women shall be considered toward annual Department of Defense management goals for procurement contracts awarded to those concerns.

''(b) DEFINITIONS.—In this section—

''(1) the terms 'qualified HUBZone small business concern', 'small business concern', 'small business concern owned and controlled by service-disabled veterans', and 'small business concern owned and controlled by women' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632); and

''(2) the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given the term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).''.

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

''2338. Counting of major defense acquisition program subcontracts toward small business goals.''.

SEC. 839. USE OF ECONOMY-WIDE INFLATION INDEX TO CALCULATE PERCENTAGE INCREASE IN UNIT COSTS.

Section 2433(f) of title 10, United States Code, is amended by striking ''stated in terms of constant base year dollars (as described in section 2430 of this title).'' and inserting ''stated in terms of constant dollars. An economy-wide inflation index, such as the Gross Domestic Product Prince Index, shall be used to calculate unit costs in constant dollars.''.

SEC. 840. WAIVER OF NOTIFICATION WHEN ACQUIRING TACTICAL MISSILES AND MUNITIONS ABOVE THE BUDGETED QUANTITY.

Section 2308(c) of title 10, United States Code, is amended by adding at the end the following new sentence: ''However, no such notification is required when the acquisition of a higher quantity of an end item is for an end item under a primary tactical missile program or a munition program.''.

SEC. 841. MULTIPLE PROGRAM MULTIYEAR CONTRACT PILOT DEMONSTRATION PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may conduct a multiyear contract, over a period of up to four years, for the purchase of units for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies and quality, in order to provide maximum benefit to the Department of Defense. Contracts awarded under this section should allow for significant savings, as determined consistent with the authority under section 2306b of title 10, United States Code, to be achieved as compared to using separate annual contracts under individual programs to purchase such units, and may include flexible delivery across the overall period of performance.

(b) SCOPE.—The contracts authorized in (a) shall at a minimum provide for the acquisition of units from three discrete programs from two of the military departments.

(c) DOCUMENTATION.—Each contract awarded under subsection (a) shall include the documentation required to be provided for a multiyear contract proposal under section 2306b(i) of title 10.

(d) DEFINITIONS.—In this section—

(1) the term ''high rate'' means total annual production across the multiple programs of more than 200 end-items per year; and

(2) the term ''common facilities'' means production facilities operating within the same general and allowable rate structure.

(e) SUNSET.—No new contracts may be issued under the authority of this section after September 30, 2021.

SEC. 842. KEY PERFORMANCE PARAMETER REDUCTION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall identify at least one acquisition program per military service to reduce the total number of Key Performance Parameters (KPP) levied against the program for purposes of determining whether operational and programmatic outcomes are improved by limiting KPPs on a program to a small number of program-specific performance features.

(b) LIMITATION ON KEY PERFORMANCE PARAMETERS.—Acquisition programs identified for the pilot program established under paragraph (1) shall establish no more than three KPPs, each of which shall describe a program-specific performance attribute. Other mandatory KPPs for such programs shall be treated as Key System Attributes.

SEC. 843. MISSION AND SYSTEM OF SYSTEMS INTEROPERABILITY.

(a) IMPLEMENTATION OF MODULAR OPEN SYSTEMS ARCHITECTURE IN ACQUISITION PROGRAMS.—In implementing section 801 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3425; 10 U.S.C. 2223a note) to enable mission integration and systems of systems interoperability, the Secretary of Defense shall—

(1) ensure that—

(A) system architectures are logically and functionally segmented and interfaces between major system elements and external-facing interfaces are identified and exposed;

(B) interfaces are characterized clearly in terms of form, function, and the content that flows across in order to enable integration and interoperability, including through automated tools; and

(C) the Department of Defense secures appropriate rights to share and publish interface characteristics; and

(2) establish modular open systems bodies and processes to support standards for interfaces that are dynamically managed, flexible, and extensible in order to enable technological innovation and performance growth over the life cycle of systems following the principles of system architecture, interface characterization, and interface publication.

(b) MISSION INTEGRATION MANAGERS.—

(1) IN GENERAL.—Each multi-service and multi-program mission area specified in paragraph (2) shall have a mission integration manager jointly designated by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff, from among the chairs of the Functional Capabilities Boards, for purposes of such mission area.

(2) COVERED MISSION AREAS.—The mission areas specified in this paragraph are the following:

(A) Close air support.

(B) Air defense and offensive and defensive counter-air.

(C) Interdiction.

(D) Intelligence, surveillance, and reconnaissance.

(E) Any other overlapping mission area of significance, as jointly designated by the Deputy Secretary and Vice Chairman for purposes of this subsection.

(3) QUALIFICATIONS.—A chair of a Functional Capability Board may not be designated as a mission integration manager under this subsection unless the chair has an acquisition certification of level II or above.

(4) RESPONSIBILITIES.—The mission integration manager for a mission area under this subsection shall act as the principal substantive advisor to the Deputy Secretary and the Vice Chairman on all aspects of capability integration for the mission area. In carrying out such responsibilities for a mission area, the mission integration manager shall—

(A) sponsor and conduct tests, demonstrations, and exercises and identify focused experiments for compelling challenges and opportunities;

(B) oversee the establishment of interface management processes described in subsection (a)(1) and standards bodies and processes described in subsection (a)(2);

(C) sponsor and oversee research on and development of (including tests and demonstrations) automated tools for composing systems of systems on demand;

(D) develop mission-based inputs for the requirements process, budgeting and resource allocation, program and portfolio management; and

(E) coordinate with commanders of the combatant commands on the development of concepts of operation and operational plans.

(5) SCOPE OF RESPONSIBILITIES.—The responsibilities of a mission integration manager for a mission area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

(6) FUNDING FOR CERTAIN RESPONSIBILITIES.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2016 for the Department of Defense and available for operational systems development, an amount equal to 0.5 percent of such amount shall be available in such fiscal year for mission integration managers to carry out the responsibilities specified in subparagraphs (A) through (C) of paragraph (4).

SEC. 844. B–21 BOMBER DEVELOPMENT PROGRAM BASELINE AND COST CONTROL.

(a) DEFINITIONS.—In this section:

(1) B–21 BOMBER BASELINE DEVELOPMENTAL CONTRACT ESTIMATE.—The term ''B–21 Bomber Baseline Developmental Contract Estimate'', with respect to the engineering and manufacturing development (EMD) phase of the B–21 bomber program, is the agreed contract price as of October 27, 2015, with the selected prime contractor for the EMD phase of the program.

(2) B–21 BOMBER BASELINE DEVELOPMENTAL ESTIMATE.—The term ''B–21 Bomber Baseline Developmental Estimate'' with respect to the EMD phase of the B–21 bomber program is the agreed Independent Cost Estimate for the EMD phase of the program that received the concurrence of the Director of Cost Assessment and Program Evaluation under the procedures of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23).

(3) B–21 BOMBER SIGNIFICANT DEVELOPMENTAL COST GROWTH THRESHOLD.—The term ''B–21 bomber significant developmental cost growth threshold'' means a percentage increase in the B–21 Bomber Baseline Developmental Contract Estimate of at least 15 percent.

(4) B–21 BOMBER CRITICAL DEVELOPMENTAL COST GROWTH THRESHOLD.—The term ''B–21 bomber critical developmental cost growth threshold'' means a percentage increase in the B–21 bomber Baseline Developmental Contract Estimate of at least 25 percent.

(b) B–21 BOMBER SIGNIFICANT DEVELOPMENTAL COST GROWTH THRESHOLD BREACH.—If, based upon the joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisition, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber significant developmental cost growth threshold, the Secretary of Defense shall immediately notify Congress in writing of such determination.

(c) B–21 BOMBER CRITICAL DEVELOPMENTAL COST GROWTH THRESHOLD BREACH.—

(1) IN GENERAL.—If, based upon joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisition, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber critical developmental cost growth threshold, the Secretary of Defense shall immediately halt the program and take the actions described in paragraphs (2) through (5).

(2) REASSESSMENT OF PROGRAM.—The Secretary shall determine the root cause or causes of the critical developmental cost growth and, in consultation with the Director of Cost Assessment and Program Evaluation, carry out an assessment of—

(A) the projected cost of completing the EMD phase if current requirements are not modified;

(B) the projected cost of completing the EMD phase based on reasonable modification of such requirements;

(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

(D) the need to reduce funding for other programs due to the growth in cost of the B–21 program.

(3) PRESUMPTION OF TERMINATION.—

(A) IN GENERAL.—After conducting the reassessment required under paragraph (2), the Secretary shall terminate the contract and program unless the Secretary submits to Congress a written certification that—

(i) the continuation of the contract and program is essential to the national security;

(ii) there are no alternatives to the current contract and program which will provide acceptable capability to meet the joint military requirement (as defined in section 181(g)(1) of title 10, United States Code, at less cost;

(iii) the new estimates of the cost to complete the contract for the EMD phase of the program have been determined by the Director of Cost Assessment and Program Evaluation to be reasonable;

(iv) the program is a higher priority than programs the funding of which must be reduced to accommodate the growth in cost of the program; and

(v) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(B) SUPPORTING DOCUMENTATION.—A written certification under paragraph (A) shall be accompanied by a report presenting the root cause analysis and assessment carried out pursuant to paragraph (2) and the basis for each determination made in accordance with clauses (i) through (v) of subparagraph (A), together with supporting documentation.

(4) ACTIONS IF PROGRAM NOT TERMINATED.—

(A) If the Secretary elects not to terminate the B–21 bomber EMD contract and program pursuant to paragraph (3), the Secretary shall—

(i) restructure the program in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to paragraph (2), and ensures that the program has an appropriate management structure as set forth in the certification submitted pursuant to paragraph (3)(A);

(ii) rescind the most recent milestone approval for the program and withdraw any associated certification under sections 2366a and 2366b of title 10, United States Code;

(iii) require a new milestone approval for the program before taking any contract action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the program, except to the extent determined necessary by the Secretary of Defense, on a non-delegable basis, to ensure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources;

(iv) include in the report required under paragraph (3)(B) a description of all funding changes made as a result of the growth in cost of the program, including reductions made in funding for other programs to accommodate such cost growth; and

(v) conduct regular reviews of the program in accordance with the requirements of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1724).

(5) ACTIONS IF PROGRAM TERMINATED.—If the B–21 bomber program is terminated pursuant to paragraph (3), the Secretary shall submit to Congress a written report setting forth—

(A) an explanation of the reasons for terminating the program;

(B) the alternatives considered to address any problems in the program; and

(C) the course the Department of Defense plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program, including the modernization investments required to ensure that B–1, B–2, or B–52 aircraft can carry out the full range of long-range bomber aircraft missions anticipated in operational plans of the Armed Forces.

(d) B–21 BOMBER PROGRAM COST AND ACCOUNTABILITY.—

(1) IN GENERAL.—Commencing with the first quarter of fiscal year 2017, the Secretary of the Air Force shall submit to the Comptroller General of the United States, not later than the 15th day following the end of each calendar quarter, the matrices described in paragraph (2) relating to the B–21 bomber aircraft program updated with that quarter's information. The Comptroller General shall review the matrices for accuracy, identify cost, schedule, and performance trends, and report on its assessment to the congressional defense committees not later than the 45th day following the end of each calendar quarter.

(2) MATRICES DESCRIBED.—The matrices described in this paragraph are the following:

(A) FUNDING PROFILES.—A matrix expressing the total cost for the Air Force service cost position for the EMD phase and low initial rate of production lots of the B–21 bomber aircraft and a matrix expressing the total cost for the prime contractor spending plan for such EMD phase and production lots, both of which shall be subdivided according to the costs of the following:

(i) Airframe.

(ii) Propulsion.

(iii) Mission systems.

(iv) Vehicle systems, including armament and weapons delivery.

(v) Air vehicle software.

(vi) Systems engineering.

(vii) Program management.

(viii) System test and evaluation.

(ix) Support and training systems.

(x) Contractor fee.

(xi) Engineering changes.

(xii) Direct mission support.

(xiii) Government testing.

(B) DEVELOPMENT PROGRESS GOALS.—A matrix detailing progress in major development elements of the B–21 bomber program subdivided according to the following:

(i) Technology readiness levels of major components.

(ii) Design maturity.

(iii) Software maturity.

(iv) Manufacturing readiness levels of key manufacturing operations.

(v) Manufacturing operations.

(vi) Test and verification key target dates.

(vii) Reliability.

(e) TRANSFER OF FUNDS TO RAPID PROTOTYPING FUND.—

(1) IN GENERAL.—For each fiscal year beginning with fiscal year 2017, the difference between funds budgeted for the B–21 Bomber Baseline Developmental Estimate and funds budgeted for the B–21 Bomber Baseline Developmental Contract Estimate, less other government costs to manage the B–21 bomber program and not otherwise authorized or appropriated, shall be transferred to the Rapid Prototyping Fund.

(2) TIMING.—For each fiscal year after fiscal year 2017, the transfer shall occur in conjunction with that fiscal year's budget submission.

(3) RE-TRANSFER OF FUNDS TO COVER CERTAIN COSTS.—Funds may be transferred from the Rapid Prototyping Fund back to the B–21 bomber program to cover unexpected cost increases for the engineering and manufacturing phase of the B–21 bomber program upon the determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, and notification of such transfers to the congressional defense committees. This notification shall include the detailed reasons why such a transfer is needed.

Subtitle D—Provisions Relating to Acquisition Workforce

SEC. 851. IMPROVEMENT OF PROGRAM AND PROJECT MANAGEMENT BY THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT-WIDE RESPONSIBILITIES OF SECRETARY OF DEFENSE.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, the Secretary of Defense shall—

(1) develop Department-wide standards, policies, and guidelines for program and project management for the Department of Defense based on appropriate and applicable nationally accredited standards for program and project management;

(2) develop mechanisms to monitor compliance with the standards, policies, and guidelines developed under paragraph (1); and

(3) engage with the private sector on matters relating to program and project management for the Department.

(b) RESPONSIBILITIES OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments and the Defense Agencies, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) advise and assist Secretary of Defense with respect Department of Defense practices related to program and project management;

(2) review programs identified as high-risk in program and project management by the Government Accountability Office, and make recommendations for actions to be taken by the Secretary to mitigate such risks;

(3) assess matters of importance to the workforce in program and project management, including—

(A) career development and workforce development;

(B) policies to support continuous improvement in program and project management; and

(C) major challenges of the Department in managing programs and projects; and

(4) advise on the development and applicability of standards Department-wide for program and project management transparency.

(c) RESPONSIBILITIES OF ACQUISITION EXECUTIVES.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments, the service acquisition executives (in consultation with the Chiefs of the Armed Forces with respect to military program managers), and the component acquisition executives for the Defense Agencies, shall—

(1) ensure the compliance of the department or Agency concerned with standards, policies, and guidelines for program and project management for the Department of Defense developed by the Secretary of Defense under subsection (a)(1); and

(2) ensure the effective career development of program managers through—

(A) training and educational opportunities for program managers, including exchange programs with the private sector;

(B) mentoring of current and future program managers by experienced public and private sector senior executives and program managers;

(C) continued refinement of career paths and career opportunities for program managers;

(D) incentives for the recruitment of highly qualified individuals to serve as program managers;

(E) improved means of collecting and disseminating best practices and lessons learned to enhance program management; and

(F) improved methods to support improved data gathering and analysis for program management and oversight purposes.

(d) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue the standards, policies, and guidelines required by subsection (a)(1). The Secretary shall provide Congress an interim update on the progress made in implementing this section not later than six months after the date of the enactment of this Act.

SEC. 852. AUTHORITY TO WAIVE TENURE REQUIREMENT FOR PROGRAM MANAGERS FOR PROGRAM DEFINITION AND PROGRAM EXECUTION PERIODS.

(a) PROGRAM DEFINITION PERIOD.—Section 826(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking ''The Secretary may waive'' and inserting ''The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive''.

(b) PROGRAM EXECUTION PERIOD.—Section 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking ''The immediate supervisor of a program manager for a major defense acquisition program may waive'' and inserting ''The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive''.

SEC. 853. ENHANCED USE OF DATA ANALYTICS TO IMPROVE ACQUISITION PROGRAM OUTCOMES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer, and in coordination with the military services, shall establish a set of activities that use data analysis, measurement, and other evaluation-related methods to improve the acquisition outcomes of the Department of Defense and enhance organizational learning.

(b) ACTIVITIES.—

(1) IN GENERAL.—The set of activities established under subsection (a) may include the following:

(A) Establishment of a data analytics capabilities and organizations within the appropriate military service.

(B) Development of capabilities in Department of Defense laboratories, test centers, and Federally funded research and development centers to provide technical support

for data analytics activities that support acquisition program management and business process re-engineering activities.

(C) Increased use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.

(D) Funding of intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes.

(E) Publication, to the maximum extent practicable, and in a manner that protects classified and proprietary information, of data collected by the Department of Defense related to acquisition program costs and activities for access and analyses by the general public.

(F) Clarification by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, of a consistent policy as to the role of data analytics in establishing budgets and holding milestone decisions for major defense acquisition programs.

(G) Continual assessment, in consultation with the private sector, of the efficiency of current data collection and analyses processes, so as to minimize the requirement for collection and delivery of data by, from, and to government organizations.

(H) Promulgation of guidance to acquisition programs and activities on the efficient use and sharing of data between programs and organizations to improve acquisition program analytics and outcomes.

(I) Promulgation of guidance on assessing and enhancing quality of data and data analyses to support improved acquisition outcomes.

(2) GAP ANALYSIS OF CURRENT ACTIVITIES.—The Secretary, in coordination with the military services, shall identify the current activities, organizations, and groups of personnel that are pursuing tasks similar to those described in paragraph (1) that are being carried out as of the date of the enactment of this Act. The Secretary shall consider such current activities, organizations, and personnel in determining the set of activities to establish pursuant to subsection (a).

(3) TRAINING AND EDUCATION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the curriculum taught at the National Defense University, the Defense Acquisition University, and appropriate private sector academic institutions to determine the extent to which the curricula includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions.

SEC. 854. PURPOSES FOR WHICH THE DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND MAY BE USED.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by inserting ''and to develop acquisition tools and methodologies and undertake research and development activities leading to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts'' after ''workforce of the Department''; and

(B) in paragraph (4), by striking ''other than for the purpose of'' and all that follows through the period at the end and inserting ''other than for the purposes of—

''(i) providing advanced training to Department of Defense employees;

''(ii) developing acquisition tools and methodologies and performing research on acquisition policies and best practices that will improve the efficiency and effectiveness of defense acquisition efforts; and

''(iii) supporting human capital and talent management of the acquisition workforce, including benchmarking studies, assessments, and requirements planning.''; and

(2) in subsection (f), by striking ''Each report shall include'' and all that follows through the period at the end of paragraph (5).

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (d)(2)(C), by striking ''in each'' and inserting ''in such'';

(2) in subsection (f)—

(A) by striking ''Not later than 120 days after the end of each fiscal year'' and inserting ''Not later than February 1 each year''; and

(B) by striking ''such fiscal year'' the first place it appears and inserting ''the preceding fiscal year''; and

(3) in subsection (g)(1)—

(A) by striking ''of of'' and inserting ''of''; and

(B) by striking '', as defined in subsection (h),''.

Subtitle E—Provision Related to Commercial Items

SEC. 861. INAPPLICABILITY OF CERTAIN LAWS AND REGULATIONS TO THE ACQUISITION OF COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) AMENDMENT TO TITLE 10, UNITED STATES CODE.—Section 2375 of title 10, United States Code, is amended to read as follows:

''§ 2375. Relationship of commercial item provisions to other provisions of law

''(a) APPLICABILITY OF GOVERNMENT-WIDE STATUTES.—(1) No contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(b) of title 41.

''(2) No subcontract under a contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(c) of title 41.

''(3) No contract for the procurement of a commercially available off-the-shelf item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1907 of title 41.

''(b) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of defense-unique provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by the Department of Defense. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercial items.

''(2) A provision of law or contract clause requirement described in subsection (e) that is enacted after January 1, 2015, shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercial items from the applicability of the provision or contract clause requirement.

''(c) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to subcontracts under a Department of Defense contract or subcontract for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to those subcontracts. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to subcontracts under a contract for the procurement of commercial items.

''(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt subcontracts under a contract for the procurement of commercial items from the applicability of the provision or contract clause requirement.

''(3) In this subsection, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

''(4) This subsection does not authorize the waiver of the applicability of any provision of law or contract clause requirement with respect to any first-tier subcontract under a contract with a prime contractor reselling or distributing commercial items of another contractor without adding value.

''(d) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE, OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to Department of Defense contracts for the procurement of commercially available off-the-shelf items. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercially available off-the-shelf items.

''(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to

exempt contracts for the procurement of commercially available off-the-shelf items from the applicability of the provision or contract clause requirement.

''(e) COVERED PROVISION OF LAW OR CONTRACT CLAUSE REQUIREMENT.—A provision of law or contract clause requirement referred to in subsections (b)(2), (c)(2), and (d)(2) is a provision of law or contract clause requirement that the Under Secretary of Defense for Acquisition, Technology, and Logistics determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law or contract clause requirement that—

''(1) provides for criminal or civil penalties; or

''(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.''.

(b) CHANGES TO DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—

(1) IN GENERAL.—To the maximum extent practicable, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that—

(A) the Defense Federal Acquisition Regulation Supplement does not require the inclusion of contract clauses in contracts for the procurement of commercial items or contracts for the procurement of commercially available off-the-shelf items, unless such clauses are—

(i) required to implement provisions of law or executive orders applicable to such contracts; or

(ii) determined to be consistent with standard commercial practice; and

(B) the flow-down of contract clauses to subcontracts under contracts for the procurement of commercial items or commercially available off-the-shelf items is prohibited unless such flow-down is required to implement provisions of law or executive orders applicable to such subcontracts.

(2) SUBCONTRACTS.—In this subsection, the term ''subcontract'' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

SEC. 862. DEPARTMENT OF DEFENSE EXEMPTIONS FROM CERTAIN REGULATIONS.

(a) EXEMPTIONS.—

(1) IN GENERAL.—The regulations to implement the executive orders and presidential memoranda listed in paragraph (2) shall not apply to the purchases by the Department of Defense of commercially available off-the-shelf items.

(2) EXECUTIVE ORDERS AND PRESIDENTIAL MEMORANDA.—The executive orders and presidential memoranda referenced in paragraph (1) are as follows:

(A) Executive Order 13706: Establishing Paid Sick Leave for Federal Contractors (9/7/2015).

(B) Executive Order 13673: Fair Pay and Safe Workplaces (7/31/2014).

(C) Executive Order 13568: Minimum Wage for Contractors (2/12/2014).

(D) Executive Order 13655: Non-Retaliation for Disclosure of Compensation Information (4/8/2014).

(E) Presidential Memorandum: Advancing Pay Equality Through Compensation Data Collection (4/8/2014).

(F) Presidential Memorandum: Updating and Modernizing Overtime Regulations (3/13/2014).

(G) Memorandum for the Heads of Executive Departments and Agencies on Contractor Tax Delinquency (1/20/2010).

(H) Executive Order 13495: Nondisplacement of Qualified Workers Under Service Contracts (1/30/2009).

(I) Executive Order 13494: Economy in Government Contracting (1/30/2009).

(J) Executive Order 13496: Notification of Employee Rights Under Federal Labor Laws (1/30/2009).

(K) Executive Order 13514: Focused on Federal Leadership in Environmental, Energy, and Economic Performance (10/5/2009).

(L) Executive Order 13502 — Use of Project Labor Agreements for Federal Construction Projects.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive any of the regulations to implement the executive orders and presidential memoranda listed in subsection (a) for the purchases of other items by the Department of Defense.

SEC. 863. USE OF PERFORMANCE AND COMMERCIAL SPECIFICATIONS IN LIEU OF MILITARY SPECIFICATIONS AND STANDARDS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Department of Defense uses performance and commercial specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs. If it is not practicable to use a performance specification, a non-government standard shall be used.

(b) LIMITED USE OF MILITARY SPECIFICATIONS.—

(1) IN GENERAL.—Military specifications shall be used in procurements only to define an exact design solution when there is no acceptable non-governmental standard or when the use of a performance specification or non-government standard is not cost effective.

(2) WAIVER.—A waiver for the use of military specifications and standards in accordance with paragraph (1) must be approved by either the Milestone Decision Authority, the Service Acquisition Executive, or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) REVISION TO DFARS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Federal Acquisition Regulation Supplement (DFARS) to encourage contractors to propose non-government standards and industry-wide practices that meet the intent of the military specifications and standards.

(d) DEVELOPMENT OF NON-GOVERNMENT STANDARDS.—The Under Secretary for Acquisition, Technology, and Logistics shall form partnerships with appropriate industry associations to develop non-government standards for replacement of military standards where practicable.

(e) EDUCATION AND TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that training and education programs throughout the Department are revised to incorporate specifications and standards reform.

(f) LICENSES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall negotiate licenses for standards to be used across the Department of Defense.

SEC. 864. PREFERENCE FOR COMMERCIAL SERVICES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2377) to provide that the head of an agency may not enter into a contract in excess of the simplified acquisition threshold for facilities-related services, knowledge-based services, equipment-related services, construction services, medical services, logistics management services, or transportation services that are not commercial services unless the head of the agency determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of title 10, United States Code.

SEC. 865. TREATMENT OF ITEMS PURCHASED BY PROSPECTIVE CONTRACTORS PRIOR TO RELEASE OF PRIME CONTRACT REQUESTS FOR PROPOSALS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items

''Notwithstanding 2376(1) of this title, items valued at less than $10,000 purchased prior to the release of a prime contract request for proposal shall be treated as a commercial item for purposed of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2380A the following new item:

''2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items.''.

SEC. 866. TREATMENT OF SERVICES PROVIDED BY NONTRADITIONAL CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Section 2380A of title 10, United States Code, is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) GOODS AND SERVICES PROVIDED BY NONTRADITIONAL DEFENSE CONTRACTORS.—Notwithstanding''; and

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

''(b) SERVICES PROVIDED BY CERTAIN NONTRADITIONAL CONTRACTORS.—Notwithstanding section 2376(1) of this title, services provided by a business unit that is a nontraditional contractor as defined in section 2302(9) of this title shall be treated as commercial items for purposes of this chapter, to the extent that such services utilize the same pool of employees as used for commercial customers and are priced using similar methodology as commercial pricing.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 2380A of title 10, United States Code, as amended by subsection (a), is further amended by striking the section heading and inserting the following:

''§ 2380A. Treatment of certain items as commercial items''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by striking the item relating to section 2380A and inserting the following new item:

''2380A. Treatment of certain items as commercial items.''.

SEC. 867. USE OF NON-COST CONTRACTS TO ACQUIRE COMMERCIAL ITEMS.

Section 2377 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) TYPES OF CONTRACTS THAT MAY BE USED.—The Defense Supplement to the Federal Acquisition Regulation shall include, for acquisitions of commercial items—

''(1) a requirement that firm fixed-price, fixed-price incentive, fixed-price with economic price adjustment, and other fixed-price type contracts be used to the maximum extent practicable; and

''(2) a prohibition on use of cost-type contracts.''.

SEC. 868. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS, TECHNOLOGIES, AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may carry out a pilot program, to be known as the ''commercial solutions opening pilot program'', under which the Secretary may acquire innovative commercial items, technologies, and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(b) TREATMENT AS CICA COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

(c) LIMITATIONS.—

(1) IN GENERAL.—The Secretary may not enter into a contract or agreement under the pilot program for an amount in excess of $100,000,000 without a written determination from the Under Secretary for Acquisition, Logistics, and Technology or the relevant Service Acquisition Executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military service.

(2) FIXED-PRICE REQUIREMENT.—Contracts or agreements executed under this program shall be fixed-price, including fixed-price incentive fee contracts.

(3) TREATMENT AS COMMERCIAL ITEMS.—Notwithstanding section 2376(1) of title 10, United States Code, items, technologies, and services acquired under this pilot program shall be treated as commercial items.

(d) 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.

(e) SUNSET.—The authority to enter into contracts under the pilot program shall expire on September 30, 2022.

Subtitle F—Industrial Base Matters

SEC. 871. GREATER INTEGRATION OF THE NATIONAL TECHNICAL INDUSTRIAL BASE.

(a) PLAN REQUIRED.—Not later than January 1, 2018, the Secretary of Defense shall develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the National Technical Industrial Base (as defined in section 2500 of title 10, United States Code). The plan shall include at a minimum the following elements:

(1) A description of the various components of the National Technical Industrial Base, including government entities, universities, non-profit research entities, non-traditional and commercial item contractors, and private contractors that conduct commercial and military research, produce commercial items that could be used by the Department of Defense, and produce defense unique articles controlled under the United States Munitions List.

(2) Identification of the barriers to the seamless integration of the transfer of knowledge, goods, and services among the persons and organizations of the National Technical Industrial Base.

(3) Identification of current authorities that could contribute to further integration of the persons and organizations of the National Technical Industrial Base, and a plan to maximize the use of those authorities.

(4) Identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code, for the National Technical Industrial Base to increase the access of the Armed Forces to commercial products, services, and research and create incentives necessary for non-traditional and commercial item contractors, universities, and non-profit research entities to modify commercial products or services to meet Department of Defense requirements.

(5) Recommendations for increasing integration of the industrial base that supplies defense articles to the Armed Forces and enhancing allied interoperability of forces through changes to the text or the implementation of—

(A) the International Trafficking in Arms Regulations exemption for Canada contained in section 126.5 of title 22, Code of Federal Regulations;

(B) the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 5, 2007;

(C) the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London June 21 and 26, 2007; and

(D) any other agreements among the countries comprising the National Technical Industrial Base.

(b) AMENDMENT TO DEFINITION OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2500 (1) of title 10, United States Code, is amended by inserting '', the United Kingdom of Great Britain and Northern Ireland, Australia,'' after ''United States''.

(c) REPORTING REQUIREMENT.—The Secretary of Defense shall report on the progress of implementing the plan in subsection (a) in the report required under section 2504 of title 10, United States Code.

SEC. 872. INTEGRATION OF CIVIL AND MILITARY ROLES IN ATTAINING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE OBJECTIVES.

Section 2501(b) of title 10, United States Code, is amended by striking ''It is the policy of Congress'' and inserting ''The Secretary of Defense shall ensure''.

SEC. 873. DISTRIBUTION SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available storage and distribution services support to a contractor in support of the performance by the contractor of a contact for the production, modification, maintenance, or repair of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any storage and distribution services to be provided under this section to a contractor in support of the performance of a contract described in subsection (a) shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor. The requirements of section 2208(h) of title 10, United States Code, and the regulations prescribed pursuant to such section shall apply to the contract between the Director of the Defense Logistics Agency and the contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The storage and distribution support services that may be provided under this section in support of the performance of a contract described in subsection (a) are storage and distribution of materiel and repair parts necessary for the performance of that contract.

(d) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that storage and distribution services are provided under this section only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the solicitation of offers for a contract described in subsection (a), for which storage and distribution services are to be made available under this section, including—

(A) a statement that the storage and distribution services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the storage and distribution services that are to be made available to the contractor.

(2) A requirement for the rates charged a contractor for storage and distribution services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(3) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(4) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of storage and distribution services provided to the contractor under this section.

(e) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

SEC. 874. PERMANENCY OF DEPARTMENT OF DEFENSE SBIR AND STTR PROGRAMS.

(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 ''shall terminate on September 30, 2017'' and inserting ''shall—

''(1) with respect to each Federal agency other than the Department of Defense, terminate on September 30, 2017; and

''(2) with respect to the Department of Defense, be in effect for each fiscal year''.

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

(1) in subparagraph (A), by inserting ''other than the Department of Defense'' after ''each Federal agency'';

(2) in subparagraph (B), by inserting ''and by the Department of Defense in accordance with subparagraph (C)'' after ''subparagraph (A)''; and

(3) by adding at the end the following:

''(C) DEPARTMENT OF DEFENSE.—With respect to each fiscal year, the Department of Defense shall expend with small business concerns not less than the percentage of the extramural budget for research, or research

and development, of the Department specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.''.

SEC. 875. MODIFIED REQUIREMENTS FOR DISTRIBUTION OF ASSISTANCE UNDER PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS.

(a) MINIMUM GEOGRAPHIC DISTRIBUTION.—Section 2413(c) of title 10, United States Code, is amended by striking ''Department of Defense contract administration services district'' and inserting ''State''.

(b) DISTRIBUTION.—Section 2415 of such title is amended—

(1) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''After apportioning funds available for assistance under this chapter for any fiscal year for efficient coverage of distressed areas referred to in paragraph (2)(B) of section 2411 of this title by programs operated by eligible entities referred to in paragraph (1)(D) of such section, the Secretary'';

(B) by inserting ''the remaining'' before ''funds available''; and

(C) by striking ''Department of Defense contract administration services district'' and inserting ''State''; and

(2) in the second sentence—

(A) by striking ''district'' each place it appears and inserting ''State''; and

(B) by striking ''districts'' and inserting ''States''.

SEC. 876. NONTRADITIONAL AND SMALL DISRUPTIVE INNOVATION PROTOTYPING PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program for nontraditional contractors and small business concerns to design, develop, and demonstrate innovative prototype military platforms of significant scope for the purpose of demonstrating new capabilities that could provide alternatives to existing acquisition programs and assets. The Secretary shall establish the pilot program within the Departments of the Army, Navy, and Air Force and within the United States Special Operations Command.

(b) FUNDING.—There is authorized to be made available $250,000,000 out of the Rapid Prototype Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to carry out the pilot program.

(c) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, concurrent with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to fund and execute the pilot program in future years.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall consider maximizing use of—

(A) Broad Agency Announcements or other merit-based selection procedures;

(B) the Department of Defense Acquisition Challenge Program authorized under section 2359b of title 10, United States Code;

(C) the Foreign Comparative Test Program;

(D) projects carried out under the Rapid Innovation Program and Phase III Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) projects; and

(E) flexible acquisition authorities under procedures developed under sections 804 and 805 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

(d) PROGRAMS TO BE INCLUDED.—The Secretary of Defense shall allocate up to $50,000,000 on a fixed price contractual basis for fiscal year 2017 or pursuant to the plan submitted under subsection (c) for the demonstration pursuant to the pilot program of the following capabilities:

(1) Swarming of multiple unmanned air vehicles.

(2) Unmanned, modular fixed-wing aircraft that can be rapidly adapted to multiple missions and serve as a fifth generation weapons augmentation platform.

(3) Vertical take off and landing tiltrotor aircraft.

(4) Integration of a directed energy weapon on an air, sea, or ground platform.

(5) Swarming of multiple unmanned underwater vehicles.

(6) Commercial small synthetic aperture radar (SAR) satellites with on-board machine learning for automated, real-time feature extraction and predictive analytics.

(7) Active protection system to defend against rocket-propelled grenades and anti-tank missiles.

(8) Other systems as designated by the Secretary.

(e) DEFINITIONS.—In this section:

(1) NONTRADITIONAL CONTRACTOR.—The term ''nontraditional contractor'' has the meaning given the term in section 2302(9) of title 10, United States Code.

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(f) SUNSET.—The authority under this section expires at the close of September 30, 2026.

Subtitle G—International Contracting Matters

SEC. 881. INTERNATIONAL SALES PROCESS IMPROVEMENTS.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to improve the management and use of fees collected on transfer of defense articles and services via sale, lease, or grant to international customers under programs over which the Defense Security Cooperation Agency has administration responsibilities. The plan shall include options to use fees more effectively—

(1) to improve the staffing and processes of the licensing review cycle at the Defense Technology Security Administration and other reviewing authorities; and

(2) to maintain a cadre of contracting officers and acquisition officials who specialize in foreign military sales contracting.

(b) PROCESS FOR GATHERING INPUT.—The Secretary of Defense shall establish a process for contractors to provide input, feedback, and adjudication of any differences regarding the appropriateness of governmental pricing and availability estimates prior to the delivery to potential foreign customers of formal responses to Letters of Request for Pricing and Availability.

SEC. 882. WORKING CAPITAL FUND FOR PRECISION GUIDED MUNITIONS EXPORTS IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ESTABLISHMENT OF FUND.—The Secretary may establish a working capital fund under section 2208 of title 10, United States Code, to finance inventories of supplies of precision guided munitions in advance of partner and allied forces requirements to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $1,000,000,000 for fiscal years 2017 and 2018 for deposit in the fund established pursuant to subsection (a) to procure and stock precision guided munitions anticipated to be needed by partner and allied forces to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

(c) REPLENISHMENT OF FUND.—The fund established pursuant to subsection (a) may be replenished through purchases by foreign governments or the United States Government or subsequent appropriations.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as precluding the Secretary of Defense from acquiring or utilizing precision guided munitions to meet immediate United States military requirements on a reimbursable basis that have been purchased and stored through the fund established pursuant to subsection (a).

(e) MANAGEMENT.—The fund established pursuant to subsection (a) and associated inventories of precision guided munitions shall be managed by the Defense Logistics Agency and the Joint Chiefs of Staff to optimize the storage, distribution, and deployment of such precision guided munitions to improve the capability of partner and allied forces to contribute to overseas contingency operations conducted or supported by the United States.

SEC. 883. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking ''December 31, 2016'' and inserting ''December 31, 2018''.

SEC. 884. CLARIFICATION OF TREATMENT OF CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Clarification of treatment of contracts performed outside the United States

''(a) IN GENERAL.—In accordance with section 19.000(b) of the Federal Acquisition Regulation as in effect on May 1, 2016, Department of Defense contracts performed outside of the United States shall not be subject to the sole source contract requirements or goals for procurement listed in part 19 of the Federal Acquisition Regulation.

''(b) LIMITATION ON FUNDING.—No funds may be expended on any Department of Defense contract performed outside of the United States to which the sole source contract requirements or goals for procurement contracts listed in Part 19 of the Federal Acquisition Regulation are applied.''.

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

''2338. Clarification of treatment of contracts performed outside the United States.''.

SEC. 885. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFRICA IN SUPPORT OF COVERED ACTIVITIES.

(a) AUTHORITY.—In the case of a product or service to be acquired in support of covered activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;

(2) a preference is provided for products or services from the host nation; or

(3) a preference is provided for products or services from a covered African country, other than the host nation.

(b) DETERMINATIONS.—

(1) A determination described in this subsection is a determination by the Secretary of any of the following:

(A) That the product or service concerned is to be used only in support of covered activities.

(B) That it is in the national security interests of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(i) to reduce overall United States transportation costs and risks in shipping products in support of operations, exercises, theater security cooperation activities, and other missions in the African region;

(ii) to reduce delivery times in support of covered activities; or

(iii) to promote regional security, stability, and economic prosperity in Africa.

(C) That the product or service is of equivalent quality of a product or service that would have otherwise been acquired.

(2) A determination under paragraph (1) shall not be effective for purposes of a limitation or preference under subsection (a) unless the Secretary also determines that—

(A) the limitation or preference will not adversely affect—

(i) United States military operations or stability operations in the African region; or

(ii) the United States industrial base; and

(B) in the case of air transportation, an air carrier holding a certificate under section 41102 of title 49, United States Code, is not reasonably available to provide the required air transportation.

(c) DEFINITIONS.—In this section:

(1) COVERED ACTIVITIES.—The term ''covered activities'' means Department of Defense activities in the African region or a regional neighbor.

(2) COVERED AFRICAN COUNTRY.—The term ''covered African country'' means a country in Africa that has signed a long-term agreement with the United States related to the basing or operational needs of the United States Armed Forces.

(3) HOST NATION.—The term ''host nation'' means a nation which allows the armed forces and supplies of the United States to be located on, to operate in, or to be transported through its territory.

(4) PRODUCTS AND SERVICES OF A COVERED AFRICAN COUNTRY.—For purposes of this section:

(A) A product is from a covered African country if it is wholly grown, mined, manufactured, or produced in the covered African country.

(B) A service is from a covered African country if it is performed by a person or entity that is properly licensed or registered by authorities of a covered African country and—

(i) is operating primarily in the covered African country; or

(ii) is making a significant contribution to the economy of the covered African country through payment of taxes or use of products, materials, or labor of the covered African country.

(d) CONFORMING AMENDMENT.—Section 1263 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3581) is repealed.

SEC. 886. MAINTENANCE OF PROHIBITION ON PROCUREMENT BY DEPARTMENT OF DEFENSE OF PEOPLE'S REPUBLIC OF CHINA-ORIGIN ITEMS THAT MEET THE DEFINITION OF GOODS AND SERVICES CONTROLLED AS MUNITIONS ITEMS WHEN MOVED TO THE "600 SERIES" OF THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by inserting ''or in the 600 series of the control list of the Export Administration Regulations'' after ''in Arms Regulations''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(3) The term '600 series of the control list of the Export Administration Regulations' means the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal Regulations.''.

(b) TECHNICAL CORRECTIONS TO ITAR REFERENCES.—Such section is further amended by striking ''Trafficking'' both places it appears and inserting ''Traffic''.

Subtitle H—Other Matters

SEC. 891. CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Contractor business system requirements

''(a) IMPROVEMENT PROGRAM.—The Secretary of Defense shall develop and initiate a program for the improvement of contractor business systems to ensure that such systems provide timely, reliable information for the management of Department of Defense programs by the contractor and by the Department at reduced burden and price to the Government and contractor.

''(b) APPROVAL OR DISAPPROVAL OF BUSINESS SYSTEMS.—The program developed pursuant to subsection (a) shall—

''(1) include system requirements for each type of contractor business system covered by the program;

''(2) establish a process for reviewing contractor business systems and identifying significant deficiencies in such systems;

''(3) identify officials of the Department of Defense who are responsible for the approval or disapproval of contractor business systems;

''(4) provide for the approval or conditional approval of any contractor business system that does not have a significant deficiency; and

''(5) provide for—

''(A) the disapproval of any contractor business system that has a significant deficiency; and

''(B) reduced reliance on, and enhanced and effective analysis of, data provided by a contractor business system that has been disapproved.

''(c) EARNED VALUE MANAGEMENT SYSTEM.—The program developed pursuant to subsection (a) shall not require the use of earned value management systems on other than non-firm fixed-price contracts above the regulatory dollar threshold that have discrete, schedulable, and measurable work scope.

''(d) REMEDIAL ACTIONS.—The program developed pursuant to subsection (a) shall provide the following:

''(1) In the event a contractor business system is conditionally approved or disapproved pursuant to subsection (b)(5), appropriate officials of the Department of Defense will be available to work with the contractor to develop a corrective action plan defining specific actions to be taken to address the significant deficiencies identified in the system and a schedule for the implementation of such actions.

''(2) An appropriate official of the Department of Defense may withhold a percentage, but no more than 10 percent, of progress payments, performance-based payments, and interim payments under covered contracts from a covered contractor, as needed to protect the interests of the Department and ensure compliance, if one or more of the contractor business systems of the contractor has been conditionally approved or disapproved pursuant to subsection (b)(5) and has not subsequently received approval. Such percentage shall be established in agreement with the contractor at time of contract award or modification.

''(3) The amount of funds to be withheld under paragraph (2) shall be reduced if a contractor adopts an effective corrective action plan pursuant to paragraph (1) and is effectively implementing such plan.

''(e) GUIDANCE AND TRAINING.—The program developed pursuant to subsection (a) shall provide guidance and training to appropriate government officials on the data that is produced by contractor business systems and the manner in which such data should be used to effectively manage Department of Defense programs.

''(f) RESTRICTIONS ON REVIEW OF NON-COVERED CONTRACTOR BUSINESS SYSTEMS.—

''(1) IN GENERAL.—Unless a specific determination in writing has been made by the Milestone Decision Authority, the Department of Defense may only review the contractor business system of a non-covered contractor if the contractor has a cost-type contract with the Department of Defense. Any such review shall be limited to confirming that the contractor uses the same contract business system for its government and commercial work and that the outputs of the contract business system based on statistical sampling are reasonable.

''(2) THIRD-PARTY REVIEW.—Any review conducted under this subsection shall be conducted by a third party commercial auditing firm.

''(g) DEFINITIONS.—In this section:

''(1) The term 'contractor business system' means an accounting system, estimating system, purchasing system, earned value management system, material management and accounting system, or property management system of a contractor.

''(2) The term 'covered contractor' means a contractor that—

''(A) has contracts with the United States Government accounting for not less than 30 percent of its total commercial sales; and

''(B) has cost-type contracts with the United States Government accounting for not less than 1 percent of its total commercial sales.

''(3) The term 'covered contract' means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.

''(4) The term 'significant deficiency', in the case of a contractor business system, means a shortcoming in the system that materially affects the ability of officials of the Department of Defense and the contractor to rely upon information produced by the system that is needed for management purposes.''.

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

''2338. Contractor business system requirements.''.

(b) PROHIBITION ON APPLYING CERTAIN CONTRACTOR BUSINESS SYSTEM REQUIREMENTS TO NON-COVERED CONTRACTORS.—The Secretary of Defense may not apply any requirement implemented pursuant to section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) or any regulation prescribed pursuant to such section to any contractor that is not a covered contractor (as defined in section 2338 of title 10, as added by subsection (a)).

SEC. 892. AUTHORITY TO PROVIDE REIMBURSABLE AUDITING SERVICES TO CERTAIN NON-DEFENSE AGENCIES.

Section 893(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2313 note) is amended—

(1) in paragraph (1), by inserting ''except as provided in paragraph (2),'' after ''this Act,''; and

(2) by amending paragraph (2) to read as follows:

''(2) EXCEPTION FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.—Notwithstanding paragraph (1), the Defense Contract Audit Agency may provide audit support on a reimbursable basis for the National Nuclear Security Administration.''.

SEC. 893. IMPROVED MANAGEMENT PRACTICES TO REDUCE COST AND IMPROVE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE ORGANIZATIONS.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate units, subunits, or entities of the Department of Defense, other than Centers of Industrial and Technical Excellence designated pursuant to section 2474 of title 10, United States Code, that conduct work that is commercial in nature or is not inherently governmental to prioritize efforts to conduct business operations in a manner that uses modern, commercial management practices and principles to reduce the costs and improve the performance of such organizations.

(b) ADOPTION OF MODERN BUSINESS PRACTICES.—The Secretary shall ensure that each such unit, subunit, or entity of the Department described in subsection (a) is authorized to adopt and implement best commercial and business management practices to achieve the goals described in such subsection.

(c) WAIVERS.—The Secretary shall authorize waivers of Department of Defense, military service, and Defense Agency regulations, as appropriate, to achieve the goals in subsection (a), including in the following areas:

(1) Financial management.

(2) Human resources.

(3) Facility and plant management.

(4) Acquisition and contracting.

(5) Partnerships with the private sector.

(6) Other business and management areas as identified by the Secretary.

(d) GOALS.—The Secretary of Defense shall identify savings goals to be achieved through the implementation of the commercial and business management practices adopted under subsection (b), and establish a schedule for achieving the savings.

(e) BUDGET ADJUSTMENT.—The Secretary shall establish policies to adjust organizational budget allocations, at the Secretary's discretion, for purposes of—

(1) using savings derived from implementation of best commercial and business management practices for high priority military missions of the Department of Defense;

(2) creating incentives for the most efficient and effective development and adoption of new commercial and business management practices by organizations; and

(3) investing in the development of new commercial and business management practices that will result in further savings to the Department of Defense.

(f) BUDGET BASELINES.—Beginning not later than one year after the date of the enactment of this Act, each such unit, subunit, or entity of the Department described in subsection (a) shall, in accordance with such guidance as the Secretary of Defense shall establish for purposes of this section—

(1) establish an annual baseline cost estimate of its operations; and

(2) certify that costs estimated pursuant to paragraph (1) are wholly accounted for and presented in a format that is comparable to the format for the presentation of such costs for other elements of the Department or consistent with best commercial practices.

SEC. 894. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) DEVELOPMENTAL TESTING DUTIES.—

(1) IN GENERAL.—Section 139 of title 10, United States Code, is amended—

(A) by striking subsection (d);

(B) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively; and

(C) by inserting after subsection (g), as redesignated by subparagraph (B), the following new subsection:

''(h) The Director shall be the principal advisor to the Secretary of Defense on developmental test and evaluation in the Department of Defense and shall—

''(1) develop policies and guidance for—

''(A) the conduct of developmental test and evaluation in the military departments and other elements of the Department of Defense (including integration and developmental testing of software);

''(B) the integration of developmental test and evaluation with operational test and evaluation; and

''(C) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

''(2) review the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(3) monitor and review the developmental test and evaluation activities of the major defense acquisition programs in order to advise relevant technical authorities for such programs on the incorporation of best practices for developmental test from across the Department;

''(4) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation; and

''(5) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title.''.

(b) SUPERVISION OF THE DIRECTOR OF THE TEST RESOURCE MANAGEMENT CENTER.—Section 196(g) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''UNDER SECRETARY'' and inserting ''DIRECTOR OF OPERATIONAL TEST AND EVALUATION''; and

(2) by striking ''subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Director shall report directly to the Under Secretary'' and inserting ''subject to the supervision of the Director of Operational Test and Evaluation. The Director of the Center shall report directly to the Director of Operational Test and Evaluation''.

(c) SERVICE CHIEFS AND SECRETARIES.—The Secretary of Defense shall ensure that the Chiefs of Services and the Secretaries of the military departments—

(1) may inform the Secretary of Defense of concerns over the testing of a major defense acquisition program or a major system; and

(2) are provided a process to request waivers from the Secretary from performing additional testing beyond the program Test and Evaluation Master Plan to reflect cost, schedule, risk, and expected operational use of a program.

SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL PLANNING AND INVESTMENT CONTROL FOR INFORMATION TECHNOLOGY EQUIPMENT INCLUDED AS INTEGRAL PART OF A WEAPON OR WEAPON SYSTEM.

(a) WAIVER AUTHORITY.—Notwithstanding subsection (c)(2) of section 11103 of title 40, United States Code, a national security system described in subsection (a)(1)(D) of such section shall not be subject to the requirements of paragraphs (2) through (5) of section 11312(b) of such title unless the milestone decision authority determines in writing that application of such requirements is appropriate and in the best interests of the Department of Defense.

(b) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term ''milestone decision authority'' has the meaning given the term in section 2366a(d)(7) of title 10, United States Code.

SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

Section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a note) is amended—

(1) in subsection (a)(2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(2) in subsection (b)—

(A) by inserting ''subparagraphs (A), (B), and (C) of section 2313(a)(2) of title 10, United States Code, and'' before ''subsection (b) of section 2313''; and

(B) in paragraph (2), by inserting '', and if such performance audit is initiated within 18 months of the contract completion'' before the period at the end;

(3) by redesignating subsections (c), (d), and (e) as subsections (f), (g), and (h), respectively; and

(4) by inserting after subsection (b) the following new subsections:

''(c) TREATMENT AS COMPETITIVE PROCEDURES.—Use of a technical, merit-based selection procedure or the Small Business Innovation Research Program or Small Business Technology Transfer Program for the pilot program under this section shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

''(d) DISCRETION TO USE NON-CERTIFIED ACCOUNTING SYSTEMS.—In executing programs under this pilot program, the Secretary of Defense shall establish procedures under which a small business or nontraditional contractor may engage an independent certified public accountant for the review and certification of its accounting system for the purposes of any audits required by regulation, unless the head of the agency determines that this is not appropriate based on past performance of the specific small business or nontraditional defense contractor, or based on analysis of other information specific to the award.

''(e) GUIDANCE AND TRAINING.—The Secretary of Defense shall ensure that acquisition officials are provided guidance and

training on the flexible use and tailoring of authorities under the pilot program to maximize efficiency and effectiveness.''.

SEC. 897. ENHANCEMENT OF ELECTRONIC WARFARE CAPABILITIES.

(a) FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPABILITIES.—Funds authorized to be appropriated for electromagnetic spectrum warfare systems and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

(b) INCLUSION OF ELECTRONIC WARFARE PROGRAMS IN THE RAPID ACQUISITION AUTHORITY PROGRAM.—

(1) IN GENERAL.—Section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by adding at the end the following new subparagraph:

''(D)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency in electronic warfare that if left unfilled is likely to result in critical mission failure, the loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of needed offensive or defensive electronic warfare capabilities, supplies, and associated support services.

''(ii) The Secretary of Defense shall ensure, to the extent practicable, that for the purposes of electronic warfare acquisition, the Department of Defense shall consider use of the following procedures:

''(I) The rapid acquisition authority provided under this section.

''(II) Use of other transactions authority provided under section 2371 of title 10, United States Code.

''(III) The acquisition of commercial items using simplified acquisition procedures.

''(IV) The authority for procurement for experimental purposes provided under section 2373 of title 10, United States Code.

''(V) The rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

''(iii) In this subparagraph, the term 'electronic warfare' means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.''.

(2) CONFORMING AMENDMENTS.—Section 2373 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and aeronautical supplies'' and inserting '', aeronautical supplies, and electronic warfare''; and

(B) by adding at the end of the following new subsection:

''(c) ELECTRONIC WARFARE DEFINED.—The term 'electronic warfare' means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.''.

(c) ELECTRONIC WARFARE EXECUTIVE COMMITTEE REPORTS TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Electronic Warfare Executive Committee shall submit to the congressional defense committees a strategic plan with measurable and timely objectives to achieve its mission according to the following metrics:

(1) Progress on intra-service ground and air interoperabilities.

(2) Progress in streamlining the requirements, acquisition, and budget process to further a rapid electronic warfare acquisition process.

(3) The efficiency and effectiveness of the acquisition process for priority electronic warfare items.

(4) The training methods and requirements of the military services for training in contested electronic warfare environments.

(5) Capability gaps with respect to near-peer adversaries identified pursuant to a capability gap assessment.

(6) A joint strategy on achieving near real-time system adaption to rapidly advancing modern digital electronics.

(7) Progress on increasing innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.

SEC. 898. IMPROVED TRANSPARENCY AND OVERSIGHT OVER DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.

The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement meets the following conditions:

(1) Compliance with the cost and price data requirements under section 2306a of title 10, United States Code.

(2) Compliance with the cost accounting standards under section 1502 of title 41, United States Code.

(3) Compliance with requirements for full and open competition under section 2304 of title 10, United States Code, without reliance on one of the exceptions set forth in subsection (c) of such section.

(4) Prior to obligation of any funds, review by and certification from the Defense Contract Audit Agency regarding the adequacy of the accounting systems of the proposed awardee, including a forward pricing review of the awardee's proposal.

(5) Prior to any payment on the contract, grant, or cooperative agreement, performance by the Defense Contract Audit Agency of an incurred cost audit.

(6) Agreement that the United States Government will have the same rights to the technical data to an item or process developed under the contract, grant, or cooperative agreement as applicable under section 2320(a)(2)(A) of title 10, United States Code, to items and processes developed exclusively with Federal funds where the medical research results in medicines and other treatments that will be procured or otherwise paid for by the Federal Government through the Department of Defense, the Department of Veterans Affairs, Medicare, Medicaid, or other Federal Government health programs.

SEC. 899. EXTENSION OF ENHANCED TRANSFER AUTHORITY FOR TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.

Section 801 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2514 note) is amended by striking ''2017'' and inserting ''2020''.

SEC. 899A. RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading, by striking ''FUND'' and inserting ''FUNDS'';

(2) by striking ''IN GENERAL.—The Secretary'' and inserting the following: ''DEPARTMENT OF DEFENSE RAPID PROTOTYPING FUND.—

''(A) IN GENERAL.—The Secretary'';

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(4) in subparagraph (B), as redesignated by paragraph (3), by striking ''this subsection'' and inserting ''this paragraph''; and

(5) by inserting after paragraph (1) the following new paragraph:

''(2) RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.—The Secretary of the Army, Navy, and Air Force may each establish service specific funds (and, in the case of the Secretary of Navy, including the Marine Corps) to provide funds, in addition to other funds that may be available for acquisition programs under the rapid fielding and prototyping pathways established pursuant to this section. The service specific funds shall consist of amounts appropriated to the funds.''.

SEC. 899B. DEFENSE MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 2216 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking ''commencing'';

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking ''or the Secretary of Defense with respect to Defense-wide appropriations accounts'' and inserting '', or the Secretary of Defense with respect to Defense-wide appropriations accounts,'';

(B) in paragraph (2), by striking ''if—'' and all that follows through ''(B) the balance of funds'' and inserting ''if the balance of funds'';

(C) in paragraph (3)—

(i) by striking ''credited to'' both places it appears and inserting ''deposited in''; and

(ii) by inserting ''and obligation'' after ''available for transfer''; and

(D) by striking paragraph (4);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''commencing''; and

(ii) by striking ''Secretary of Defense'' and inserting ''Secretary concerned'';

(B) in paragraph (2), by striking ''procurement program'' and inserting ''major system program'';

(C) in paragraph (3), by striking ''modernization of an existing system or of a system being procured under an ongoing procurement program'' and inserting ''paying costs of unforeseen contingencies that could prevent an ongoing major system program from meeting critical schedule or performance requirements''; and

(D) by inserting at the end the following new paragraph:

''(4) For paying costs of changes to program requirements or system configuration that are approved by the configuration steering board for a major defense acquisition program.'';

(4) in subsection (e)(1), by striking ''procurement program'' both places it appears and inserting ''weapon system program'';

(5) in subsection (f)(1), by striking ''Secretary of Defense'' and inserting ''Secretary of a military department, or the Secretary of Defense with respect to Defense-wide appropriations accounts'';

(6) in subsection (g)—

(A) by striking ''in accordance with the provisions of appropriations Acts''; and

(B) by adding at the end the following: ''Funds deposited in the Defense Modernization Account shall remain available for obligation until the end of the third fiscal year that follows the fiscal year in which the amounts are deposited in the account.'';

(7) in subsection (h)(2)—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

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

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

''(D) apportionment of amounts deposited in the Fund on a pro rate basis consistent with each military department's deposits in the Fund.'';

(8) in subsection (i)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting before paragraph (3), as redesignated by subparagraph (B), the following new paragraphs:

''(1) The term 'major defense acquisition program' has the meaning given the term in section 2430(a) of this title.

''(2) The term 'major system' has the meaning given the term in section 2302(5) of this title.''; and

(9) in subsection (j)(1), by striking ''terminates at the close of September 30, 2006'' and inserting ''terminates at the close of September 30, 2022''.

(b) APPLICABILITY.—The authority under section 2216(c) of title 10, United States Code, as amended by subsection (a), applies to funds appropriated for fiscal years after fiscal year 2016.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AND RELATED ACQUISITION POSITION IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by striking section 133 and inserting the following new section 133:

''§ 133. Under Secretary of Defense for Research and Engineering

''(a) UNDER SECRETARY OF DEFENSE.—

''(1) IN GENERAL.—There is an Under Secretary of Defense for Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) INDIVIDUALS QUALIFIED FOR APPOINTMENT.—The Under Secretary shall be appointed from among persons who have an extensive management background and experience with managing complex or advanced technological programs.

''(3) LIMITATION ON APPOINTMENT.—A person may not be appointed as Under Secretary of Defense for Research and Engineering within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

''(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including by—

''(1) serving as the chief technology officer and the chief acquisition officer of the Department of Defense with the primary mission of defense technology innovation;

''(2) overseeing, and serving as principal advisor to the Secretary on, all defense research, development, prototyping, and experimentation activities and programs, and unifying the efforts of defense laboratories and the rapid capabilities offices of the military departments;

''(3) establishing policies, and serving as principal advisor to the Secretary, for all elements of the Department of Defense relating to acquisition and the oversight of, access to, and maintenance of the defense industrial base;

''(4) overseeing the modernization of nuclear forces and the development of capabilities to counter weapons of mass destruction, and serving as the chair of the Nuclear Weapons Council;

''(5) serving as the Defense Acquisition Executive for purposes of regulations and procedures of the Department of Defense providing for a Defense Acquisition Executive; and

''(6) exercising advisory authority over national security acquisition programs of the armed forces for which the Service Acquisition Executive is the Milestone Decision Authority.

''(c) REPORTING.—The following officials shall report directly to the Under Secretary:

''(1) The Assistant Secretary of Defense for Acquisition Policy and Oversight.

''(2) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense.

''(3) The Director of the Defense Advanced Research Projects Agency.

''(4) The Director of the Missile Defense Agency.

''(5) The Director of the Strategic Capabilities Office (or any successor organization).

''(6) The Director of the Defense Threat Reduction Agency.

''(7) The Director of the Defense Acquisition University.

''(8) The head of any office or agency of the Department of Defense with the primary mission of defense technology innovation that is specified by the Secretary of Defense for purposes of this subsection.

''(d) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

''(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary and the Deputy Secretary of Defense.

''(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, and the Secretaries of the military departments.''.

(2) REPEAL OR SUPERSEDED PENDING AMENDMENT.—Effective as of the date of the enactment of this Act, subparagraph (A) of section 901(j)(2) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462) is repealed, and the amendment otherwise to be made by such subparagraph shall not be made or go into effect.

(b) REPEAL AND REDESIGNATION OF CERTAIN DIRECTOR POSITIONS.—Chapter 4 of title 10, United States Code, is further amended—

(1) by striking sections 139b and 139c; and

(2) by redesignating sections 139 and 139a as sections 139a and 139b, respectively.

(c) REPEAL OF CERTAIN ASD POSITIONS AND ESTABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE FOR ACQUISITION POLICY AND OVERSIGHT.—Chapter 4 of title 10, United States Code, is further amended—

(1) in section 138(b)—

(A) by striking paragraphs (6), (7), (8), and (9);

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition Policy and Oversight, as provided for in section 139 of this title.''; and

(C) by redesignating paragraph (10) as paragraph (7); and

(2) by inserting after section 138, as so amended, the following new section 139:

''§ 139. Assistant Secretary of Defense for Acquisition Policy and Oversight

''(a) ASSISTANT SECRETARY OF DEFENSE.—

''(1) IN GENERAL.—There is an Assistant Secretary of Defense for Acquisition Policy and Oversight, appointed as provided in section 138(a)(2) of this title.

''(2) INDIVIDUALS QUALIFIED FOR APPOINTMENT.—The Assistant Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with an extensive management background and experience in acquisition, industrial incentives, and contracting.

''(b) REPORTING.—The Assistant Secretary shall report to the Under Secretary of Defense for Research and Engineering.

''(c) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense and the Under Secretary of Defense for Research and Engineering, the Assistant Secretary shall perform such duties and exercise such powers relating to defense acquisition as the Secretary and the Under Secretary may prescribe, including—

''(1) overseeing, and advising the Secretary and the Under Secretary on, matters relating to the acquisition of Department of Defense national security capabilities;

''(2) establishing acquisition policy for the Department of Defense, including development, production, procurement, testing, logistics, maintenance, contracting support, and other life-cycle considerations for all acquisition activities of the Department;

''(3) establishing policies of the Department of Defense for overseeing, accessing, and maintaining the defense industrial base of the United States and its allies, including industrial restructuring, technology release and protection, and intellectual property matters;

''(4) exercising advisory authority on behalf of the Under Secretary over national security acquisition programs of the armed forces for which the Service Acquisition Executive is the Milestone Decision Authority;

''(5) serving as the senior procurement executive for the Department of Defense for the purposes of section 1702(c) of title 41; and

''(6) exercising overall supervision of all military and civilian personnel in the Office of the Secretary of Defense, unless otherwise provided by law, with regard to matters for which the Assistant Secretary has responsibility.

''(d) DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND SUSTAINMENT.—

''(1) IN GENERAL.—There is a Deputy Assistant Secretary of Defense for Logistics and Sustainment. The Deputy Assistant Secretary shall be appointed by the Secretary of Defense from among individuals who have extensive experience in military logistics, maintenance, and sustainment support.

''(2) DUTIES.—The Deputy Assistant Secretary shall assist the Assistant Secretary by overseeing logistics, maintenance, and sustainment support for elements of the Department, including the following:

''(A) Management and sustainment of weapon systems.

''(B) Readiness and sustainment support for the combatant commands.

''(C) Sustainment and readiness of the organic industrial base.

''(D) Development, management, integration, and innovation of and within the life cycle management and supply chain of weapon systems.

''(3) DISCHARGE OF DUTIES.—Subject to the authority, direction, and control of the Assistant Secretary, in carrying out such duties, the Deputy Assistant Secretary shall work closely with the following:

''(A) The Under Secretary of Defense for Management and Support and the Director of the Defense Logistics Agency.

''(B) Acquisition personnel of the armed forces, the Department of Defense, and the military departments.''.

(d) MATTERS RELATING TO UNDER SECRETARY OF DEFENSE FOR BUSINESS MANAGEMENT AND INFORMATION.—

(1) REDESIGNATION AS UNDER SECRETARY OF DEFENSE FOR MANAGEMENT AND SUPPORT.—Section 132a of title 10, United States Code, is amended by striking ''Under Secretary of Defense for Business Management and Information'' each place it appears and inserting ''Under Secretary of Defense for Management and Support''.

(2) ENHANCEMENT OF AUTHORITIES.—Such section is further is amended—

(A) in subsection (c), by adding at the end the following new paragraphs:

''(7) Overseeing, supervising, and directing the activities of Defense Agencies responsible for the execution of policies and practices relating to the purchase of consumable goods, spare parts, services, and utilities, the execution of audits, contract administration, real property and installation support, procurement on behalf of other nations, and logistics, maintenance, and sustainment support for elements of the Department of Defense.

''(8) Subject to subsection (e), ensuring that audit and oversight of contractor activities are coordinated and executed in a manner to prevent duplication by different elements of the Department of Defense, and providing for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.''; and

(B) by striking subsection (d) and insert the following new subsections:

''(d) REPORTING.—The following officials shall report directly to the Under Secretary:

''(1) The Director of the Defense Logistics Agency.

''(2) The Director of the Defense Contract Management Agency.

''(3) The Director of the Defense Contract Audit Agency.

''(4) The Administrator of the Defense Technical Information Center.

''(5) The Director of the Office of Economic Adjustment.

''(6) The Director of the Defense Commissary Agency.

''(7) The Director of the Defense Finance and Accounting Service.

''(8) The Director of Washington Headquarters Services.

''(9) The Director of the Pentagon Force Protection Agency.

''(10) The head of any agency of the Department of Defense with a business management mission that is specified by the Secretary of Defense for purposes of this subsection.

''(e) AUDITING AND OVERSIGHT OF CONTRACTOR ACTIVITIES.—

''(1) CONSULTATION.—In carrying out subsection (c)(8), the Under Secretary shall consult with the Inspector General of the Department of Defense.

''(2) CONSTRUCTION WITH CERTAIN OTHER AUTHORITY.—Nothing in this section shall affect the authority of the Inspector General of the Department of Defense to establish audit policy for the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App.) and otherwise to carry out the functions of the Inspector General under that Act.''.

(3) CONFORMING AMENDMENTS.—The following provisions of law are each amended by striking ''Under Secretary of Defense for Business Management and Information'' and inserting ''Under Secretary of Defense for Management and Support'';

(A) Section 134(c) of title 10, United States Code.

(B) Section 2222 of title 10, United States Code.

(C) Section 5313 of title 5, United States Code

(D) Section 901(n)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015.

(4) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 132a of title 10, United States Code, is amended to read as follows:

''§ 132a. Under Secretary of Defense for Management and Support''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

''132a. Under Secretary of Defense for Management and Support.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on February 1, 2017, immediately after the coming into effect of the amendments made by subsection (a)(1), and related provisions, of section 901 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015, to which the amendments made by this subsection relate.

(e) OFFICE OF THE SECRETARY OF DEFENSE ORGANIZATION.—

(1) PLACEMENT OF USD FOR RESEARCH AND ENGINEERING.—Subparagraph (A) of section 131(b)(2) of title 10, United States Code, is amended to read as follows:

''(A) The Under Secretary of Defense for Research and Engineering.''.

(2) ADDITIONAL CONFORMING AMENDMENT RELATING TO PLACEMENT OF LATER ESTABLISHED USD FOR BUSINESS MANAGEMENT AND SUPPORT.—Paragraph (2) of section 901(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is amended to read as follows:

''(2) PLACEMENT IN THE OFFICE OF THE SECRETARY OF DEFENSE.—Effective on the effective date specified in paragraph (1), section 131(b)(2) of such title is amended—

''(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

''(B) by inserting after subparagraph (A) by the following new subparagraph (B):

''''(B) The Under Secretary of Defense for Management and Support.'.''.

(f) ADDITIONAL CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(1) by striking the item relating to section 133 and inserting the following new item:

''133. Under Secretary of Defense for Research and Engineering.''; and

(2) by striking the items relating to sections 139, 139a, 139b, and 139c and inserting the following new items:

''139. Assistant Secretary of Defense for Acquisition Policy and Oversight.

''139a. Director of Operational Test and Evaluation.

''139b. Director of Cost Assessment and Program Evaluation.''.

(g) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Acquisition, Technology, and Logistics and inserting the following new item:

''Under Secretary of Defense for Research and Engineering.''.

(h) IMPLEMENTATION.—

(1) COMMENCEMENT.—Except as otherwise provided in this section, the Secretary of Defense shall commence implementation of this section and the amendments made by this section on the date of the enactment of this Act.

(2) NOMINATIONS.—Any individual nominated by the President who takes office in 2017 to a position under section 133 or 139 of title 10, United States Code (as amended by this section), shall meet the qualifications and other requirements of such position as specified in such section.

(3) IMPLEMENTATION PLAN.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees the following:

(A) A plan for the full implementation of this section and the amendments made by this section.

(B) A report that describes the concerns, if any, that the Secretary has with the requirements of this section and the amendments made by this section, and recommendations for such legislative action to address such concerns as the Secretary considers appropriate.

(4) COMPLETION.—The Secretary shall complete the implementation of this section and the amendments made by this section not later than January 20, 2018.

(i) INCUMBENTS.—

(1) RETENTION OF INCUMBENTS.—The incumbent in each position under a provision of law repealed or superseded by a provision of this section as of the day before the date of the enactment of this Act may, at the election of the Secretary of Defense, remain in such position after the date of the enactment of this Act in accordance with the terms of the provision so repealed or superseded as in effect on the day before the date of the enactment of this Act.

(2) RATE OF PAY.—The rate of pay payable under title 5, United States Code, to an incumbent covered by paragraph (1) for service in the applicable position after the date of the enactment of this Act shall be the rate of pay payable for such position under chapter 53 of title 5, United States Code, as of the day before the date of the enactment of this Act.

(j) REFERENCES.—

(1) USD FOR ATL.—Any reference to the Under Secretary of Defense for Acquisition, Technology, and Logistics in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(2) ASD FOR ACQUISITION.—Any reference to the Assistant Secretary of Defense for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to a position designated by the Assistant Secretary of Defense for Acquisition Policy and Oversight.

(3) ASD FOR LOGISTICS AND MATERIEL READINESS.—Any reference to the Assistant Secretary of Defense for Logistics and Materiel Readiness in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(4) ASD FOR RESEARCH AND ENGINEERING.—Any reference to the Assistant Secretary of Defense for Research and Engineering in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(5) ASD FOR ENERGY, INSTALLATIONS, AND THE ENVIRONMENT.—Any reference to the Assistant Secretary of Defense for Energy, Installations, and the Environment in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(k) REPORT ON ADDITIONAL CONFORMING AND OTHER AMENDMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting for comprehensive recommendations for such conforming and other amendments to law as the Secretary considers appropriate in light of this section and the amendments made by this section.

SEC. 902. QUALIFICATIONS FOR APPOINTMENT OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) SECRETARY OF THE ARMY.—Section 3013(a)(1) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

(b) SECRETARY OF THE NAVY.—Section 5013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

(c) SECRETARY OF THE AIR FORCE.—Section 8013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

SEC. 903. ESTABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE FOR INFORMATION (CHIEF INFORMATION OFFICER) IN OFFICE OF SECRETARY OF DEFENSE.

(a) IN GENERAL.—Paragraph (8) of section 138(b) of title 10, United States Code, is amended to read as follows:

''(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Information (Chief Information Officer), who shall report to the Secretary and the Deputy Secretary of Defense. The Assistant Secretary shall be the principal advisor to the Secretary and have responsibility for all defense cyber and space policy, information network defense, policies and standards governing information technology systems, and related information security activities of the Department, including oversight of the Defense Information Systems Agency or any successor organization.''.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Subsection (b) of section 132a of such title is amended to read as follows:

''(b) The Under Secretary also serves as the Performance Improvement Officer of the Department of Defense.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on February 1, 2017, immediately after the coming into effect of the amendment made by section 901(a)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 35462), to which the amendment made by paragraph (1) relates.

SEC. 904. REDUCTION IN MAXIMUM NUMBER OF PERSONNEL IN OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.

(a) OFFICE OF THE SECRETARY OF DEFENSE.—Section 143(b) of title 10, United States Code, is amended by striking ''and civilian personnel'' and inserting '', civilian, and detailed personnel''.

(b) LIMITATIONS ON PERSONNEL FOR THE JOINT STAFF.—Section 155 of such title is amended by adding at the end the following new subsection:

''(h) PERSONNEL LIMITATIONS.—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 1,930.

''(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

''(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

''(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(c) OFFICE OF THE SECRETARY OF THE ARMY.—Section 3014(f) of such title is amended—

(1) in paragraph (3), by striking ''67'' and inserting ''50'';

(2) in paragraph (4), by striking ''time of war'' and all that follows and inserting ''time of war.''; and

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

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(d) OFFICE OF THE SECRETARY OF THE NAVY.—Section 5014(f) of such title is amended—

(1) in paragraph (3), by striking ''74'' and inserting ''56'';

(2) in paragraph (4), by striking ''time of war'' and all that follows and inserting ''time of war.''; and

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

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 8014(f) of such title is amended—

(1) in paragraph (3), by striking ''60'' and inserting ''45'';

(2) in paragraph (4), by striking ''time of war'' and all that follows and inserting ''time of war.''; and

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

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2019.

SEC. 905. LIMITATIONS ON FUNDS USED FOR STAFF AUGMENTATION CONTRACTS AT MANAGEMENT HEADQUARTERS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS.

(a) LIMITATIONS.—

(1) FOR FISCAL YEARS 2017 AND 2018.—The total amount obligated by the Department of Defense for fiscal year 2017 or 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to the aggregate amount expended by the Department for contract services for staff augmentation contracts at management headquarters of the Department and the military departments in fiscal year 2016 adjusted for net transfers from funding for overseas contingency operations (in this subsection referred to as the ''fiscal year 2016 staff augmentation contracts funding amount'').

(2) FOR FISCAL YEARS AFTER FISCAL YEAR 2018.—The total amount obligated by the Department for any fiscal year after fiscal year 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to 75 percent of the fiscal year 2016 staff augmentation contracts funding amount.

(b) DEFINITIONS.—In this section:

(1) The term ''contract services'' has the meaning given that term in section 235 of title 10, United States Code.

(2) The term ''staff augmentation contracts'' means contracts for personnel who are subject to the direction of a Government official other than the contracting officer for the contract, including contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

SEC. 906. UNIT WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE SUPPORTING ACHIEVEMENT OF RESULTS IN DEPARTMENT OF DEFENSE MANAGEMENT REFORM AND BUSINESS TRANSFORMATION EFFORTS.

(a) IN GENERAL.—The Secretary of Defense serving in that position as of February 1, 2017, may establish within the Office of the Secretary of Defense on that date a unit of personnel that shall be responsible for providing expertise and support throughout the Department of Defense in efforts of the Department relating to management reform and business transformation. The unit may be known as the ''delivery unit'' for Department efforts on management reform and business transformation.

(b) COMPOSITION.—The unit established under subsection (a) shall consist of not more than 30 individuals selected by the Secretary primarily from among individuals outside the Government who have significant experience and expertise in management consulting, organization transformation, or data analytics.

(c) DUTIES.—

(1) IN GENERAL.—The unit established under subsection (a) shall have the duties as follows:

(A) To assist senior managers in developing and implementing roadmaps to achieve targets in management reform and business transformation for the Department of Defense established by Secretary of Defense referred to in subsection (a).

(B) To assist that Secretary and the Deputy Secretary of Defense in monitoring the progress of management reform and business transformation in the Department, and to assist that Secretary and the Deputy Secretary in providing for corrections in actions based on data-driven decision-making that will expedite the business processes of the Department.

(2) CONSULTATION WITH PRIVATE SECTOR.—In carrying out the duties specified in paragraph (1), the unit shall seek to leverage the expertise available to the Department through current exchange programs of the Department with the private sector in order to obtain and deploy proven data analytics and management consulting practices.

(d) TERMINATION.—The unit established under subsection (a) shall cease to exist on January 31, 2021.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2017 for the Department of Defense and available for the Office of the Secretary of Defense, up to $30,000,000 may be available for activities of the unit established under subsection (a). Such amount may not be obligated or expended for that purpose until the date on which the unit is established.

Subtitle B—Combatant Command Matters

SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBATANT COMMAND MATTERS.

(a) FUNCTIONS OF JOINT CHIEFS OF STAFF.—

(1) CONSULTATION BY CHAIRMAN.—Subsection (c)(1) of section 151 of title 10, United States Code, is amended by striking ''as he considers appropriate'' and inserting ''as necessary''.

(2) REPEAL OF ADVICE ON REQUEST.—Such section is further amended—

(A) in subsection (b)(2), by striking ''subsections (d) and (e)'' and inserting ''subsection (d)'';

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) CHAIRMAN OF THE JOINT CHIEFS OF STAFF MATTERS.—

(1) TERM OF SERVICE.—Subsection (a) of section 152 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''two years, beginning on October 1 of odd-numbered years'' and all that follows and inserting ''four years, beginning on October 1 of an odd-numbered year.''; and

(B) in paragraph (3), by—

(i) by striking the first sentence;

(ii) by striking ''However, the President'' and inserting ''The President'';

(iii) by striking ''combined''; and

(iv) by striking ''in such positions'' and inserting ''as Chairman or Vice Chairman''.

(2) REQUIREMENT FOR APPOINTMENT.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The text of section 153 of title 10, United States Code, is amended to read as follows:

''(a) RESPONSIBILITIES.—The Chairman of the Joint Chiefs of Staff is responsible for ensuring that the President and the Secretary of Defense receive military advice on the comprehensive organization, training, equipping, and employment of the armed forces.

''(b) PRIMARY FOCUS.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the primary focus of the Chairman of the Joint Chiefs of Staff shall be the development of the military elements of national security and defense strategy, assisting the President and the Secretary in the integration of military operations and activities worldwide, and advocating for military requirements of the present and future joint force of the United States, including as follows:

''(1) STRATEGY DEVELOPMENT AND OPERATIONAL PLANNING.—In matters relating to strategy development and operational planning:

''(A) Developing strategic frameworks and directing planning, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary.

''(B) Advising the Secretary on the production of the national defense strategy required by section 118 of this title and the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

''(C) Providing advice to the President and the Secretary on daily and ongoing military operations.

''(D) Preparing alternative military analysis, options, and plans, as the Chairman considers appropriate, to recommend to the Secretary.

''(E) Preparing joint logistic, mobility, and operational energy plans to support the national defense strategy and recommending the assignment of responsibilities to the armed forces in accordance with these plans.

''(F) Providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary.

''(2) GLOBAL MILITARY INTEGRATION.—In matters relating to global military integration:

''(A) Advising the Secretary on the need for the transfer of forces to address transregional, multi-domain, and multifunctional threats, or multiple threats with overlapping timeframes.

''(B) To the extent authorized by the Secretary pursuant to a delegation of authority under section 113(g)(4) of this title, directing the transfer of limited forces on a temporary basis.

''(3) COMPREHENSIVE JOINT READINESS.—In matters relating to comprehensive joint readiness:

''(A) Evaluating the overall preparedness of the joint force to perform the responsibilities of that force under the national defense strategy and to respond to significant contingencies worldwide.

''(B) Assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and producing comprehensive plans to reduce such risks.

''(C) Identifying the support functions that are likely to require contractor performance under current defense strategies, and the risks associated with the assignment of such functions to contractors.

''(D) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of the national defense strategy and contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

''(E) Recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command.

''(F) Establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command, and groups of commands collectively, to carry out missions assigned to the command or commands.

''(G) Advising the Secretary on the extent to which the major programs and policies of the armed forces in the area of manpower and contractor support conform with the national defense strategy and the requirements of contingency plans produced by the commanders of the combatant commands, and on the ways to improve and enhance operational contract support for the armed forces.

''(4) JOINT CAPABILITY DEVELOPMENT.—In matters relating to joint capability development:

''(A) Identifying innovative and experimental new technologies to maintain the military technological advantage of the armed forces, and recommending investments in such technologies to the Secretary.

''(B) Performing net assessments of the capabilities of the armed forces of the United States and its allies in comparison with the capabilities of potential adversaries.

''(C) Advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

''(D) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in the national defense strategy and with the priorities established for the requirements of the unified and specified combatant commands.

''(E) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in subparagraph (D).

''(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the national defense strategy.

''(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this subsection in the most effective and efficient manner.

''(5) JOINT FORCE DEVELOPMENT ACTIVITIES.—In matters relating to joint force development activities:

''(A) Developing doctrine for the joint employment of the armed forces.

''(B) Formulating policies and technical standards, and executing actions, for the joint training of the armed forces.

''(C) Formulating policies for coordinating the military education of members of the armed forces.

''(D) Formulating policies for concept development and experimentation for the joint employment of the armed forces.

''(E) Formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces.

''(F) Advising the Secretary on development of joint command, control, communications, and cyber capability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

''(6) OTHER MATTERS.—In other matters:

''(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

''(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

''(c) NATIONAL MILITARY STRATEGY.—

''(1) NATIONAL MILITARY STRATEGY.—

''(A) IN GENERAL.—The Chairman shall determine each even-numbered year whether to prepare a new national military strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such national military strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary under paragraph (4).

''(B) SCOPE.—Each national military strategy or update under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff

and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent national military strategy for which the Chairman determines, on the basis of the review under subparagraph (A), that a modification is needed.

''(C) BASIS.—Each national military strategy or update submitted under this paragraph shall describe how the military will achieve support the objectives of the United States as articulated in—

''(i) the most recent national security strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

''(ii) the most recent annual report of the Secretary submitted to the President and Congress pursuant to section 113 of this title;

''(iii) the most recent national defense strategy presented by the Secretary of Defense pursuant to section 118 of this title; and

''(iv) any other national security or defense strategic guidance issued by the President or the Secretary.

''(D) ELEMENTS.—At a minimum, each national military strategy or update submitted under this paragraph shall—

''(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

''(ii) develop military ends, ways, and means to support the objectives referred to in subparagraph (C);

''(iii) provide the framework for the assessment by the Chairman of strategic and military risks pursuant to paragraph (2), and developing risk mitigation options;

''(iv) establish a strategic framework for the development of operational and contingency plans;

''(v) identify the priority of joint force capabilities, capacities, and resources; and

''(vi) establish military guidance for the development of the joint force.

''(2) RISK ASSESSMENT.—

''(A) IN GENERAL.—The Chairman shall prepare each year an assessment of the risks associated with the most current national military strategy or update under paragraph (1). The risk assessment shall be known as the 'Risk Assessment of the Chairman of the Joint Chiefs of Staff'. The Chairman shall complete preparation of the risk assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary of Defense under paragraph (4).

''(B) OBJECTIVES.—Each risk assessment shall do the following:

''(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions that informed the national military strategy or update under paragraph (1).

''(ii) Identify and define the strategic risks to United States interests and the military risks in executing the national military strategy or update.

''(iii) Identify and define levels of risk, including an identification of what constitutes 'significant' risk in the judgment of the Chairman.

''(iv) Identify and assess risk in the national military strategy or update by category and level, including how risk is projected to increase, decrease, or remain stable over time.

''(v) For each category of risk identified pursuant to clause (iv), assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

''(vi) Identify and assess risk associated with the assumptions or plans of the national military strategy or update about the contributions or support of—

''(I) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and

''(II) any other external support, as appropriate.

''(vii) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the national military strategy or update.

''(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

''(A) NATIONAL MILITARY STRATEGY.—Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the national military strategy or update, if any, prepared under paragraph (1) in such year.

''(B) RISK ASSESSMENT.—Not later than February 15 each year, the Chairman shall, through the Secretary, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the risk assessment prepared under paragraph (2) in such year.

''(C) FORM.—The reports submitted under this subsection shall be classified in form, but shall include an unclassified summary.

''(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—

''(A) IN GENERAL.—In transmitting a national military strategy or update, or a risk assessment, to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

''(B) ADDITIONAL ELEMENTS WITH RISK ASSESSMENT.—If a risk assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the national military strategy or update are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vii), the Secretary shall include in the transmittal of the risk assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

''(i) address the risk assumed in the national military strategy or update concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

''(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.''.

(d) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) TERM OF SERVICE.—Paragraph (3) of section 154(a) of title 10, United States Code, is amended is amended by striking ''two years'' and inserting ''four years''.

(2) INELIGIBILITY FOR SERVICE AS CHAIRMAN OR ANY OTHER POSITION IN THE ARMED FORCES.—Such section is further amended by adding at the end the following new paragraph:

''(4) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces. The term of the Vice Chairman shall be established so as not to begin in the same year as the term of the Chairman.''.

(e) RESPONSIBILITIES OF COMMANDERS OF THE COMBATANT COMMANDS.—Section 164(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(A), by inserting ''and in consultation with the Chairman of the Joint Chiefs of Staff'' before the semicolon; and

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

''(3) Among the full range of command responsibilities specified in subsection (c) and as provided for in section 161 of this title, the primary duties of the commander of a combatant command shall be as follows:

''(A) To produce plans for the employment of the armed forces to execute the national defense strategy and respond to significant military contingencies.

''(B) To take actions necessary to deter conflict.

''(C) To command United States armed forces in conflict, if directed by the Secretary of Defense and approved by the President.''.

(f) COMBATANT COMMANDERS COUNCIL.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 163 the following new section:

''§ 163a. Combatant Commanders Council

''(a) IN GENERAL.—There is in the Department of Defense a council to be known as the 'Combatant Commanders Council' (in this section referred to as 'the Council').

''(b) COMPOSITION.—The Council shall consist of the following:

''(1) The Secretary of Defense, who shall head the Council.

''(2) The Chairman of the Joint Chiefs of Staff.

''(3) The Vice Chairman of the Joint Chiefs of Staff.

''(4) The commanders of the combatant commands.

''(c) CONVENING AUTHORITY.—The Secretary of Defense shall convene regular meetings of the Council as the Secretary determines necessary. The Secretary may delegate the authority to convene meetings of the Council to the Chairman, in which case the Secretary may designate a representative to attend the meeting in the Secretary's place.

''(d) DUTIES.—The responsibilities of the Council are as follows:

''(1) To inform the requirements, production, and periodic review of the national defense strategy required by section 118 of this title.

''(2) To advise the commanders of the combatant commands of their roles and responsibilities in executing the national defense strategy.

''(3) To oversee and guide the implementation of the national defense strategy.

''(4) To support the Secretary of Defense and the Chairman in providing for the effective global integration of all military operations and activities across the combatant commands in furtherance of the current national defense strategy and the guidance of the President and the Secretary of Defense.

''(5) Such other responsibilities as the Secretary may prescribe.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 163 the following new item:

''163a. Combatant Commanders Council.''.

SEC. 922. DELEGATION TO CHAIRMAN OF JOINT CHIEFS OF STAFF OF AUTHORITY TO DIRECT TRANSFER OF FORCES.

Section 113(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) The Secretary of Defense may, in the Secretary's discretion, delegate to the

Chairman of the Joint Chiefs of Staff the authority to direct the transfer of forces on behalf of the Secretary. Any such delegation shall, at a minimum, specify the following:

''(i) The threats, areas, and missions for which the Chairman of the Joint Chiefs of Staff is authorized to direct the transfer of forces.

''(ii) The categories and quantities of forces that are covered by the authorization.

''(iii) The duration of the transfer.

''(B) Any delegation under this paragraph shall require the Chairman of the Joint Chiefs of Staff to notify the Secretary of any decision to direct the deployment of forces pursuant to the delegation as soon as possible.

''(C) A delegation under this paragraph shall be for a period of not more than one year, and may be renewed.''.

SEC. 923. ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) RESPONSIBILITY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Section 138(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

''(A) Exercise authority, direction, and control of all administrative matters relating to the organization, training, and equipping of special operations forces.

''(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

''(i) Irregular warfare, combating terrorism, countering the proliferation of weapons of mass destruction, and the special operations activities specified by section 167(k) of this title.

''(ii) Integrating the functional activities of the headquarters of the Department to most efficiently and effectively provide the capabilities required for special operations missions.''.

(b) SPECIAL OPERATIONS FUNCTIONAL INTEGRATION AND OVERSIGHT TEAM.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b, as redesignated by section 901(b)(2) of this Act, the following new section:

''§ 139c. Special Operations Functional Integration and Oversight Team

''(a) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(4) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall establish and lead a team to be known as the 'Special Operations Functional Integration and Oversight Team' (in this section referred to as the 'Team').

''(b) PURPOSE.—The purpose of the Team is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide the capabilities required for special operations missions. In fulfilling this purpose, the Team shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations capabilities.

''(c) MEMBERSHIP.—The Team shall include the following:

''(1) The Assistant Secretary, who shall act as leader of the Team.

''(2) Appropriate senior representatives of each of the following:

''(A) The Under Secretary of Defense for Research and Engineering.

''(B) The Under Secretary of Defense for Management and Support.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.

''(F) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

''(G) The military departments.

''(H) The Joint Staff.

''(I) The United States Special Operations Command.

''(J) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate

''(d) OPERATION.—The Team shall operate continuously.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section 901(f)(2) of this Act, is further amended by inserting after the item relating to section 139b the following new item:

''139c. Special Operations Functional Integration and Oversight Team.''.

(c) US SPECIAL OPERATIONS COMMAND MATTERS.—

(1) AUTHORITY OF COMMANDER.—Subsection (e)(2) of section 167 of title 10, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking ''The commander'' and inserting ''Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander''; and

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

''(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.''.

(2) ADMINISTRATIVE CHAIN OF COMMAND.—Such section is further amended—

(A) by redesignating subsections (f) through (k) as subsections (g), through (l), respectively; and

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

''(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

''(A) from the President to the Secretary of Defense;

''(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

''(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

''(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the administration and support of the special operations command, including the readiness and organization of special operations forces, special operations-peculiar resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces. In addition, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is subordinate to the Under Secretary of Defense for Policy in all matters of policy related to special operations activities and low intensity conflict activities of the Department of Defense.''.

SEC. 924. PILOT PROGRAM ON ORGANIZATION OF SUBORDINATE COMMANDS OF A UNIFIED COMBATANT COMMAND AS JOINT TASK FORCES.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program on organizing the subordinate commands of a unified combatant command in the form of joint task forces.

(b) COVERED COMMANDS.—The Secretary shall carry out the pilot program in at least one unified combatant command designated by the Secretary for purposes of this section.

(c) PLAN.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall develop, for each combatant command participating in the pilot program, a plan to—

(A) disestablish, and prohibit the reestablishment of, any subordinate command of such combatant command that is organized by a service of the Armed Forces;

(B) identify the major missions and contingencies in the area of responsibility of such combatant command that would require a military response;

(C) establish subordinate commands for such combatant command in the form of joint task forces, as described in subsection (d);

(D) select a commander of an appropriate grade to lead each joint task force so established based on the scale and complexity of the mission that such task force must perform; and

(E) describe any additional authorities, specialized training, or other organizational elements that such joint task forces may require to meet the objectives of the plan.

(2) OBJECTIVES.—The objectives of each plan under this subsection shall be—

(A) to provide for a greater emphasis on operational military missions;

(B) to improve the effectiveness and efficiency of the combatant command concerned in performing the missions of the combatant command through better integration of functional components and capabilities, both from within the combatant command and across the Department of Defense;

(C) to create more flexible and responsive subordinate commands that can be established, grown, reduced, altered, or disestablished based on the changing nature of threats and contingencies in the area of responsibility of the combatant command concerned;

(D) to devolve responsibility and initiative, to the greatest extent practicable, to lower levels in the combatant command concerned, eliminating unnecessary layers of management and headquarters staff, and reducing the cost and time to perform mission critical tasks;

(E) to enhance the ability of the combatant command concerned to execute global defense strategies and address threats that span multiple regions, functions, and domains, involve different durations of time, and lack clearly defined phases of conflict; and

(F) to enable the commander of the combatant command concerned to integrate the activities of the combatant command across wider spans of control with fewer personnel and resources, and to focus more consistently on the strategic missions of the combatant command, including coordination with other combatant commands and engagement with key foreign partners.

(3) PROBLEMS TO OVERCOME.—The problems that each plan under this subsection shall seek to overcome are—

(A) deficiencies in the current organization of the unified combatant commands that have led senior leaders over many years to rely increasingly on the establishment of ad hoc joint task forces to meet critical emergent requirements for the combatant commands;

(B) dramatic growth in the size of staffs of the unified combatant commands that inhibit an effective and efficient performance of missions, lead to duplication of effort, and draw limited vital resources away from operational units and toward bureaucratic staffing functions;

(C) hierarchal, time-intensive, and resource-intensive planning and decision-making processes that are required to compensate for, and attempt to achieve integration among, functional command structures oriented around separate Armed Forces;

(D) antiquated approaches to persistent, trans-regional, cross-functional, and multi-domain threats that cannot be addressed through discrete and isolated operational plans based on a clear commencement of hostilities leading to combat operations; and

(E) misaligned priorities that result in unified combatant commands being overly focused on mission support activities (such as intelligence analysis and regional theater engagement) and insufficiently focused on the operational missions of the combatant commands.

(4) PREPARATION.—Each plan under this subsection shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the commander of the combatant command concerned.

(5) DEADLINE FOR DEVELOPMENT.—Any plan to be developed under this subsection shall be completed by not later than March 1, 2017.

(6) SUBMITTAL TO CONGRESS.—Upon completion of the development of a plan under this subsection, the Secretary shall submit such plan to the congressional defense committees.

(7) IMPLEMENTATION.—The Secretary shall commence implementation of each plan developed under this subsection for purposes of the pilot program by not later than September 1, 2017.

(d) JOINT TASK FORCES.—

(1) IN GENERAL.—Each joint task force established for purposes of the pilot program pursuant to a plan under subsection (c) shall be—

(A) established and organized as a cross-functional team with the primary purpose of performing an identified mission or providing essential support and enabling capabilities to task forces performing such missions;

(B) assigned the necessary number and mixture of Armed Forces personnel and related capabilities to perform the mission of such task force;

(C) organized and sized in a manner that best reflects the scope, scale, complexity, and priority of the mission that such task force is required to perform or support;

(D) comprised of representatives from each functional component from across the Department of Defense that is relevant to the performance of the mission of such task force, including the Armed Forces, other unified combatant commands, other joint task forces that are subordinate to the same or another unified combatant command, defense intelligence agencies, other combat support agencies, and acquisition offices; and

(E) commanded by a military officer of appropriate grade who would be selected as prescribed by section 164(e) of title 10, United States Code, and overseen by the commander of the combatant command as prescribed by section 164(d) of such title were such joint task force the subordinate command of a unified combatant command.

(2) PURPOSES.—The purpose of each joint task force established pursuant to this subsection shall be to achieve the operational military mission of such task force, including by—

(A) integrating all the functional components within such task force into joint efforts;

(B) producing integrated operational plans, consistent with the orders of the commander of the combatant command concerned and the defense strategy of the Department of Defense;

(C) recommending to the commander of the combatant command concerned any additional resources and capabilities that the commander of such joint task force determines necessary to achieve the mission of such task force;

(D) providing better alignment and unity of effort with other joint task forces within the combatant command concerned or other unified combatant commands that are performing related missions or addressing similar threats;

(E) conducting engagements with foreign partners from the area of responsibility of such task force that are necessary to achieving the military mission of such task force; and

(F) experimenting with new operational concepts and developmental capabilities that the commander of such task force considers essential to the mission of such task force.

(e) REPORT.—Not later than September 1, 2018, the Secretary shall submit to the congressional defense committees a report that includes, for each plan developed under subsection (c) for purposes of the pilot program, the following:

(1) A description of such plan.

(2) An assessment of the positive and negative effects of such plan.

(3) A description of key factors that contributed to the success or failure of such plan.

(4) Recommendations on whether, and in what manner, to apply such plan to unified combatant commands not covered by the pilot program.

SEC. 925. EXPANSION OF ELIGIBILITY FOR DEPUTY COMMANDER OF COMBATANT COMMAND HAVING UNITED STATES AMONG GEOGRAPHIC AREA OF RESPONSIBILITY TO INCLUDE OFFICERS OF THE RESERVES.

Section 164(e)(4) of title 10, United States Code, is amended—

(1) by striking ''the National Guard'' and inserting ''a reserve component of the armed forces''; and

(2) by striking ''a National Guard officer'' and inserting ''a reserve component officer''.

Subtitle C—Organization and Management of Other Department of Defense Offices and Elements

SEC. 941. ORGANIZATIONAL STRATEGY FOR THE DEPARTMENT OF DEFENSE.

(a) ORGANIZATIONAL STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than July 20, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—

(A) identifies the most important missions and other organizational outputs for the Department, including the manner in which capabilities for such missions will be generated and objectives for such outputs will be achieved;

(B) reforms the Office of the Secretary of Defense and the manner in which it operates to support the Secretary;

(C) improves management of relationships and processes involving the Office of the Secretary of Defense, the Joint Chiefs of Staff, the combatant commands, the military departments, and the Defense Agencies;

(D) improves and professionalizes the supervision of the Defense Agencies; and

(E) improves support to the President and the National Security Council in interagency processes and deliberations.

(2) OBJECTIVES.—The objectives of the strategy shall be as follows:

(A) To enable the Department to integrate the expertise and capacities of the components of the Department for effective and efficient achievement of the missions of the Department.

(B) To enable the Department to focus on critical missions that span multiple functional issues, to frame competing and alternative courses of action, and to make clear and effective strategic choices in a timely manner to achieve such missions.

(C) To clarify responsibility and accountability in the decision-making processes in the Department.

(D) To enable the Department to anticipate, adapt, and innovate rapidly to changes in the threats facing the United States, and to exploit the opportunities to counter such threats offered by technological and organizational advances.

(E) To improve the ability of the Department to work effectively in interagency processes in order to better serve the President and the National Security Council and to better contribute to national security missions.

(F) To achieve an organizational structure with fewer layers of management and reduced levels of staffing that performs better than the current organizational structure of the Department.

(3) IMPEDIMENTS TO BE ADDRESSED.—The strategy shall address, and seek to overcome, the following:

(A) Sequential, hierarchical planning and decision-making processes oriented around functional bureaucratic structures that are excessively parochial, duplicative, resistant to integration, and result in unclear, consensus-based outcomes that often constrain the ability of the Department to achieve core missions effectively and efficiently.

(B) Layering of management structures and processes that result in decisions being made by higher levels of management where the authority for cross-functional integration exists but detailed substantive expertise is often lacking or being reduced to lowest common denominator recommendations to senior leaders that suppress rather than resolve disputes across functional organizations.

(C) Weak leadership skills and culture in the Office of the Secretary of Defense.

(D) Misaligned incentives and a culture that rewards bureaucratic parochialism and inertia, risk avoidance, and the deferral or delay of decisions.

(4) CAUSES OF IMPEDIMENTS TO BE ELIMINATED.—In connection with the impediments specified in paragraph (3), the strategy shall address, and seek to eliminate, the following:

(A) A noncollaborative culture within the Department that lacks shared purpose and values.

(B) Risk aversion arising from fear of the consequences of real or perceived failure, or from the absence of positive or negative incentives to reduce such risk aversion.

(C) Lack of viable alternative mechanisms for achieving the integration of the functional components of the Department and for aligning expertise and decision-making authority at the most efficient levels of management.

(5) SOLUTIONS.—In connection with the impediments specified in paragraph (3) and the causes of such impediments specified in

paragraph (4), the strategy shall specify, and seek to achieve, the following:

(A) Cross-functional teams to manage the major missions and other high-priority outputs of the Department that inherently cross functional boundaries (in this section referred to as ''mission teams'').

(B) A collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action.

(C) A simplified organizational structure for the Department with reduced layers of management and increased spans of control.

(D) Streamlined processes designed to produce improved performance in less time.

(b) ACTION IN SUPPORT OF STRATEGY.—During the period between the date of the enactment of this Act and the appointment of the Secretary of Defense first appointed in 2017, the current Secretary of Defense shall take appropriate actions to assist the individual so appointed as Secretary of Defense in the development and issuance of the organizational strategy required by subsection (a).

(c) MISSION TEAMS.—

(1) IN GENERAL.—Not later than April 20, 2017, the Secretary of Defense shall identify the missions, other high-priority outputs, and important activities of the Department of Defense for which mission teams and subteams shall be established in the Department.

(2) PURPOSES.—The purposes of each mission team established pursuant to this subsection shall be as follows:

(A) To produce comprehensive and fully integrated policies, strategies, plans, resourcing, and oversight for the mission or other priority output such team is assigned to support, drawing upon the expertise and capacities of all relevant functional components of the Department.

(B) To supervise the implementation of approved strategies with respect to such mission or other output.

(3) DIRECTIVE ON TEAMS.—Not later than May 20, 2017, the Secretary shall issue a directive—

(A) on the role, authorities, reporting relationships, resourcing, manning, and operations of mission teams established pursuant to this subsection, which directive shall specify that the mission teams are decision-making organizations rather than advisory bodies; and

(B) that provides clear direction that the leaders of functional components of the Department that provide personnel to such mission teams—

(i) may not interfere in the activities of the mission team;

(ii) shall instruct personnel assigned to teams to faithfully represent the views and expertise of their functional components while contributing to the best of their ability to the success of the mission team concerned; and

(iii) shall be assessed for performance review purposes according to their support to and cooperation with mission teams interacting with their components.

(4) ESTABLISHMENT.—The Secretary shall establish mission teams, and any applicable subteams, to be established pursuant to this subsection as follows:

(A) The first three teams, by not later than July 20, 2017.

(B) The second three teams, by not later than October 20, 2017.

(C) Any remaining teams, by not later than January 20, 2018.

(5) FUNCTIONS CONSIDERED.—In establishing a mission team pursuant to this subsection, the Secretary shall consider representatives from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in the functional areas of policy, strategy, intelligence, budget, research and engineering, procurement and services, manpower, logistics, cost assessment and program evaluation, test and evaluation, legislative affairs, public affairs, and any other functional area the Secretary considers appropriate.

(6) TEAM PERSONNEL.—For each team established pursuant to this subsection, the Secretary shall—

(A) designate as leader of such team a qualified and experienced individual in a general or flag officer grade, or a member of the Senior Executive Service, who shall report directly to the Secretary regarding the activities of such team;

(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian employees of the Department and members of the Armed Forces in any grade recommended for membership on such team by the head of a functional component of the Department within the Office of the Secretary of Defense, the Joint Staff, and the military departments, by the commander of a combatant command, or the director of a Defense Agency;

(C) provide that the team leader has the authority to obtain full-time support from team members, and to co-locate all members of such team, as the team leader considers appropriate;

(D) ensure that team members are properly trained in teamwork, collaboration, conflict resolution, and appropriately represent the views of their functional components without inappropriately pursuing the interests of their functional components; and

(E) make the team leader available to the congressional defense committees to provide periodic updates on the progress of such mission team.

(7) TEAM STRATEGIES AND DECISION-MAKING AUTHORITY.—

(A) IN GENERAL.—Each mission team established pursuant to this subsection shall issue a charter and strategy for such team to achieve objectives of such team specified by the Secretary, for team training, to specify metrics for evaluation of the achievement of such objectives by such team, and to specify incentives for the team and its members for the achievement of such objectives by such team. The charter and strategy shall not go into effect until approved by the Secretary.

(B) DELEGATION OF AUTHORITY.—In approving the charter and strategy of a mission team, the Secretary shall delegate to the team such decision-making authority as the Secretary considers appropriate in order to permit the team to execute the strategy. The delegation shall also specify the decision-making authority with respect to the team and the strategy that shall be retained by the Secretary.

(C) SCOPE OF DELEGATION.—Within the delegation provided for pursuant to subparagraph (B), the leader of a mission team shall have authority to draw upon the resources of the functional components of the Department and make decisions affecting such functional components.

(D) REVIEW.—The head of a functional component of the Department may seek the review and modification by the Secretary of any determination pursuant to subparagraph (C) considered by the head of the functional component to have, or have the potential to have, an adverse impact on missions or capabilities of the functional component.

(8) REVIEW OF MISSION TEAMS.—Not later than 120 days after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall complete an analysis, with support from external experts in organizational and management sciences, of successes and failures of mission teams and determine how to apply the lessons learned from that analysis.

(d) COLLABORATIVE CULTURE WITHIN OSD.—

(1) DIRECTIVE ON PURPOSES, VALUES, AND PRINCIPLES.—Not later than April 20, 2017, the Secretary of Defense shall issue a directive on shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that sets forth a team-oriented, results-driven culture within the Office to support missions and objectives of the Department of Defense and cross-boundary collaboration within the Department.

(2) DIRECTIVE ON COLLABORATIVE BEHAVIOR.—Not later than May 20, 2017, the Secretary shall issue a directive specifying the collaborative behavior required of personnel of the Office of the Secretary of Defense, including the prevailing behaviors that the Secretary expects to be sustained and the behaviors that the Secretary seeks to eliminate.

(3) DIRECTIVE AND OTHER ACTIONS ON COLLABORATION.—Not later than July 20, 2017, the Secretary shall—

(A) issue a directive describing the methods and means to achieve a high degree of collaboration within and between the Office of the Secretary of Defense and the Joint Staff;

(B) require that cross-boundary collaboration constitute 50 percent of the performance review criteria for each official in such leadership positions as the Secretary shall specify, including leaders of mission teams and heads of functional components of the Department within the Office of the Secretary of Defense that provide personnel or other support to the mission teams;

(C) for purposes of this subsection, provide for a course of instruction in leadership, modern organizational practice, collaboration, and the functioning of mission teams described in subsection (c) for personnel in the Office of the Secretary of Defense who serve in positions in the Office pursuant to an appointment by and with the advice and consent of the Senate; and

(D) issue policy requiring successful service as leader or a member of a mission team as a condition for promotion in the Senior Executive Service above such level as the Secretary shall specify in the directive.

(e) STREAMLINING OF ORGANIZATIONAL STRUCTURE AND PROCESSES OF OSD.—

(1) IN GENERAL.—Not later than one year after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of management, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

(2) CONSULTATION AND SUPPORT.—In carrying out this subsection, the Secretary shall consult with the Defense Business Board, and shall enter into contracts with individuals and entities outside Government with expertise in cross-functional teams, organizational science, and private-sector best practices to obtain advice regarding collaboration across functional boundaries to achieve critical organizational objectives.

(3) REPORT.—Not later than the date on which the Secretary commences actions under this subsection, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report setting forth a description of the actions the Secretary proposes to take under this subsection. If legislative action is required in connection with the taking of

any such action, the report shall include recommendations for such legislative action.

(f) TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY SENATE.—

(1) IN GENERAL.—An individual may not be nominated to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate unless the individual has successfully completed a course of instruction in leadership, modern organizational practice, collaboration, and the operation of mission teams described in subsection (c).

(2) WAIVER.—The President may waive the limitation in paragraph (1) with respect to an individual if the Secretary of Defense determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

(g) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.—

(1) BIANNUAL REPORT ON ASSESSMENTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter through December 31, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive assessment of the actions taken under this section during the six-month period ending on the date of such report and cumulatively since the date of the enactment of this Act.

(2) ASSESSMENT TEAM.—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.

SEC. 942. DEPARTMENT OF DEFENSE MANAGEMENT OVERVIEW BY THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—A Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines provided in subsection (b), a report on the management of the Department of Defense that includes, current as of the date of such report, the following:

(1) HUMAN CAPITAL STRATEGY.—A human capital strategy to address the manner in which the Department of Defense civilian workforce is to be managed during the five-year period beginning on the date of the report, including an assessment of the mix of military, civilian, and contractor personnel required across the Department by function.

(2) PERSONNEL COST SAVINGS TARGETS.—In coordination with the Secretaries of the military departments, savings targets for personnel costs during the period of the most current future-years defense program under section 221 of title 10, United States Code, which targets—

(A) shall be applied across the entire Department based on individual mission requirements, and may not be percentage targets for each organization within the Department;

(B) shall use cost and function as barometers of cost savings targets, and may not achieve cost savings by billets or raw numbers of personnel in an attempt to manage and optimize a functional mix of senior, mid-career, and entry-level personnel rather than preserve an unbalanced and top-heavy upper-echelon staff based upon tenure alone.

(3) ELIMINATION OF FUNCTIONS.—A plan to eliminate unnecessary or redundant functions within each component of the Department.

(4) FORCE MANAGEMENT AUTHORITIES.—Recommendations for legislative actions for force management and shaping authorities to achieve the savings targets specified pursuant to paragraph (3) and the elimination of functions planned pursuant to paragraph (4), which authorities shall focus on rewarding talent, managing, hiring, and divestiture of employees, and professional development of employees.

(5) DELAYERING ORGANIZATIONS.—A process for delayering headquarters organizations across the Department, beginning with the Office of the Secretary of Defense and the Joint Staff and subsequently including the Defense Agencies, the combatant commands, and the Armed Forces, which process shall include—

(A) a description of low-priority or redundant functions to be eliminated and of any organizations to be consolidated;

(B) appropriate plans and charts for the reorganization of such headquarters that reflect and depict the new headquarters structure as a result of the process; and

(C) plans and mechanisms to oversee, incentivize, and reward cross-functional teams.

(b) DEADLINES.—The deadlines for the submittal of reports under subsection (a) are December 1, 2017, and December 1 of each year thereafter though 2022.

SEC. 943. MODIFICATION OF COMPOSITION AND MISSION OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—The text of section 181 of title 10, United States Code, is amended to read as follows:

''(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

''(b) MISSION.—The Joint Requirements Oversight Council shall—

''(1) assist the Chairman of the Joint Chiefs of Staff—

''(A) in assessing joint military capabilities to meet applicable requirements in the national defense strategy under section 118 of this title;

''(B) in identifying gaps in joint military capabilities, including gaps that could be filled by force-specific military capabilities or the modification of force-specific military capabilities;

''(C) in establishing requirements for new joint military capabilities based on advances in technology and concepts of operation;

''(D) in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities needed to address gaps in joint military capabilities;

''(E) in validating proposed materiel capabilities, non-materiel capabilities, or both to fulfill approved joint military capability requirements;

''(F) in ensuring interoperability, where appropriate, of joint military capabilities and between and among joint military capabilities and force-specific military capabilities; and

''(G) in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, performance objectives, and procurement quantity objectives in the establishment and approval of joint military capability requirements in consultation with the advisors specified in subsection (d);

''(2) assist the Chairman, in consultation with the advisors to the Council under subsection (d), in reviewing the estimated level of resources required in to fulfill each approved joint military capability requirement and in ensuring that the total cost of such resources is consistent with the level of priority assigned to such requirement;

''(3) assist acquisition officials in identifying alternatives to any acquisition program that meets approved joint military capability requirements for the purposes of sections 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title; and

''(4) assist the Chairman, in consultation with the commanders of the combatant commands and the Under Secretary of Defense for Research and Engineering, in establishing an objective for the overall period of time within which an initial operational capability should be delivered to meet each approved joint military capability requirement.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Joint Requirements Oversight Council is composed of the following:

''(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs for making recommendations about joint military capabilities or the modification of force-specific military capabilities to meet joint military capability requirements.

''(B) An Army officer in the grade of general.

''(C) A Navy officer in the grade of admiral.

''(D) An Air Force officer in the grade of general.

''(E) A Marine Corps officer in the grade of general.

''(2) RECOMMENDATIONS.—In making any recommendation to the Chairman as described in paragraph (1)(A), the Vice Chairman shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

''(d) ADVISORS.—

''(1) IN GENERAL.—The following officials of the Department of Defense shall serve as advisors to the Joint Requirements Oversight Council on matters within their authority and expertise:

''(A) The Under Secretary of Defense for Policy.

''(B) The Under Secretary of Defense for Intelligence.

''(C) The Under Secretary of Defense for Research and Engineering.

''(D) The Director of Cost Assessment and Program Evaluation.

''(E) The Director of Operational Test and Evaluation.

''(F) The commander of a combatant command when matters related to the area of responsibility or functions of that command are under consideration by the Council.

''(2) INPUT FROM COMBATANT COMMANDS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (g).

''(3) INPUT FROM CHIEFS OF STAFF.—The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to trade-offs among cost, schedule, technical feasibility, and performance in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities under subsection (b)(1)(D) and in the balancing of resources with priorities pursuant to subsection (b)(2).

''(e) FORCE-SPECIFIC MILITARY CAPABILITY REQUIREMENTS.—

''(1) REQUIREMENTS AS RESPONSIBILITY OF ARMED FORCE.—The Chief of Staff of an armed force is responsible for all force-specific military capability requirements for that armed force. Except as provided pursuant to paragraph (2), a force-specific military capability requirement does not need to be

validated by the Joint Requirements Oversight Council before an acquisition program to meet such requirement may commence.

''(2) EXCEPTION.—The following force-specific military capability requirements shall be subject to oversight by the Council:

''(A) A force-specific military capability requirement designated by the Chairman of the Joint Chiefs of Staff for purposes of this paragraph, after a review conducted by the Chairman for purposes of this subsection.

''(B) A force-specific military capability requirement described by subparagraph (B), (C), or (F) of subsection (b)(1).

''(C) A force-specific military capability requirement that is addressed by a major defense acquisition program.

''(f) ANALYTIC SUPPORT FROM DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—The Director of Cost Assessment and Program Evaluation shall provide resources and expertise in operations research and systems analysis, and cost estimation, to the Joint Requirements Oversight Council to assist the Council in assessing trade-offs between cost, schedule, performance, and procurement quantity in the identification, establishment, and approval of joint military capability requirements.

''(g) PERIODIC REVIEWS OF CORE MISSIONS OF DOD.—The Joint Requirements Oversight Council shall conduct periodic reviews of joint military capability requirements within a core mission area of the Department of Defense. In any such review of a core mission area, the officer or official assigned to lead the review shall have a deputy from a different military department.

''(h) AVAILABILITY OF OVERSIGHT INFORMATION TO CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman of the Joint Chiefs of Staff to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.

''(i) DEFINITIONS.—In this section:

''(1) The term 'military capability requirement' means a materiel or non-materiel capability necessary to fulfill a gap in joint or force-specific military capabilities in support of the national defense strategy.

''(2) The term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.

''(3) The term 'oversight information' means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.''.

(b) MILESTONE APPROVALS.—

(1) MILESTONE A.—Section 2366a of title 10, United States Code, is amended—

(A) in subsection (b), in the subsection heading, by striking ''WRITTEN'' and inserting ''MILESTONE DECISION AUTHORITY WRITTEN'';

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

''(c) CHAIRMAN OF THE JOINT CHIEFS OF STAFF WRITTEN DETERMINATION REQUIRED.—A major defense acquisition program or subprogram may not receive Milestone A approval or otherwise be initiated prior to Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program or subprogram—

''(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

''(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.''.

(2) MILESTONE B.—Section 2366b of title 10, United States Code, is amended—

(A) by redesignating subsections (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection:

''(g) CHAIRMAN OF THE JOINT CHIEFS OF STAFF WRITTEN DETERMINATION REQUIRED.—A major defense acquisition program may not receive Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program—

''(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

''(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.''.

SEC. 944. ENHANCED PERSONNEL MANAGEMENT AUTHORITIES FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10508 of title 10, United States Code, is amended—

(1) by inserting ''(a) MANPOWER REQUIREMENTS OF NATIONAL GUARD BUREAU.—'' before ''The manpower requirements''; and

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

''(b) PERSONNEL FOR FUNCTIONS OF NATIONAL GUARD BUREAU.—

''(1) IN GENERAL.—The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to execute the functions of the National Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

''(2) ADMINISTRATION THROUGH ADJUTANTS GENERAL.—The Chief of the National Guard Bureau may designate the adjutants general referred to in section 314 of title 32 to appoint, employ, and administer the National Guard employees authorized by this subsection.

''(3) ADMINISTRATIVE ACTIONS.—Notwithstanding the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and under regulations prescribed by the Chief of the National Guard Bureau, all personnel actions or conditions of employment, including adverse actions under title 5, pertaining to a person appointed, employed, or administered by an adjutant general under this subsection shall be accomplished by the adjutant general of the jurisdiction concerned. For purposes of any administrative complaint, grievance, claim, or action arising from, or relating to, such a personnel action or condition of employment:

''(A) The adjutant general of the jurisdiction concerned shall be considered the head of the agency and the National Guard of the jurisdiction concerned shall be considered the employing agency of the individual and the sole defendant or respondent in any administrative action.

''(B) The National Guard of the jurisdiction concerned shall defend any administrative complaint, grievance, claim, or action, and shall promptly implement all aspects of any final administrative order, judgment, or decision.

''(C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.

''(D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).

''(E) Any settlement, judgment, or costs arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.''.

SEC. 945. MANAGEMENT OF DEFENSE CLANDESTINE HUMAN INTELLIGENCE COLLECTION.

(a) ACTIONS SUPPORTING DECISION ON MANAGEMENT OF CLANDESTINE HUMAN INTELLIGENCE COLLECTION.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of National Intelligence, undertake actions to support a decision on whether—

(A) to maintain a separate clandestine human intelligence (HUMINT) collection capability within the Defense Intelligence Agency; or

(B) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

(2) PARTICULAR ACTIONS.—These actions undertaken under paragraph (1) shall include the pilot program required by subsection (b) and the assessment required by subsection (c).

(b) PILOT PROGRAM ON MILITARY DIVISION WITHIN DIRECTORATE OF OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of National Intelligence and the Director of the Central Intelligence Agency, carry out a pilot program to assess the feasability and advisability of establishing a military division within the Directorate of Operations of the Central Intelligence Agency.

(2) ELEMENTS.—

(A) IN GENERAL.—The pilot program shall consist of the following elements:

(i) Members of the Armed Forces and civilian employees of the Department of Defense who are trained to be human intelligence case officers (in this paragraph referred to as ''Department of Defense case officers'') shall be detailed to, and supported by, the Directorate of Operations.

(ii) An officer of the Armed Forces shall serve as the deputy director of the Director of Operations for the military division under the pilot program, in which capacity the officer shall direct the activities of the Department of Defense case officers and rate their performance.

(iii) The Department of Defense case officers, and any support personnel, detailed under the pilot program shall be drawn from the available pool of Defense Clandestine Service military and civilian billets and personnel for fiscal year 2017 or 2018, as applicable, and shall not be in addition to any personnel planned for the Defense Clandestine Service in the budget of the President for such fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.

(iv) The Department of Defense case officers detailed under the pilot program shall be primarily assigned to collect human intelligence in support of Department of Defense requirements, with particular focus on collection on intelligence relating to science and technology.

(v) The information collected by the Department of Defense case officers detailed under the pilot program in support of Department requirements shall be made promptly and directly available to the Department.

(B) DURATION.—The pilot program shall run for such period as the Secretary considers appropriate, but less than three years.

(c) ASSESSMENT OF PILOT PROGRAM.—The Secretary of Defense and the Director of National Intelligence shall jointly conduct an

assessment of the pilot program under subsection (b). The assessment shall address the following:

(1) Whether institutional and procedural safeguards are available to ensure that the Department of Defense can rely on the Directorate of Operations of the Central Intelligence Agency to support the human intelligence collection requirements of the Department.

(2) Whether a high ratio of support personnel to deployed case officers in the Directorate of Operations translates into more productive collection of human intelligence when compared with a model of a lower ratio of support personnel to deployed case officers (as proposed by the Director of the Defense Intelligence Agency for the Defense Clandestine Service).

(3) Whether a consolidated clandestine human intelligence collection organization charged with meeting the needs of the Department and the intelligence community provides a more effective and efficient solution than two organizations, one serving within the Department and the other serving within the Central Intelligence Agency.

(4) Whether it is more effective and efficient to provide support and perform oversight of the consolidated organization described in paragraph (3) through the Directorate of Operations or the Defense Intelligence Agency.

(5) Whether a permanent military division within the Directorate of Operations should be funded within the Military Intelligence Program (MIP) or the National Intelligence Program (NIP).

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a report on the actions taken to implement the pilot program required by subsection (b).

(2) FINAL REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary and the Director shall jointly submit to the appropriate committees of Congress a report on the actions taken under this section. The report shall include the following:

(A) A description of the pilot program under subsection (b).

(B) The elements of the assessment under subsection (c).

(C) The joint decision of the Secretary and the Director under subsection (a) on whether—

(i) to maintain a separate clandestine human intelligence collection capability within the Defense Intelligence Agency; or

(ii) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

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

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 946. REPEAL OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.

(a) REPEAL.—Section 185 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 185.

SEC. 947. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) OFFICE OF FAMILY POLICY.—

(1) REDESIGNATION AS OFFICE OF MILITARY FAMILY READINESS POLICY.—Section 1781(a) of title 10, United States Code, is amended—

(A) by striking ''Office of Family Policy'' and inserting ''Office of Military Family Readiness Policy''; and

(B) by striking ''Director of Family Policy'' and inserting ''Director of Military Family Readiness Policy''.

(2) REQUIREMENT FOR DIRECTOR TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by adding at the end the following new sentence: ''The Director shall be a member of the Senior Executive Service or a general officer or flag officer.''.

(3) INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.—Subsection (b)(1)(E) of section 1781a of such title is amended by striking ''Office of Community Support for Military Families with Special Needs'' and inserting ''Office of Military Family Readiness Policy''.

(4) CONFORMING AMENDMENT.—Section 131(b)(7)(F) of such title is amended by striking ''Director of Family Policy'' and inserting ''Director of Military Family Readiness Policy''.

(5) HEADING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 1781 of such title is amended to read as follows:

''§ 1781. Office of Military Family Readiness Policy''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item:

''1781. Office of Military Family Readiness Policy.''.

(b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) REDESIGNATION AS OFFICE OF SPECIAL NEEDS.—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking ''Office of Community Support for Military Families with Special Needs'' and inserting ''Office of Special Needs''.

(2) REORGANIZATION UNDER OFFICE OF MILITARY FAMILY READINESS POLICY.—Such subsection is further amended by striking ''Office of the Under Secretary of Defense for Personnel and Readiness'' and inserting ''Office of Military Family Readiness Policy''.

(3) REPEAL OF REQUIREMENT FOR HEAD OF OFFICE TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by striking subsection (c).

(4) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively;

(B) by striking ''subsection (e)'' each place it appears and inserting ''subsection (d)'';

(C) in subsection (c), as so redesignated, by striking ''subsection (f)'' in paragraph (2) and inserting ''subsection (e)''; and

(D) in subsection (g), as so redesignated—

(i) in paragraph (2)(A), by striking ''subsection (d)(3)'' and inserting ''subsection (c)(3)''; and

(ii) in paragraph (2)(B), by striking ''subsection (d)(4)'' and inserting ''subsection (c)(4)''.

(5) HEADING AND CLERICAL AMENDMENTS.—

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

''§ 1781c. Office of Special Needs''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781c and inserting the following new item:

''1781c. Office of Special Needs.''.

SEC. 948. PILOT PROGRAMS ON WAIVER OF APPLICABILITY OF RULES AND REGULATIONS TO DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES AND DARPA TO IMPROVE OPERATIONS AND PERSONNEL MANAGEMENT.

(a) PILOT PROGRAMS AUTHORIZED.—The director of a Department of Defense science and technology reinvention laboratory and the Director of the Defense Advanced Research Projects Agency may carry out a pilot program to assess the feasability and advisability of enhancing operations and personnel management of such laboratory or Agency through the waiver of one or more regulations, instructions, publications, policies, or procedures of the Department of Defense or a military department otherwise applicable to such laboratory or the Defense Advanced Research Projects Agency. A provision of statutory law may not be waived under such a pilot program.

(b) PRIORITY IN WAIVER OF RULES AND REGULATIONS ON OPERATIONS AND PERSONNEL MANAGEMENT.—In carrying out a pilot program under subsection (a), the director of a Department of Defense science and technology reinvention laboratory or the Director of the Defense Advanced Research Projects Agency shall place priority on the waiver of regulations, instructions, publications, policies, or procedures relating to the operations and personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable, including regulations, instructions, publications, policies, or procedures relating to the following:

(1) Facilities management, construction, and repair.

(2) Business operations.

(3) Human resources.

(4) Public outreach.

(c) WAIVER JUSTIFICATION.—

(1) DOD LABORATORIES.—The director of a Department of Defense science and technology laboratory proposing to grant a waiver under a pilot program under subsection (a) shall submit to the Secretary of the military department concerned and the General Counsel of that military department a justification for the waiver, including the matters specified in paragraph (3).

(2) DARPA.—The Director of the Defense Advanced Research Projects Agency shall submit to the Chief Management Officer of the Department of Defense and the General Counsel of the Department of Defense a justification for each waiver proposed to be issued by the Director under a pilot program under subsection (a), including the matters specified in paragraph (3).

(3) WAIVER JUSTIFICATION MATTERS.—The matters to be included in the justification for a waiver under this subsection are the following:

(A) The regulation, instruction, publication, policy, or procedure to be waived.

(B) The unit or activity to be affected by the waiver.

(C) The anticipated duration of the waiver.

(D) An assessment of the anticipated monetary or operational benefits of the waiver.

(E) A legal review of the waiver by—

(i) in the case of a waiver covered by paragraph (1), a senior legal officer of the laboratory concerned; or

(ii) in the case of a waiver covered by paragraph (2), a senior legal officer of the Defense Advanced Research Projects Agency.

(d) WAIVER EFFECTIVENESS.—

(1) DOD LABORATORIES.—A waiver proposed for a Department of Defense science and technology laboratory under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Secretary of the military department concerned of the justification for the waiver under subsection (c)(1), unless the Secretary disapproves the waiver during that period. The Secretaries of the military departments shall have sole discretion to disapprove waivers for purposes of pilot programs under subsection (a), subject to the direction of the Secretary of Defense.

(2) DARPA.—A waiver proposed for the Defense Advanced Research Projects Agency under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Chief Management Officer of the Department of Defense of the justification for the waiver under subsection (c)(2), unless the Chief Management Officer, in the Chief Management Officer's sole discretion, disapproves the waiver during that period.

(3) CONSIDERATIONS.—In considering whether or not to disapprove a waiver pursuant to this subsection, the Secretaries of the military departments and the Chief Management Officer shall take into account whether the waiver will enhance the operations or personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable.

(e) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term ''Department of Defense science and technology reinvention laboratory'' means a laboratory specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

(f) TERMINATION.—

(1) IN GENERAL.—The authority to grant waivers under subsection (a) shall expire on December 31, 2023.

(2) CONTINUATION OF PRIOR WAIVERS.—Nothing in paragraph (1) shall act to terminate a waiver granted under subsection (a) before the date specified in paragraph (1). Any such waiver may continue according to its terms unless otherwise terminated by the Secretary of the military department concerned or the Chief Management Officer of the Department of Defense, as applicable.

SEC. 949. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) REDESIGNATION.—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking ''Assistant Secretary of the Air Force for Acquisition'' and inserting ''Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics''; and

(2) by inserting '', technology, and logistics'' after ''acquisition''.

(b) REFERENCES.—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

Subtitle D—Whistleblower Protections for Members of the Armed Forces

SEC. 961. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.

(a) ACTIONS TREATABLE AS PROHIBITED PERSONNEL ACTIONS.—Paragraph (2) of subsection (b) of section 1034 of title 10, United States Code, is amended to read as follows:

''(2)(A) The actions considered for purposes of this section to be a personnel action prohibited by this subsection shall include any action prohibited by paragraph (1), including the threat to take any unfavorable action, the withholding or threat to withhold any favorable action, making or threatening to make a significant change in the duties or responsibilities of a member of the armed forces not commensurate with the member's grade, a retaliatory investigation, and the failure of a superior to respond to retaliatory action or harassment by one or more subordinates taken against a member of which the superior knew or should have known.

''(B) In this paragraph, the term 'retaliatory investigation' means an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing a member for making a protected communication.

''(C) Nothing in this paragraph shall be construed to limit the ability of a commander to consult with a superior in the chain of command, an inspector general, or a judge advocate general on the disposition of a complaint against a member of the armed forces for an allegation of collateral misconduct or for a matter unrelated to a protected communication. Such consultation shall provide an affirmative defense against an allegation that a member requested, directed, initiated, or conducted a retaliatory investigation under this section.''.

(b) ACTION IN RESPONSE TO HARDSHIP IN CONNECTION WITH PERSONNEL ACTIONS.—

(1) IN GENERAL.—Subsection (c)(4) of such section is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that there are reasonable grounds to believe that a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate.''.

(2) CONFORMING AMENDMENT.—Subsection (e)(1) of such section is amended by striking ''subsection (c)(4)(E)'' and inserting ''subsection (c)(4)(F)''.

(c) PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph (3) of subsection (e) of such section is amended to read as follows:

''(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General conducting the investigation shall submit a notice on the investigation described in subparagraph (B) to the following:

''(i) The member.

''(ii) The Secretary of Defense.

''(iii) The Secretary of the military department concerned, or the Secretary of Homeland Security in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

''(B) Each notice on an investigation under subparagraph (A) shall include the following:

''(i) A description of the current progress of the investigation.

''(ii) An estimate of the time remaining until the completion of the investigation and the transmittal of the report required by paragraph (1) to the member concerned.''.

(d) CORRECTION OF RECORDS.—Paragraph (2) of subsection (g) of such section is amended to read as follows:

''(2) In resolving an application described in paragraph (1) for which there is a report of the Inspector General under subsection (e)(1), a correction board—

''(A) shall review the report of the Inspector General;

''(B) may request the Inspector General to gather further evidence;

''(C) may receive oral argument, examine and cross-examine witnesses, and take depositions; and

''(D) shall consider a request by a member or former member in determining whether to hold an evidentiary hearing.''.

(e) UNIFORM STANDARDS FOR INSPECTOR GENERAL INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS AND OTHER MATTERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall prescribe uniform standards for the following:

(A) The investigation of allegations of prohibited personnel actions under section 1034 of title 10, United States Code (as amended by this section), by the Inspector General and the Inspectors General of the military departments.

(B) The training of the staffs of the Inspectors General referred to in subparagraph (A) on the conduct of investigations described in that subparagraph.

(2) USE.—Commencing 180 days after prescription of the standards required by paragraph (1), the Inspectors General referred to in that paragraph shall comply with such standards in the conduct of investigations described in that paragraph and in the training of the staffs of such Inspectors General in the conduct of such investigations.

SEC. 962. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.

(a) IN GENERAL.—Section 1034(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''VIOLATIONS'' and inserting ''SUBSTANTIATED VIOLATIONS''; and

(2) in paragraph (1), by striking ''there is sufficient basis'' and all that follows and inserting ''corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary shall take appropriate corrective or disciplinary action.''.

(b) ACTIONS FOLLOWING DETERMINATIONS.—Paragraph (2) of such section is amended—

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

(A) by striking ''the Secretary concerned determines under paragraph (1)'' and inserting ''the Inspector General determines''; and

(B) by striking ''the Secretary shall'' and inserting ''the Secretary concerned shall'';

(2) in subparagraph (A), by inserting '', including referring the report to the appropriate board for the correction of military records'' before the semicolon; and

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

''(B) submit to the Inspector General a report on the actions taken by the Secretary pursuant to this paragraph, and provide for the inclusion of a summary of the report under this subparagraph (with any personally identifiable information redacted) in the semiannual report to Congress of the Inspector General of the Department of Defense or the Inspector General of the Department of Homeland Security, as applicable, under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall

apply with respect to reports received by the Secretaries of the military departments and the Secretary of Homeland Security under section 1034(e) of title 10,United States Code, on or after that date.

SEC. 963. IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) PROCEDURES OF BOARDS.—Paragraph (3) of section 1552(a) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)''; and

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

''(B) If a board makes a preliminary determination that a claim under this section lacks sufficient information or documents to support the claim, the board shall notify the claimant, in writing, indicating the specific information or documents necessary to make the claim complete and reviewable by the board.

''(C) If a claimant is unable to provide military personnel or medical records applicable to a claim under this section, the board shall make reasonable efforts to obtain the records. A claimant shall provide the board with documentary evidence of the efforts of the claimant to obtain such records. The board shall inform the claimant of the results of the board's efforts, and shall provide the claimant copies of any records so obtained upon request of the claimant.

''(D) Any request for reconsideration of a determination of a board under this section, no matter when filed, shall be reconsidered by a board under this section if supported by materials not previously presented to or considered by the board in making such determination.''.

(b) JUDICIAL REVIEW OF DETERMINATIONS OF BOARDS.—Paragraph (4) of such section is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated, by inserting ''or subject to review or appeal as described in subparagraph (B)'' after ''Except when procured by fraud''; and

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

''(B) A claimant may seek judicial review of a determination of a board under this section in an appropriate court of the United States. The scope of judicial review under this subparagraph shall be as specified in section 706 of title 5.''.

(c) PUBLICATION OF FINAL DECISIONS OF BOARDS.—Such section is further amended by adding at the end the following new paragraph:

''(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. In any decision so made available to the public there shall be redacted all personally identifiable information.''.

(d) TRAINING OF MEMBERS OF BOARDS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall develop and implement a comprehensive training curriculum for members of boards for the correction of military records under the jurisdiction of such Secretary in the duties of such boards under section 1552 of title 10, United States Code. The curriculum shall address all areas of administrative law applicable to the duties of such boards.

(2) UNIFORM CURRICULA.—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the curricula developed and implemented pursuant to this subsection are, to the extent practicable, uniform.

(3) TRAINING.—

(A) IN GENERAL.—Each member of a board for the correction of military records shall undergo retraining (consistent with the curriculum developed and implemented pursuant to this subsection) regarding the duties of boards for the correction of military records under section 1552 of title 10, United States Code, at least once every five years during the member's tenure on the board.

(B) CURRENT MEMBERS.—Each member of a board for the correction of military records as of the date of the implementation of the curriculum required by paragraph (1) (in this paragraph referred to as the ''curriculum implementation date'') shall undergo training described in subparagraph (A) not later than 90 days after the curriculum implementation date.

(C) NEW MEMBERS.—Each individual who becomes a member of a board for the correction of military records after the curriculum implementation date shall undergo training described in subparagraph (A) by not later than 90 days after the date on which such individual becomes a member of the board.

(4) REPORTS.—Not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report setting forth the following:

(A) A description and assessment of the progress made by such Secretary in implementing training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(B) A detailed description of the training curriculum required of such Secretary by paragraph (1).

(C) A description and assessment of any impediments to the implementation of training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(5) SECRETARY CONCERNED DEFINED.—In this subsection, the term ''Secretary concerned'' means a ''Secretary concerned'' as that term is used in section 1552 of title 10, United States Code.

SEC. 964. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF INTEGRITY OF DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review of the integrity of the Department of Defense whistleblower program.

(b) ELEMENTS.—The review for purposes of the report required by subsection (a) shall include the following elements:

(1) An assessment of the extent to which the Department of Defense whistleblower program meets Executive branch policies and goals for whistleblower protections.

(2) An assessment of the adequacy of procedures to handle and address complaints submitted by employees in the Office of the Inspector General of the Department of Defense to ensure that such employees themselves are able to disclose a suspected violation of law, rule, or regulation without fear of reprisal.

(3) An assessment of the extent to which there have been violations of standards used in regard to the protection of confidentiality provided to whistleblowers by the Inspector General of the Department of Defense.

(4) An assessment of the extent to which there have been incidents of retaliatory investigations against whistleblowers within the Office of the Inspector General.

(5) An assessment of the extent to which the Inspector General of the Department of Defense has thoroughly investigated and substantiated allegations within the past 10 years against civilian officials of the Department of Defense appointed to their positions by and with the advice and consent of the Senate, and whether Congress has been notified of the results of such investigations.

(6) An assessment of the ability of the Inspector General of the Department of Defense and the Inspectors General of the military departments to access agency information necessary to the execution of their duties, including classified and other sensitive information, and an assessment of the adequacy of security procedures to safeguard such classified or sensitive information when so accessed.

Subtitle E—Other Matters

SEC. 971. MODIFICATION OF REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) LIMITATION OF DPAA TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''from past conflicts'' after ''matters relating to missing persons'';

(2) in paragraph (2)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (A), (B), (C), (D), and (E), respectively; and

(C) by inserting ''from past conflicts'' after ''missing persons'' each place it appears;

(3) in paragraph (4)—

(A) by striking ''for personal recovery (including search, rescue, escape, and evasion) and''; and

(B) by inserting ''from past conflicts'' after ''missing persons''; and

(4) by striking paragraph (5).

(b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such title is amended in paragraphs (1), (2), and (3) by striking ''designated Agency Director'' and inserting ''Secretary of Defense''.

(c) DEFINITION OF ''ACCOUNTED FOR''.—Section 1513(3)(B) of such title is amended by inserting ''to the extent practicable'' after ''are recovered''.

SEC. 972. MODIFICATION OF AUTHORITY OF THE SECRETARY OF DEFENSE RELATING TO PROTECTION OF THE PENTAGON RESERVATION AND OTHER DEPARTMENT OF DEFENSE FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) LAW ENFORCEMENT AUTHORITY.—Subsection (b) of section 2674 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking the matter in such subsection preceding such paragraph and inserting the following:

''(b)(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.

''(2) The Secretary may designate military or civilian personnel to perform law enforcement functions and military, civilian, or contract personnel to perform security functions for such buildings, grounds, property, and persons, including, with regard to civilian personnel designated under this section, duty in areas outside the property referred to in paragraph (1) to the extent necessary to protect that property and persons on that property. Subject to the authorization of the Secretary, any such military or civilian personnel so designated may exercise the authorities listed in paragraphs (1) through (5) of section 2672(c) of this title.

''(3) The powers granted under paragraph (2) to military and civilian personnel designated under that paragraph shall be exercised in accordance with guidelines prescribed by the Secretary and approved by the Attorney General.

''(4) Nothing in this subsection shall be construed to—

''(A) preclude or limit the authority of any Defense Criminal Investigative Organization or any other Federal law enforcement agency;

''(B) restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

''(C) expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

''(D) affect chapter 47 of this title (the Uniform Code of Military Justice);

''(E) restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

''(F) restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).''.

(b) RATES OF BASIC PAY FOR CIVILIAN LAW ENFORCEMENT PERSONNEL.—Paragraph (5) of such subsection, as redesignated by subsection (a)(1) of this section, is amended by inserting '', whichever is greater'' before the period at the end.

(c) CODIFICATION OF AUTHORITY TO PROVIDE PHYSICAL PROTECTION AND PERSONAL SECURITY WITHIN UNITED STATES TO CERTAIN SENIOR LEADERS IN DOD AND OTHER SPECIFIED PERSONS.—

(1) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting after section 713 a new section 714 consisting of—

(A) a heading as follows:

''§ 714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States''; and

(B) a text consisting of the text of subsections (a) through (d) of section 1074 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 113 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

''714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.''.

(3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense Authorization Act for Fiscal Year 2008 is repealed.

(4) CONFORMING AND STYLISTIC AMENDMENTS DUE TO CODIFICATION.—Section 714 of title 10, United States Code, as added by paragraph (1), is amended—

(A) in subsections (a), (b)(1), and (d)(1), by striking ''Armed Forces'' and inserting ''armed forces'';

(B) in subsection (c)—

(i) by striking ''section:'' and all that follows through ''Forces' and'' and inserting ''section, the terms 'qualified members of the armed forces' and''; and

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and realigning the left margin of such paragraphs, as so redesignated, two ems to the left; and

(C) in subsection (d)(2), by striking '', United States Code''.

(5) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such section is further amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking ''Chiefs of the Services'' and inserting ''Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman'';

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (b)(1), by striking ''through (8)'' and inserting ''through (7)''.

(6) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO ''MILITARY MEMBER''.—Subsection (b)(2)(A) of such section is amended—

(A) by striking '', military member,''; and

(B) by inserting after ''of the Department of Defense'' the following: ''or member of the armed forces''.

SEC. 973. ENHANCED SECURITY PROGRAMS FOR DEPARTMENT OF DEFENSE PERSONNEL AND INNOVATION INITIATIVES.

(a) ENHANCEMENT OF SECURITY PROGRAMS GENERALLY.—

(1) PERSONNEL BACKGROUND AND SECURITY INVESTIGATIONS REQUIRED.—The Secretary of Defense shall take such actions as may be necessary for the Defense Security Service to conduct, before October 1, 2017, background investigations for personnel of the Department of Defense whose investigations are adjudicated by the Consolidated Adjudication Facility of the Department.

(2) TRANSFER OF INVESTIGATIVE PERSONNEL TO DEPARTMENT OF DEFENSE.—Not later than October 1, 2017, the Secretary and the Director of the Office of Personnel Management shall develop and carry out a plan to transfer Government investigative personnel and contracted resources to the Department in proportion to the background and security investigative workload to be assumed by the Department.

(3) REPORT.—Not later than August 15, 2016, the Secretary shall submit to the congressional defense committees a report on the number of full-time equivalent employees of the management headquarters of the Department that will be required by the Defense Security Service to carry out this section.

(4) COLLECTION, STORAGE, AND RETENTION OF INFORMATION BY INSIDER THREAT PROGRAMS.—In order to enable detection and mitigation of potential insider threats, the Secretary shall ensure that insider threat programs of the Department of Defense collect, store, and retain information from the following:

(A) Personnel security.

(B) Physical security.

(C) Information security.

(D) Law enforcement.

(E) Counterintelligence.

(F) User activity monitoring.

(G) Information assurance.

(H) Such other data sources as the Secretary considers necessary and appropriate.

(b) ESTABLISHMENT OF ENHANCED SECURITY PROGRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVATION INITIATIVE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a personnel security program, and take such other actions as the Secretary deems appropriate, to support the Innovation Initiative of the Department to better leverage commercial technology.

(2) POLICIES AND PROCEDURES.—In establishing the program required by paragraph (1), the Secretary shall develop policies and procedures to rapidly and inexpensively investigate and adjudicate security clearances for personnel from commercial companies with innovative technologies and solutions to enable such companies to receive relevant threat reporting and to propose solutions for a broader set of Department requirements.

(3) ACCESS TO CLASSIFIED INFORMATION.—The Secretary shall ensure that access to classified information under the program required by paragraph (1) is not contingent on a company already being under contract with the Department.

(4) AWARD OF SECURITY CLEARANCES.—The Secretary may award secret clearances under the program required by paragraph (1) for limited purposes and periods relating to the acquisition or modification of capabilities and services.

(c) RECIPROCITY FOR SENSITIVE NATIONAL SECURITY POSITIONS.—

(1) RECIPROCITY DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall coordinate with the Security Executive Agent, in consultation with the Suitability Executive Agent, to issue an updated reciprocity directive that accounts for security policy changes associated with new position designation regulations under section 1400 of title 5, Code of Federal Regulations, new continuous evaluation policies, and new Federal investigative standards.

(2) IMPLEMENTATION DIRECTIVES.—The Secretary of Defense, working with the Security Executive Agent and the Suitability Executive Agent, shall jointly develop and issue directives on—

(A) completing the implementation of the National Security Sensitive Position designations required by section 1400 of title 5, Code of Federal Regulations; and

(B) aligning to the maximum practical extent the investigative and adjudicative standards and criteria for positions requiring access to classified information and national security sensitive positions not requiring access to classified information to ensure effective and efficient reciprocity and consistent designation of like-positions across the Federal Government.

(d) INSIDER THREAT DEFINED.—In this section, the term ''insider threat'' means, with respect to the Department, a threat presented by a person who—

(1) has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department; and

(2) wittingly, or unwittingly, commits—

(A) an act in contravention of law or policy that resulted in, or might result in, harm through the loss or degradation of government or company information, resources, or capabilities; or

(B) a destructive act, which may include physical harm to another in the workplace.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than

the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCREASED USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS FOR THE PURPOSE OF PREPARING FINANCIAL STATEMENT AUDITS.

(a) DEPLOYMENT OF DATA ANALYTICS CAPABILITIES.—The Secretary of Defense shall use competitive procedures under chapter 137 of title 10, United States Code, to procure as soon as practicable information technology services, including non-relational database, data analysis, and data integration platforms, to improve preparation of auditable financial statements for the Department of Defense.

(b) USE OF FUNDING AND RESOURCES.—The Secretary of Defense shall use science and technology funding, prototypes, and test and evaluation resources as appropriate in support of this deployment.

(c) REPORT ON PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Financial Officer and the Chief Management Officer of the Department of Defense, shall submit to the congressional defense committees a report on the capabilities procured pursuant to subsection (a), including the results of using such capabilities in connection with auditing a financial statement of the Department of Defense.

SEC. 1003. SENSE OF SENATE ON SEQUESTRATION.

It is the sense of the Senate that—

(1) the fiscal challenges of the Nation are a top priority for Congress, and sequestration—nonstrategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the United States;

(2) sequestration relief must be accomplished for fiscal years 2018 through 2021, the remaining years of the discretionary spending caps under the Budget Control Act of 2011;

(3) sequestration relief should include both defense and nondefense relief; and

(4) sequestration relief should be offset through targeted changes in mandatory and discretionary spending and revenues.

Subtitle B—Counter-Drug Activities

SEC. 1006. CODIFICATION AND MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME OF CIVILIAN LAW ENFORCEMENT AGENCIES.

(a) CODIFICATION AND MODIFICATION.—

(1) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 384. Support for counter-drug activities and activities to counter transnational organized crime

''(a) SUPPORT TO OTHER AGENCIES.—The Secretary of Defense may provide support for the counter-drug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

''(1) in the case of support described in subsection (b), such support is requested—

''(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

''(B) by the appropriate official of a State, local, or tribal government, in the case of support for State, local, or tribal law enforcement agencies; or

''(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government that has counter-drug responsibilities or responsibilities for countering transnational organized crime.

''(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

''(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

''(A) preserving the potential future utility of such equipment for the Department of Defense; and

''(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

''(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

''(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

''(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

''(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

''(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State, local, or tribal law enforcement agency within or outside the United States.

''(5) Counter-drug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

''(6) The detection, monitoring, and communication of the movement of—

''(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

''(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

''(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

''(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

''(9) The provision of linguist and intelligence analysis services.

''(10) Aerial and ground reconnaissance.

''(c) TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

''(1) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

''(2) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

''(d) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—The Secretary may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.

''(e) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

''(f) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

''(g) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564) for the purpose of aiding civilian law enforcement agencies.

''(h) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—

''(1) ADDITIONAL AUTHORITY.—The authority provided in this section for the support of counter-drug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

''(2) EXCEPTION.—Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

''(i) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—

''(1) IN GENERAL.—When a decision is made to carry out a military construction project described in paragraph (2), the Secretary shall submit to the congressional defense committees written notice of the decision, including the justification for the project

and the estimated cost of the project. The project may be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by Congress.

''(2) COVERED PROJECTS.—Paragraph (1) applies to an unspecified minor military construction project that—

''(A) is intended for the construction, modification, or repair of any facility for the purposes set forth in subsection (b)(4) or (c)(2); and

''(B) has an estimated cost of more than $250,000.

''(3) CONSTRUCTION OF NOTICE REQUIREMENT.—This subsection may not be construed as an authorization for the use of funds for any military construction project that would exceed the approved cost limitations of an unspecified minor military construction project under section 2805(a)(2) of this title.

''(j) DEFINITIONS.—In this section:

''(1) The term 'Indian tribe' means a Federally recognized Indian tribe.

''(2) The term 'tribal government' means the governing body of an Indian tribe, the status of whose land is 'Indian country' as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

''(3) The term 'tribal law enforcement agency' means the law enforcement agency of a tribal government.

''(4) The term 'transnational organized crime' means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

''384. Support for counter-drug activities and activities to counter transnational organized crime.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is repealed.

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962), is further amended—

(1) in subsection (a)(1), by striking ''2017'' and inserting ''2021''; and

(2) in subsection (c), by striking ''2017'' and inserting ''2021''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF CRUISERS OR DOCK LANDING SHIPS.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Except as provided in subsections (b) through (g), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be obligated or expended to retire, prepare to retire, or inactivate a TICONDEROGA–class cruiser, WHIDBEY ISLAND–class dock landing ship, or HARPERS FERRY–class dock landing ship.

(b) CERTIFICATION OF REQUIREMENT FOR OPERATIONAL CRUISERS AND DOCK LANDING SHIPS.—The Chief of Naval Operations shall certify to the congressional defense committees the Navy requirement for operational cruisers and dock landing ships, as provided under subsection (d)(1), from fiscal year 2017 through fiscal year 2030. The certification shall also state the requirement for basic (BMD 3.X), intermediate (BMD 4.X), and advanced (BMD 5.X) ballistic missile defense capability on operational cruisers from fiscal year 2017 through fiscal year 2030.

(c) SHIP MODERNIZATION, OPERATIONS, AND SUSTAINMENT FUND (SMOSF).—Funds within the Ship Modernization, Operations, and Sustainment Fund (SMOSF) shall only be used for 11 TICONDEROGA-class cruisers (CG–63 through CG–73) and 3 WHIDBEY ISLAND-class dock landing ships (LSD–41, LSD–42, and LSD–46).

(d) PHASED MODERNIZATION.—The Secretary of the Navy shall retain the current inventory of 22 TICONDEROGA-class cruisers and 12 WHIDBEY ISLAND- or HARPERS FERRY-class dock landing ships until the end of their service lives, as follows:

(1) OPERATIONAL FORCES.—Through fiscal year 2030, the Navy shall maintain not less than the Chief of Naval Operations' requirement for operational cruisers certified under subsection (b) or 11 operational cruisers, whichever is greater. The Navy shall maintain no less than the Chief of Naval Operations' requirement for dock landing ships certified under subsection (b) or 9 operational dock landing ships, whichever is greater.

(2) PHASED MODERNIZATION.—The Navy is authorized to conduct phased modernization of not more than 11 cruisers and 3 dock landing ships. During the phased modernization period, the Navy may reduce manning on these ships to the minimal level necessary to ensure safety and security of the ship and to retain critical skills. Only the ships listed in subsection (c) may undergo phased modernization. Ships undergoing phased modernization shall comply with subsection (e).

(3) TRANSITION FROM PHASED MODERNIZATION TO OPERATIONAL FORCES.—Each of the cruisers described under paragraph (1) may be decommissioned at the end of its service life concurrent with being replaced by a cruiser that completes phased modernization pursuant to paragraph (2). After being reintroduced into the operational fleet, each of the cruisers modernized pursuant to paragraph (2) may be decommissioned upon reaching its expected service life.

(4) AVAILABILITY FOR WORLDWIDE DEPLOYMENT.—For purposes of this subsection, an operational cruiser or dock landing ship is available for worldwide deployment other than during routine or scheduled maintenance or repair.

(e) REQUIREMENTS AND LIMITATIONS ON PHASED MODERNIZATION.—

(1) IN GENERAL.—During the period of phased modernization authorized under subsection (d), the Secretary of the Navy shall—

(A) continue to maintain the ships in a manner that will ensure the ability of the ships to re-enter the operational fleet in accordance with paragraph (3) of such subsection;

(B) conduct planning activities to ensure scheduled and deferred maintenance and modernization work items are identified and included in maintenance availability work packages;

(C) conduct hull, mechanical, and electrical (HM&E) and combat system modernization necessary to achieve a service life of 40 years;

(D) conduct basic (BMD 3.X), intermediate (BMD 4.X), and advanced (BMD 5.X) ballistic missile defense capability upgrades to meet or exceed the Chief of Naval Operations' requirement certified under subsection (b); and

(E) complete maintenance and modernization of the cruisers, including required testing and crew training, to allow for a one-for-one replacement of operational cruisers in accordance with subsection (d)(3).

(2) RESTRICTED ACTIVITIES.—During the period of phased modernization authorized under subsection (d), the Secretary of the Navy may not—

(A) permit removal or cannibalization of equipment or systems, unless planned for full replacement or upgrade during phased modernization, other than equipment or systems explicitly identified as—

(i) rotatable pool equipment; or

(ii) necessary to support urgent operational requirements approved by the Secretary of Defense;

(B) make any irreversible modifications that will prohibit the ship from re-entering the operational fleet;

(C) through fiscal year 2030, reduce the quantity of operational cruisers below the number certified to be required by the Chief of Naval Operations under subsection (b) or 11 operational cruisers, whichever is greater;

(D) through fiscal year 2030, reduce the quantity of operational dock landing ships below the number certified to be required by the Chief of Naval Operations under subsection (b) or 9 operational dock landing ships, whichever is greater; and

(E) through fiscal year 2030, reduce the basic, intermediate, or advanced ballistic missile defense capability on operational cruisers below the quantities certified to be required by the Chief of Naval Operations under subsection (b).

(f) REPORT REQUIRED.—The Secretary of the Navy shall submit to the congressional defense committees an annual report on the status of the phased modernization program. This report shall accompany the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code. The report shall include, with respect to the ships undergoing phased modernization pursuant to subsection (d)(2), the following information:

(1) The status of modernization efforts, by vessel, including availability schedules, equipment procurement schedules, and annual funding requirements from the fiscal year of induction into the phased modernization program through the fiscal year of planned re-entry into the operational fleet.

(2) Each vessel's current readiness, operational, and manning status.

(3) An assessment of each vessel's current materiel condition.

(4) A list of rotatable pool equipment that is identified across the classes of cruisers and dock landing ships as necessary to support operations on a continuing basis.

(5) A list of equipment, other than rotatable pool equipment, removed from each vessel, including a justification for the removal, the disposition of the equipment, and plan for restoration of the equipment.

(6) A list of planned obligations and expenditures, by vessel, for the fiscal year of the budget of the President submitted to Congress.

(g) NOTIFICATION REQUIRED.—The Secretary of the Navy shall notify the congressional defense committees in writing 30 days prior to executing any deviations to the plans provided pursuant to paragraphs (1) and (6) of subsection (f) of the most recent report required under such subsection.

SEC. 1012. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) PROHIBITIONS.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017

for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) WAIVER.—The Secretary of the Navy may waive the limitations under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational requirements that are currently being met by the AVENGER-class ships and SEA DRAGON helicopters to be retired, transferred, or placed in storage;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the AVENGER-class ships and SEA DRAGON helicopters.

Subtitle D—Counterterrorism

SEC. 1021. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1022. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1032(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1022A. PROHIBITION ON REPROGRAMMING REQUESTS FOR FUNDS FOR TRANSFER OR RELEASE, OR CONSTRUCTION FOR TRANSFER OR RELEASE, OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

While the prohibitions in sections 1031 and 1032 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) are in effect, the Department of Defense may not submit to Congress a reprogramming request for funds to carry out any action prohibited by either such section.

SEC. 1023. DESIGNING AND PLANNING RELATED TO CONSTRUCTION OF CERTAIN FACILITIES IN THE UNITED STATES.

(a) DESIGNING AND PLANNING AUTHORIZED.—Notwithstanding any provision of law limiting the use of funds for the construction or modification of facilities in the United States or its territories or possessions to house individuals detained at Guantanamo, the Secretary of Defense may use amounts authorized to be appropriated or otherwise made available for the Department of Defense for designing and planning related to the construction or modification of such facilities.

(b) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) 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 detained at United States Naval Station, Guantanamo Bay.

SEC. 1024. AUTHORITY TO TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) TEMPORARY TRANSFER FOR MEDICAL TREATMENT.—Notwithstanding section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968), or any similar provision of law enacted after September 30, 2015, the Secretary of Defense may, after consultation with the Secretary of Homeland Security, temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary of Defense determines that—

(1) the medical treatment of the individual is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States under this section.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or another official of the Department of Defense at the level of Under Secretary of Defense or higher.

(c) CONDITIONS OF TRANSFER.—An individual who is temporarily transferred under the authority in subsection (a) shall—

(1) while in the United States, remain in the custody and control of the Secretary of Defense at all times; and

(2) be returned to United States Naval Station, Guantanamo Bay, Cuba, as soon as feasible after a Department of Defense physician determines, in consultation with the Commander, Joint Task Force-Guantanamo Bay, Cuba, that any necessary follow-up medical care may reasonably be provided the individual at United States Naval Station, Guantanamo Bay.

(d) STATUS WHILE IN UNITED STATES.—An individual who is temporarily transferred under the authority in subsection (a), while in the United States—

(1) shall be deemed at all times and in all respects to be in the uninterrupted custody of the Secretary of Defense, as though the individual remained physically at United States Naval Station, Guantanamo Bay, Cuba;

(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;

(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to individuals detained at United States Naval Station, Guantanamo Bay; and

(4) shall not, as a result of such transfer, have a change in any designation that may have attached to that detainee while detained at United States Naval Station, Guantanamo Bay, pursuant to the Authorization for Use of Military Force (Public Law 107–40), as determined in accordance with applicable law and regulations.

(e) NO CAUSE OF ACTION.—Any decision to transfer or not to transfer an individual made under the authority in subsection (a) shall not give rise to any claim or cause of action.

(f) LIMITATION ON JUDICIAL REVIEW.—

(1) LIMITATION.—Except as provided in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any claim or action against the United States or its departments, agencies, officers, employees, or agents arising from or relating to any aspect of the detention, transfer, treatment, or conditions of confinement of an individual transferred under this section.

(2) EXCEPTION FOR HABEAS CORPUS.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to consider an application for writ of habeas corpus seeking release from custody filed by or on behalf of an individual who is in the United States pursuant to a temporary transfer under the authority in subsection (a). Such jurisdiction shall be limited to that required by the Constitution, and relief shall be only as provided in paragraph (3). In such a proceeding the court may not review, halt, or stay the return of the individual who is the object of the application to United States Naval Station, Guantanamo Bay, Cuba, pursuant to subsection (c).

(3) RELIEF.—A court order in a proceeding covered by paragraph (2)—

(A) may not order the release of the individual within the United States; and

(B) shall be limited to an order of release from custody which, when final, the Secretary of Defense shall implement in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016.

(g) NOTIFICATION.—Whenever a temporary transfer of an individual detained at Guantanamo is made under the authority of subsection (a), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of the transfer not later than five days after the date on which the transfer is made.

(h) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) 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 detained at United States Naval Station, Guantanamo Bay.

(i) APPLICABILITY.—This section shall apply to an individual temporarily transferred under the authority in subsection (a) regardless of the status of any pending or completed proceeding or detention on the date of the enactment of this Act.

SEC. 1025. AUTHORITY FOR ARTICLE III JUDGES TO TAKE CERTAIN ACTIONS RELATING TO INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) USE OF VIDEO TELECONFERENCING.—A judge of a United States District Court shall have jurisdiction to take any of the following actions by video teleconferencing with respect to an individual detained at Guantanamo:

(1) Arraign the individual for a charge under the laws of the United States.

(2) Accept a plea to a charge under the laws of the United States.

(3) Enter a judgment of conviction and sentence the individual for a charge upon which the individual is convicted as a result of such a plea.

An action specified in paragraph (1), (2), or (3) may be taken by video teleconferencing only with the consent of the individual.

(b) VENUE.—A judge of a United States District Court may act by video teleconferencing under subsection (a) only where such District Court maintains venue concerning the offense alleged.

(c) TRANSFER TO SERVE SENTENCE OF IMPRISONMENT.—The Attorney General may transfer to a foreign country an offender who is convicted of an offense by reason of a plea entered into as described in subsection (a) and who is under a sentence of imprisonment resulting from such conviction. Any such transfer shall be made for the purpose of the offender serving the sentence imposed on him, and shall be made under chapter 306 of title 18, United States Code, without regard to the provisions of section 4107 and subsections (a) and (b) of section 4100 of that title.

(d) DEFINITIONS.—In this section:

(1) 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 national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) 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.

(2) The terms ''imprisonment'', ''offender'', ''sentence'', and ''transfer'' have the meanings given those terms in section 4101 of title 18, United States Code.

SEC. 1026. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF 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) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1027. MATTERS ON MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES AND GOVERNMENTS OF RECEIVING FOREIGN COUNTRIES AND ENTITIES IN CERTIFICATIONS ON TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) is 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) both—

''(A) the United States Government, on the one hand, and the government of the foreign country or the recognized leadership of the foreign entity, on the other hand, have entered into a written memorandum of understanding (MOU) regarding the transfer of the individual; and

''(B) the memorandum of understanding—

''(i) has been transmitted to the appropriate committees of Congress, in classified form (if necessary); and

''(ii) includes an assessment, whether in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or foreign entity, as the case may be, with respect to the matters certified by the Secretary pursuant to paragraphs (2) and (3);''.

SEC. 1028. LIMITATION ON TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, PENDING A REPORT ON THEIR TERRORIST ACTIONS AND AFFILIATIONS.

(a) LIMITATION.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense may be used to transfer, release, or assist in the transfer or release to any foreign government or foreign entity of an individual detained at Guantanamo until the Secretary of Defense submits to the appropriate committees of Congress a report on the individual that includes the following:

(1) A description of the individual's previous terrorist activities.

(2) A description of the individual's previous memberships in or affiliations or associations with terrorist organizations.

(3) A description of the individual's support for or participation in attacks against the United States or United States allies.

(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, and may not include a classified annex as a means of conveying any information of material significance to such report.

(c) CONSTRUCTION WITH OTHER PROHIBITIONS AND LIMITATIONS.—The limitation in subsection (a) is in addition to any prohibition or other limitation on the transfer or release of individuals detained at Guantanamo under any other provision of law, including the provisions of subtitle D of title X of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968).

(d) 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. 1029. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO COUNTRIES COVERED BY DEPARTMENT OF STATE TRAVEL WARNINGS.

(a) FINDING.—The Senate makes the following findings:

(1) The Department of State issues travel warnings regarding travel to foreign countries for reasons that include ''unstable government, civil war, ongoing intense crime or violence, or frequent terrorist attacks''.

(2) These travel warnings are issued to highlight the ''risks of traveling'' to particular countries and are left in place until the situation in the country concerned improves.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) countries that pose such a significant travel threat to United States citizens that the Department of State feels obliged to issue a travel warning should not be considered an appropriate recipient of any detainee transferred from United States Naval Station, Guantanamo Bay, Cuba; and

(2) if a country is subject to a Department of State travel warning, it is highly unlikely that the government of the country can provide the United States Government appropriate security and assurances regarding the prevention of the recidivism of any detainee so transferred.

(c) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraphs and (2) and (3), no amounts authorized to be appropriated by this Act or otherwise available for the Department of Defense may be used, during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay to the custody or control of any country subject to a Department of State travel warning at the time the transfer or release would otherwise occur.

(2) EXCEPTION FOR CERTAIN WARNINGS.—Paragraph (1) shall not apply with respect to any country subject to a travel warning described in that paragraph that is issued solely on the basis of one or more of the following:

(A) Medical deficiencies, infectious disease outbreaks, or other health-related concerns.

(B) A natural disaster.

(C) Criminal activity.

(3) EXCEPTION FOR CERTAIN COUNTRY.—Paragraph (1) shall not apply with respect to the Kingdom of Saudi Arabia.

SEC. 1030. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 972) is amended by inserting ''or 2017'' after ''fiscal year 2016''.

Subtitle E—Assured Access to Space

SEC. 1036. RESTRICTIONS ON USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.—Except as provided by section 1608(c) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on December 1, 2015), the Secretary of Defense may not, on or after the date of the enactment of this Act—

(1) launch any national security satellite on a space launch vehicle with a rocket engine designed or manufactured in the Russian Federation; or

(2) certify any entity to bid for the award or renewal of a contract for the procurement of property or services for space launch activities for the evolved expendable launch vehicle program if, in carrying out such space launch activities, the entity would use a rocket engine designed or manufactured in the Russian Federation.

(b) NATIONAL SECURITY SATELLITE DEFINED.—In this section, the term ''national

security satellite'' is a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

SEC. 1037. LIMITATION ON USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION TO ACHIEVE ASSURED ACCESS TO SPACE.

Section 2273 of title 10, United States Code, is amended—

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

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

''(c) LIMITATION ON USE OF RUSSIAN ROCKET ENGINES.—Except as provided by section 1608(c) of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on December 1, 2015), rocket engines designed or manufactured in the Russian Federation may not be used to pursue the attainment of the capabilities described in subsection (a).''.

SEC. 1038. REPEAL OF PROVISION PERMITTING THE USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

Section 8048 of the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113; 129 Stat. 2363) is repealed.

Subtitle F—Miscellaneous Authorities and Limitations

SEC. 1041. ASSIGNED FORCES OF THE COMBATANT COMMANDS.

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''Except as provided in paragraph (2)'' and inserting ''As directed by the Secretary of Defense'';

(B) by striking ''all forces'' and inserting ''specified forces''; and

(C) by striking the second sentence;

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) A force not assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under paragraph (1) shall remain assigned to the military department concerned for carrying out the responsibilities of the Secretary of the military department concerned as specified in section 3013, 5013, or 8013 of this title, as applicable.''; and

(3) in paragraph (4)—

(A) by striking ''operating with the geographic area'' and

(B) by striking ''assigned to, and''.

SEC. 1042. QUADRENNIAL INDEPENDENT REVIEW OF UNITED STATES MILITARY STRATEGY AND FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) INDEPENDENT REVIEW.—

(1) IN GENERAL.—Beginning in fiscal year 2018 and occurring every four years thereafter, the Secretary of Defense shall commission an independent review of United States policy in the Indo-Asia-Pacific region, with a focus on issues expected to be critical during the ten-year period beginning on the date of such review, including the national security interests and military strategy of the United States in the Indo-Asia-Pacific region.

(2) CONDUCT OF REVIEW.—The review conducted pursuant to paragraph (1) shall be conducted by an independent organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States and from the Indo-Asia-Pacific region.

(3) ELEMENTS.—Each review conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of the risks to United States national security interests in the United States Pacific Command area of responsibility during the ten-year period beginning on the date of such review as a result of changes in the security environment.

(B) An assessment of the current and planned United States force posture adjustments with respect to the Indo-Asia-Pacific region.

(C) An evaluation of any key capability gaps and shortfalls of the United States in the Indo-Asia-Pacific region, including undersea warfare (including submarines), naval and maritime, ballistic missile defense, cyber, munitions, anti-access area denial, land-force power projection, and intelligence, surveillance, and reconnaissance capabilities.

(D) An analysis of the willingness and capacity of allies, partners, and regional organizations to contribute to the security and stability of the Indo-Asia-Pacific region, including potential required adjustments to United States military strategy based on that analysis.

(E) An appraisal of the Arctic ambitions of actors in the Indo-Asia-Pacific region in the context of current and projected capabilities, including an analysis of the adequacy and relevance of the Arctic Roadmap prepared by the Navy.

(F) An evaluation of theater security cooperation efforts of the United States Pacific Command in the context of current and projected threats, and desired capabilities and priorities of the United States and its allies and partners.

(G) An evaluation of the seams between United States Pacific Command and adjacent geographic combatant commands and recommendations to mitigate the effects of those seams.

(H) The views of noted policy leaders and regional experts, including military commanders, in the Indo-Asia-Pacific region.

(b) REPORT.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after commencing a review pursuant to subsection (a), the independent organization conducting the review shall submit to the Secretary of Defense a report containing the findings of the review. The report shall be submitted in unclassified form, but may contain an classified annex.

(2) SUBMITTAL TO CONGRESS.—Not later than 90 days after the date of receipt of a report required by paragraph (1), the Secretary shall submit to the congressional defense committees the report, together with any comments on the report that the Secretary considers appropriate.

SEC. 1043. DESIGNATION OF A DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORT.

(a) ARCTIC DEFINED.—In this section, the term ''Arctic'' has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report assessing the future security requirements for one or more strategic ports in the Arctic.

(c) REQUIREMENTS.—Consistent with the Department of Defense Arctic Strategy set forth pursuant to section 1068 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–92; 129 Stat. 992), the assessment in subsection (b) shall include—

(1) the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, or a national security cutter or a heavy polar ice breaker of the Coast Guard;

(2) the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

(A) aerospace warning;

(B) maritime surface and subsurface warning;

(C) maritime control and defense;

(D) maritime domain awareness;

(E) homeland defense;

(F) defense support to civil authorities;

(G) humanitarian relief;

(H) search and rescue;

(I) disaster relief;

(J) oil spill response;

(K) medical stabilization and evacuation; and

(L) meteorological measurements and forecasting;

(3) an identification of proximity and road access to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in subsection (c)(2); and

(4) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations designated in subsection (c)(2).

(d) DESIGNATION.—Upon completion of the report in subsection (b), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, the Administrator of the Maritime Administration, shall establish the designation criteria for a Department of Defense ''Strategic Arctic Port'' and shall submit recommendations for the designation of one or more Strategic Arctic Ports within eighteen months. The recommendations shall include an estimated cost for sufficient construction necessary to initiate and sustain expected operations.

(e) CONSTRUCTION.—Nothing in this section may be construed to authorize any additional Department of Defense appropriations for the establishment of a port recommended pursuant to this section.

SEC. 1044. MODIFICATION OF REQUIREMENTS REGARDING NOTIFICATIONS TO CONGRESS ON SENSITIVE MILITARY OPERATIONS.

(a) TIMING OF NOTIFICATION REQUIREMENT.—Subsection (a) of section 130f of title 10, United States Code, is amended by inserting ''not later than 36 hours'' before ''following such operation''.

(b) PROCEDURES.—Subsection (b) of such section is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures.''; and

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

''(3) In the event of an unauthorized disclosure described in paragraph (2), the Secretary shall ensure, to the maximum extent practicable, that the congressional defense committees are notified immediately of the sensitive military operation concerned.''.

(c) BRIEFING REQUIREMENTS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) in subsection (c), by inserting before the period at the end the following: '', including Department of Defense support to operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.)''.

(d) DEFINITION.—Subsection (d) of such section is amended by striking ''means'' and all that follows and inserting ''means the following:

''(1) A lethal operation or capture operation conducted by the armed forces outside the United States that targets a specific individual or individuals.

''(2) An operation conducted by the armed forces outside a theater of major hostilities in self-defense or in defense of foreign partners.''.

(e) REPEAL OF EXCEPTION TO NOTIFICATION REQUIREMENT.—Such section is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) CONFORMING AMENDMENTS.—

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

''§ 130f. Notification requirements for sensitive military operations''.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130f and insert the following new item:

''130f. Notification requirements for sensitive military operations.''.

SEC. 1045. RECONNAISSANCE STRIKE GROUP MATTERS.

(a) MODELING OF ALTERNATIVE ARMY DESIGN AND OPERATIONAL CONCEPT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, provide for and oversee the modeling of an alternative Army design and operational concept for the Reconnaissance Strike Group (RSG).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the alternative design and operational concept modeled as described in paragraph (1). The report shall include an assessment of the feasibility and advisability of a follow-on pilot program to test force designs and concepts of operation developed pursuant to the modeling.

(b) TEST, EVALUATION, DEVELOPMENT, AND VALIDATION.—

(1) OFFICE REQUIRED.—Commencing not later than 60 days after the date of the enactment of this Act, the commander of a combatant command designated by the Secretary for purposes of this subsection shall establish within that combatant command an office to carry out testing, evaluation, development and validation of the joint warfighting concepts, and required platforms and structure, of the Reconnaissance Strike Group.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and periodically thereafter, the commander of the combatant command designated pursuant to paragraph (1) shall submit to the committees of Congress referred to in subsection (a)(2) a report on the office required pursuant to paragraph (1), including the structure of the office, the programmatic goals of the office, and the funding required by the office to carry out the activities specified in paragraph (1).

SEC. 1046. TRANSITION OF AIR FORCE TO OPERATION OF REMOTELY PILOTED AIRCRAFT BY ENLISTED PERSONNEL.

(a) IN GENERAL.—Not later than September 30, 2019, the Air Force shall fully transition to an organizational model for all Air Force remotely piloted aircraft (RPA) that uses enlisted personnel as operators of such aircraft rather than officers as the preponderance of operators of such aircraft.

(b) TRANSITION MATTERS.—The transition required by subsection (a) shall account for the following:

(1) Training infrastructure for enlisted personnel operating Air Force remotely piloted aircraft.

(2) Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that sets forth a detailed description of the plan for the transition required by subsection (a), including the following:

(A) The objectives of the transition.

(B) The timeline of the transition.

(C) The resources required to implement the transition.

(D) Recommendations for any legislation action required to implement the transition.

(2) REPORTS ON PROGRESS IN IMPLEMENTATION.—Not later than each of March 1, 2018, and March 1, 2019, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph, and in achieving the transition required by subsection (a), by not later than September 30, 2019.

SEC. 1047. PROHIBITION ON DIVESTMENT OF MARINE CORPS SEARCH AND RESCUE UNITS.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy or the Marine Corps may be obligated or expended—

(1) to retire, prepare to retire, transfer, or place in storage any Marine Corps Search and Rescue Unit (SRU) aircraft; or

(2) to make any change or revision to manning levels with respect to any Marine Corps Search and Rescue Unit squadron.

SEC. 1048. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

(a) CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, or serving under section 328 of title 32, United States Code, and are not military technicians. The positions to be converted are described in paragraph (2).'';

(2) in paragraph (2), by striking ''the report'' and all that follows and inserting ''by the Army Reserve, the Air Force Reserve, the National Guard Bureau, and the State adjutants general in the course of reviewing all military technician positions for purposes of implementing this section.''; and

(3) in paragraph (3), by striking ''may fill'' and inserting ''shall fill''.

(b) CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS POSITIONS.—Subsection (e) of section 10217 of title 10, United States Code, is amended is amended to read as follows:

''(e) CONVERSION OF POSITIONS.—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

''(2) On October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions filled by individuals who are employed under section 3101 of title 5 or section 1601 of this title and are not military technicians.

''(3) In the case of a position converted under paragraph (2) for which there is an incumbent employee on October 1, 2017, the Secretary shall fill that position, as converted, with the incumbent employee without regard to any requirement concerning competition or competitive hiring procedures.

''(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1) shall an individual employed in such position under section 3101 of title 5 or section 1601 of this title.''.

(c) REPORT ON CONVERSION OF MILITARY TECHNICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE GUARD AND RESERVE DUTY.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense, shall in consultation with the Chief of the National Guard Bureau, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing active Guard and Reserve duty under section 328 of title 32, United States Code, or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(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.

(2) ACTIVE GUARD AND RESERVE DUTY DEFINED.—In this subsection, the term ''active Guard and Reserve duty'' has the meaning given that term in section 101(d)(6) of title 10, United States Code.

SEC. 1049. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.

(a) SELECTION OF ASSOCIATE DIRECTOR.—The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of the Armed Forces who are general or flag officers and who have served, in the five years before selection, in a position that involved significant interaction and coordination with the Central Intelligence Agency.

(b) SUPPORT FOR ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense and the Under Secretary of Defense for Intelligence shall ensure that the Associate Director of the Central Intelligence Agency for Military Affairs has access to, and support from, offices, Agencies, and programs of the Department necessary for the purposes of the Associate Director as follows:

(A) To facilitate and coordinate Department of Defense support for the Central Intelligence Agency requested by the Director of the Central Intelligence Agency and approved by the Secretary, including oversight

of Department of Defense military and civilian personnel detailed or assigned to the Central Intelligence Agency.

(B) To prioritize, communicate, and coordinate Department of Defense requests for, and the provision of support to, the Department of Defense from the Central Intelligence Agency, including support requested by and provided to the commanders of the combatant commands and subordinate task forces and commands.

(2) POLICIES.—The Under Secretary shall develop and supervise the implementation of policies to integrate and prioritize Department of Defense requirements and requests for support from the Central Intelligence Agency that are coordinated by the Associate Director pursuant to paragraph (1)(B).

SEC. 1050. ENHANCEMENT OF INTERAGENCY SUPPORT DURING CONTINGENCY OPERATIONS AND TRANSITION PERIODS.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of State may enter into an agreement under which each Secretary may provide covered support, supplies, and services on a reimbursement basis, or by exchange of covered support, supplies, and services, to the other Secretary during a contingency operation and related transition period for up to two years following the end of such contingency operation.

(b) AGREEMENT.—An agreement entered into under this section shall be in writing and shall include the following terms:

(1) The price charged by a supplying agency shall be the direct costs that such agency incurred by providing the covered support, supplies, or services to the requesting agency under this section.

(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be liquidated not less often than once every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within one year after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not satisfied shall be immediately liquidated by direct payment to the agency supplying such covered, support, supplies, or services.

(c) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation in the same manner that a similar order or contract placed with a private contractor is an obligation. Appropriations remain available to pay an obligation to the servicing agency in the same manner as appropriations remain available to pay an obligation to a private contractor.

(d) CREDITING OF RECEIPTS.—Any receipt as a result of an agreement entered into under this section shall be credited, at the option of the Secretary of Defense with respect to the Department of Defense and the Secretary of State with respect to the Department of State, to—

(1) the appropriation, fund, or account used in incurring the obligation; or

(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(e) DEFINITIONS.—In this section:

(1) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) COVERED SUPPORT, SUPPLIES, AND SERVICES.—The term ''covered support, supplies, and services'' means food, billeting, transportation (including airlift), petroleum, oils, lubricants, communications services, medical services, ammunition, base operations support (and construction incident to base operations support), use of facilities, spare parts and components, repair and maintenance services, and calibration services.

SEC. 1051. ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.

(b) FORMAL MECHANISM OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense, establish a formal mechanism through which Department of Homeland Security information needs relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.

(2) DISSEMINATION TO THE ARMED FORCES.—The Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so that the Armed Forces have an opportunity to schedule and design training in accordance with section 371 of title 10, United States Code.

(3) COORDINATION OF TRAINING.—The Secretary of Defense shall ensure that training scheduled and designed as described in paragraph (2) is coordinated, to the maximum extent practicable, with the Department of Homeland Security.

(c) SHARING OF CERTAIN INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall formulate guidance to ensure that information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the borders of the United States is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.

SEC. 1052. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

(1) is consistent with the mission and functions of the Department of Defense; and

(2) does—

(A) not significantly interfere with the mission or functions of the Department; or

(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States.

(b) NOTICE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (3), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees of the Secretary's intent to provide such support.

(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

(A) A description of the support to be provided.

(B) A description of how the support is consistent with the mission and functions of the Department.

(C) A description of how the support—

(i) does not significantly interfere with the mission or functions of the Department; or

(ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

(3) TIME SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

(A) may provide notification under paragraph (1) after providing the support; and

(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

(c) DEFENSE SENSITIVE SUPPORT DEFINED.—In this section, the term ''defense sensitive support'' means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

SEC. 1053. MODIFICATION OF AUTHORITY TO TRANSFER DEPARTMENT OF DEFENSE PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) RESTATEMENT AND MODIFICATION OF CURRENT AUTHORITY FOR TRANSFER FOR STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES.—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) Breathing apparatus.

''(x) Riot batons.

''(C) 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) vehicle.

''(viii) Tasers developed primarily for use by the military.

''(C) LIST OF CONTROLLED ITEMS NOT TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary shall, acting through the Director and in consultation with the Working Group referred to in paragraph (1)(C), 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. The list shall be established and maintained in accordance with the regulations for purposes of this section under subsection (g).

''(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)(C) 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) NO 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 the 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 decisionmaking authority on the deployment of a SWAT team attends the National Tactical Officers Association unit commanders course or an equivalent within one year of commencing the exercise of such authority;

''(ii) specialized leadership training requirements for unit commanders who have—

''(I) decisionmaking 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 upon request.

''(k) SUSPENSION AND TERMINATION.—

''(1) FOR LOST OR STOLEN ITEMS.—In the event an offensive weapon or ordnance transferred to a State or local law enforcement agency under this section is lost, stolen, or misappropriated, the Director of the Defense Logistics Agency, after providing the law enforcement agency with notice and the opportunity to contest the allegation, shall suspend the law enforcement agency from eligibility for receipt of items under this section for a period of six months.

''(2) INTENTIONAL FALSIFICATION OF INFORMATION.—In the event a State or local law enforcement agency is determined by the Director (or the designee of the Director) to have intentionally falsified any information in requesting or applying for items under this section, the Director, after providing the law enforcement agency with notice and the opportunity to contest the determination, shall terminate the law enforcement agency from eligibility for receipt of items under this section until such time as the head of the law enforcement agency is replaced.

''(l) 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 a controlled defense item to law enforcement agencies under another provision of law.

''(m) 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 restriction 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 utilizes 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 a Mine Resistant Ambush Protected (MRAP) vehicle of 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.''.

(b) IN GENERAL.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2576b the following new section:

''§ 2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies

''(a) IN GENERAL.—In transferring excess property of the Department of Defense under authorities specified in subsection (b) that authorize the transfer of such property to both other Federal agencies and State and local agencies, the Secretary of Defense shall afford a priority to other Federal agencies in the transfer of any property that is not a controlled defense item.

''(b) AUTHORITIES.—The authorities specified in this subsection are the following:

''(1) The authority to transfer personal property for law enforcement activities under section 2576a of this title.

''(2) The authority to transfer personal property to assist firefighting activities under section 2576b of this title.

''(3) The authority to transfer documents, artifacts, and other materiel under section 2572 of this title.

''(4) The authority to transfer nonlethal supplies for homeless and humanitarian relief under section 2557 of this title.

''(5) The authority to make foreign military sales under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(6) The authority to transfer research equipment under section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)).

''(7) Such other authorities relating to transfer of property of the Department as the Secretary designates for purposes of this section.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of such title is amended by inserting after the item relating to section 2576b the following new item:

''2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies.''.

SEC. 1054. EXEMPTION OF INFORMATION ON MILITARY TACTICS, TECHNIQUES, AND PROCEDURES FROM RELEASE UNDER FREEDOM OF INFORMATION ACT.

(a) EXEMPTION.—Subsection (a) of section 130e of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''or information related to military tactics, techniques, and procedures'' after ''security information'';

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) the information is—

''(A) Department of Defense critical infrastructure security information; or

''(B) related to a military tactic, technique, or procedure, including a military rule of engagement;'';

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph (2):

''(2) the public disclosure of the information could reasonably be expected to risk impairment of the effective operation of Department of Defense by providing an advantage to an adversary or potential adversary; and''.

(b) DEFINITIONS.—Subsection (c) of such section—

(1) is transferred to the end of such section and redesignated as subsection (f); and

(2) as so transferred and redesignated, is amended—

(A) by striking ''DEFINITION.—In this section, the''and inserting the following: ''DEFINITIONS.—In this section:''

''(1) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—The''; and

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

''(2) TACTIC.—The term 'tactic' means the employment and ordered arrangement of forces in relation to each other.

''(3) TECHNIQUE.—The term 'technique' means a non-prescriptive way or method used to perform a mission, function, or task.

''(4) RULE OF ENGAGEMENT.—The term 'rule of engagement' means a directive issued by a competent military authority that delineates the circumstances and limitations under which the armed forces will initiate or continue combat engagement with other forces encountered.''.

(c) DELEGATION AND TRANSPARENCY.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) (as transferred and redesignated by subsection (b)(1) of this section) as subsections (c) and (e), respectively; and

(3) in subsection (c), as redesignated by paragraph (2)—

(A) by striking '', or the Secretary's designee,''; and

(B) by striking ''through the Office of the Director of Administration and Management'' and inserting ''in accordance with guidelines prescribed by the Secretary''.

(d) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—Such section is further amended—

(1) in subsection (a), as amended by subsection (a) of this section, by striking ''pursuant to section 552(b)(3) of title 5'' in the matter preceding paragraph (1); and

(2) by inserting after subsection (c), as redesignated by subsection (c)(2) of this section, the following new subsection (d):

''(d) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—This section is a statute that specifically exempts certain matters from disclosure under section 552 of title 5, as described in subsection (b)(3) of that section.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

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

''§ 130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130e and inserting the following new item:

''130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures''.

SEC. 1055. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.

(a) SPECIAL NUCLEAR MATERIAL.—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Information that the Secretary prohibits to be disseminated pursuant to subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense, and a State or local law authorizing or requiring a State or local government to disclose such information shall not apply to such information.''.

(b) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—Section 130e of such title is amended—

(1) by transferring subsection (c) to the end of such section and redesignating such subsection, as so transferred, as subsection (f); and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) DESIGNATION OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—In addition to any other authority or requirement regarding protection from dissemination of information, the Secretary may designate information as being Department of Defense critical infrastructure security information, including during the course of creating such information, to ensure that such information is not disseminated without authorization. Information so designated is subject to the determination process under subsection (a) to determine whether to exempt such information from disclosure described in such subsection.

''(c) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—(1) Department of Defense critical infrastructure security information covered by a written determination under subsection (a) or designated under subsection (b) that is provided to a State or local government shall remain under the control of the Department of Defense.

''(2)(A) A State or local law authorizing or requiring a State or local government to disclose Department of Defense critical infrastructure security information that is covered by a written determination under subsection (a) shall not apply to such information.

''(B) If a person requests pursuant to a State or local law that a State or local government disclose information that is designated as Department of Defense critical infrastructure security information under subsection (b), the State or local government shall provide the Secretary an opportunity

to carry out the determination process under subsection (a) to determine whether to exempt such information from disclosure pursuant to subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 128.—The heading of section 128 of such title is amended to read as follows:

''§ 128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information''.

(2) SECTION 130E.—Section 130e of such title is further amended—

(A) by striking the section heading and inserting the following new section heading:

''§ 130e. Control and protection of critical infrastructure security information'';

(B) in subsection (a), by striking the subsection heading and inserting the following new subsection heading; ''EXEMPTION FROM FREEDOM OF INFORMATION ACT.—'';

(C) in subsection (d), by striking the subsection heading and inserting the following new subsection heading: ''DELEGATION OF DETERMINATION AUTHORITY.—''; and

(D) in subsection (e), by striking the subsection heading and inserting the following new subsection heading: ''TRANSPARENCY OF DETERMINATIONS.—''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 3 of such title is amended—

(1) by striking the item relating to section 128 and inserting the following new item:

''128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information.''; and

(2) by striking the item relating to section 130e and inserting the following new item:

''130e. Control and protection of critical infrastructure security information.''.

SEC. 1056. RECOVERY OF EXCESS FIREARMS, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS.

(a) RECOVERY.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728A the following new section:

''§ 40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons

''(a) AUTHORITY TO RECOVER.—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any firearm, ammunition, repair parts, or other supplies described in section 40731(a) of this title which were—

''(A) provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

''(B) lawfully acquired by such person.

''(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

''(3) The Secretary of the Army may accept firearms, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

''(b) COST OF RECOVERY.—The Secretary of the Army may not acquire anything under subsection (a) if the United States would incur any cost for such acquisition.

''(c) AVAILABILITY FOR TRANSFER.—Any firearms, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

''(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and

''(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any firearms, ammunition, repair parts, or supplies under this paragraph.

''(d) CONTRACTS.—Notwithstanding subsection (k) of section 2304 of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of subsection (c) of such section to carry out this section.

''(e) FIREARM DEFINED.—In this section, the term 'firearm' has the meaning given such term in section 921 of title 18.''.

(b) SALE.—Section 40732 of such title is amended—

(1) by adding at the end the following new subsection:

''(d) SALES BY OTHER PERSONS.—A person who receives a firearm or any ammunition, repair parts, or supplies under section 40728B(c) of this title may sell, at fair market value, such firearm, ammunition, repair parts, or supplies.''; and

(2) in subsection (c), in the heading, by inserting ''BY THE CORPORATION'' after ''LIMITATION ON SALES''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728A the following new item:

''40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons.''.

SEC. 1057. SENSE OF THE SENATE ON DEVELOPMENT AND FIELDING OF FIFTH GENERATION AIRBORNE SYSTEMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The term ''fifth generation'', with respect to airborne systems, means those airborne systems capable of operating effectively in highly contested battle spaces defined by the most capable currently fielded threats, and those reasonably expected to be operational in the foreseeable future.

(2) Continued modernization of Department of Defense airborne systems such as fighters, bombers, and intelligence, surveillance, and reconnaissance (ISR) aircraft with fifth generation capabilities is required because—

(A) adversary integrated air defense systems (IADS) have created regions where fourth generation airborne systems may be limited in their ability to effectively operate;

(B) adversary aircraft, air-to-air missiles, and airborne electronic attack or electronic protection systems are advancing beyond the capabilities of fourth generation airborne systems; and

(C) fifth generation airborne systems provide a wider variety of options for a given warfighting challenge, preserve the technological advantage of the United States over near-peer threats, and serve as a force multiplier by increasing situational awareness and combat effectiveness of fourth generation airborne systems.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that development and fielding of fifth generation airborne system systems should include the following:

(1) Multispectral (radar, infrared, visual, emissions) low observable (LO) design features, self-protection jamming, and other capabilities that significantly delay or deny threat system detection, tracking, and engagement.

(2) Integrated avionics that autonomously fuse and prioritize onboard multispectral sensors and offboard information data to provide an accurate realtime operating picture and data download for postmission exploitation and analysis.

(3) Resilient communications, navigation, and identification techniques designed to effectively counter adversary attempts to deny or confuse friendly systems.

(4) Robust and secure networks linking individual platforms to create a common, accurate, and highly integrated picture of the battle space for friendly forces.

(5) Advanced onboard diagnostics capable of monitoring system health, accurately reporting system faults, and increasing overall system performance and reliability.

(6) Integrated platform and subsystem designs to maximize lethality and survivability while enabling decision superiority.

(7) Maximum consideration for the fielding of unmanned platforms either employed in concert with fifth generation manned platforms or as standalone unmanned platforms, to increase warfighting effectiveness and reduce risk to personnel during high risk missions.

(8) Advanced air-to-air, air-to-ground, and other weapons able to leverage fifth generation capabilities.

(9) Comprehensive and high-fidelity live, virtual, and constructive training systems, updated range infrastructure, and sufficient threat-representative adversary training assets to maximize fifth generation force proficiency, effectiveness, and readiness while protecting sensitive capabilities.

SEC. 1058. TECHNICAL AND CONFORMING AMENDMENTS.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.—The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended—

(1) in section 804(d)(3), by inserting ''within 5 business days after such transfer'' before the period at the end of the first sentence; and

(2) in section 809(e)(2)(A), by striking ''repealed'' and inserting ''rescinded''.

(b) SECTION 2431B OF TITLE 10, UNITED STATES CODE.—Subsection (d) of section 2431b of title 10, United States Code, is amended to read as follows:

''(d) DEFINITIONS.—

''(1) CONCURRENCY.—The term 'concurrency' means, with respect to an acquisition strategy, the combination or overlap of program phases or activities.

''(2) MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS.—The terms 'major defense acquisition programs' and 'major systems' have the meanings provided in section 2431a of this title.''.

Subtitle G—National Commission on Military, National, and Public Service

SEC. 1066. PURPOSE AND SCOPE.

(a) PURPOSE.—The purpose of this subtitle is to establish the National Commission on Military, National, and Public Service to—

(1) conduct a review of the military selective service process (commonly referred to as ''the draft''); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) SCOPE OF REVIEW.—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;

(2) means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service;

(3) the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such

as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex; and

(4) the feasibility and advisability of including in the military selective service process, as so modified, an eligibility or entitlement for the receipt of one or more Federal benefits (such as educational benefits, subsidized or secured student loans, grants or hiring preferences) specified by the Commission for purposes of the review.

(c) DEFINITIONS.—In this subtitle:

(1) The term ''military service'' means active service (as that term is defined in subsection (d)(3) of section 101 of title 10, United States Code) in one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term ''national service'' means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term ''public service'' means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.

SEC. 1067. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) ESTABLISHMENT.—There is established in the executive branch an independent commission to be known as the National Commission on Military, National, and Public Service (in this subtitle referred to as the ''Commission''). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members appointed as follows:

(A) The President shall appoint three members.

(B) The Majority Leader of the Senate shall appoint one member.

(C) The Minority Leader of the Senate shall appoint one member.

(D) The Speaker of the House of Representatives shall appoint one member.

(E) The Minority Leader of the House of Representatives shall appoint one member.

(F) The Chairman of the Committee on Armed Services of the Senate shall appoint one member.

(G) The Ranking Member of the Committee on Armed Services of the Senate shall appoint one member.

(H) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint one member.

(I) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint one member.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the Commission establishment date.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from amount its members.

(d) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) PAY FOR MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 1068. COMMISSION HEARINGS AND MEETINGS.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission's execution of its duties.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.

(c) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) PUBLIC COMMENTS.—

(1) SOLICITATION.—The Commission shall seek written comments from the general public and interested parties on matters of the Commission's review under this subtitle. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) PERIOD FOR SUBMITTAL.—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which recommendations are transmitted to the Commission under section 1069(d).

(3) USE BY COMMISSION.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 1069. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) CONTEXT OF COMMISSION REVIEW.—The Commission shall—

(1) conduct review of the military selective service process; and

(2) consider methods to increase participation in military, national and public service opportunities to address national security and other public service needs of the Nation.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that

are consistent with the principles established by the President under subsection (c).

(c) PRESIDENTIAL PRINCIPLES.—

(1) IN GENERAL.—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.

(2) ELEMENTS.—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and training, and how best to acquire those skills for military, national, or public service.

(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service.

(E) The need in Government, including the military, and in the civilian sector to increase interest, education, and employment in certain critical fields, including science, technology, engineering, and mathematics (STEM), national security, cyber, linguistics and foreign language, education, health care, and the medical professions.

(F) How military, national, and public service may be incentivized, including through educational benefits, grants, Federally-insured loans, Federal or State hiring preferences, or other mechanisms that the President considers appropriate.

(G) Any other matters the President considers appropriate for purposes of this subtitle.

(d) CABINET RECOMMENDATIONS.—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

(e) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 30 months after the Commission establishment date, the Commission shall transmit to the President and Congress a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission regarding the matters reviewed by the Commission pursuant to this subtitle. The Commission shall include in the report legislative language and recommendations for administrative action to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made under subsection (d).

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President and Congress under paragraph (1).

(3) PUBLIC AVAILABILITY.—The Commission shall publish a copy of the report required by paragraph (1) on an Internet website available to the public on the same date on which it transmits that report to the President and Congress under that paragraph.

SEC. 1070. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) STAFF.—Subject to subsections (c) and (d), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(c) LIMITATIONS ON STAFF.—

(1) NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENTS.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) PRIOR DUTIES WITHIN EXECUTIVE BRANCH.—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for the military selective service process and military and public service in connection with that process.

(d) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.

SEC. 1071. JUDICIAL REVIEW PRECLUDED.

Actions under section 1069 of the President, the officials specified or designated under subsection (d) of such section, and the Commission shall not be subject to judicial review.

SEC. 1072. TERMINATION.

Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

SEC. 1073. FUNDING.

Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to $15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

Subtitle H—Studies and Reports

SEC. 1076. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS.

(a) ANNUAL REPORTS REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

"§ 222a. Unfunded priorities of the armed forces and combatant commands: annual report

"(a) ANNUAL REPORT.—Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the current unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

"(b) OFFICERS.—The officers specified in this subsection are the following:

"(1) The Chief of Staff of the Army.

"(2) The Chief of Naval Operations.

"(3) The Chief of Staff of the Air Force.

"(4) The Commandant of the Marine Corps.

"(5) The commanders of the geographic combatant commands and the commanders of the functional combatant commands.

"(c) ELEMENTS.—

"(1) IN GENERAL.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

"(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

"(B) The additional funds required to fully fund such priority.

"(C) Account information with respect to such priority, including the following (as applicable):

"(i) Line Item Number (LIN) for applicable procurement accounts.

"(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

"(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

"(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

"(d) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority', in the case of a fiscal year, means a program, activity, or mission requirement that—

"(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

"(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated global force requirement; and

"(3) would have been recommended for funding through the budget referred to in paragraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

"(A) additional resources been available for the budget to fund the program, activity, or mission requirement; or

"(B) the program, activity, or mission requirement had emerged before the budget was so submitted.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 222 the following new item:

"222a. Unfunded priorities of the armed forces and combatant commands: annual report.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 113–239; 126 Stat. 1903) is repealed.

SEC. 1077. ASSESSMENT OF THE JOINT GROUND FORCES OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, provide for and oversee an assessment of the joint ground forces of the Armed Forces.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment described in subsection (a). The report shall include the following:

(1) A description of any gaps in the capabilities and capacities of the joint ground forces that threaten the successful execution of decisive operational maneuver by the joint ground forces.

(2) Recommendations for actions to be taken to eliminate or otherwise address such gaps in capabilities or capacities.

SEC. 1078. REPORT ON INDEPENDENT ASSESSMENT OF THE FORCE STRUCTURE OF THE ARMED FORCES TO MEET THE NATIONAL DEFENSE STRATEGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall, as provided in subsection (d), submit to Congress a report setting forth an assessment, obtained by the Secretary from an organization independent of the Department of Defense, of the adequacy and sufficiency of the force structure of the Armed Forces to meet future threats to the United States.

(b) CONDUCT OF REVIEW.—

(1) CONTRACT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall contract with an organization independent of the Department for the review required pursuant to subsection (a).

(2) ENTITY QUALIFICATIONS.—The entity with which the Secretary contracts under this subsection shall be an organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States.

(c) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An identification and assessment of the threats to the United States from Russia, China, North Korea, Iran, the Islamic State of Iraq and the Levant, global terrorism, and other sources.

(2) A description of potential conflicts arising from the threats identified pursuant to paragraph (1) and the proposed responses of the Department and the Armed Forces to meet such threats, including the concepts of operations, the end states desired, the timelines required, the availability of host nation and allied support, the use of weapons of mass destruction, the anticipated duration of the conflicts, and the need, if any, for post-hostilities stabilization operations.

(3) An identification and assessment of the forces, warfighting systems, acquisition programs, and associated personnel strengths required to execute such responses at moderate risk, including the demands of simultaneous or nearly simultaneous conflicts in connection with such threats and ongoing global commitments, with such strengths to include strengths for the regular and reserve components of each Armed Force, for the United States Special Operations Command, and for Government civilian and operational contractor personnel.

(4) An identification and assessment of the funding required to build and sustain the forces, warfighting systems, acquisition programs, and personnel identified pursuant to paragraph (3).

(5) A comparison of the forces, warfighting systems, acquisition programs, manpower, and funding identified pursuant to paragraphs (3) and (4) with the forces, warfighting systems, acquisition programs, manpower, and funding planned in the future-years defense program for fiscal year 2017, as amended by any announced changes.

(6) An assessment of the ability of the forces planned in the future-years defense program for fiscal year 2017 to meet the day-to-day requirements of the commanders of the combatant commands for forward deployments, forward stationing (such as in Korea, Japan, and Europe), crisis response (such as Freedom of Navigation operations), humanitarian assistance and disaster response, no-fly zones, evacuation operations, peacekeeping, counterterrorism, operations in Iraq (Operation Inherent Resolve) and Afghanistan (Operation Resolute Support), allied and partner engagement, and homeland security (including missile defense), including a specification of appropriate dwell times for forces and members of the Armed Forces, an assessment of the ability of the Armed Forces to meet such specified dwell times, and a specification of the readiness levels needed for deployed and nondeployed forces.

(d) DEADLINE FOR REPORT; INTERIM BRIEFINGS.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after the date on which the Secretary enters into the contract described in subsection (b)(1), the organization with which the Secretary contracts shall submit to the Secretary a report containing the results of the review required pursuant to subsection (a).

(2) INTERIM REPORTS.—The organization shall provide the Secretary such interim briefings as the Secretary considers appropriate to assist the Department in the preparation of the national defense strategy required by section 118 of title 10, United States Code (as amended by section 1096 of this Act), and the quadrennial roles and missions review required by section 118b of such title.

(3) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the receipt of the report under paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report that the Secretary considers appropriate. The report and such comments shall be transmitted in unclassified form, but may contain a classified annex.

SEC. 1079. ANNUAL REPORT ON OBSERVATION FLIGHTS OVER THE UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) ANNUAL REPORT ON OBSERVATION FLIGHTS.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the observation flights over the United States under the Open Skies Treaty during the previous year.

(2) CONTENTS.—Each report required by paragraph (1) shall include, for each observation flight described in such paragraph covered by such report, the following:

(A) A description of the flight path of such observation flight.

(B) An analysis of whether and the extent to which any critical infrastructure of the United States or any covered state party critical was the subject of image capture activities of such observation flight.

(C) A description of the mitigation measures and costs imposed on the Department of Defense or other departments and agencies of the United States Government by such observation flight.

(b) UPGRADE ROADMAP.—In the first report submitted under subsection (a), the Secretary shall also include an upgrade roadmap for the observation aircraft of the United States under the Open Skies Treaty that are located at Offutt Air Force Base, Nebraska, and for any analysis and support staff and equipment required in connection with such aircraft.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—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) COVERED STATE PARTY.—The term ''covered state party'' means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is not the Russian Federation or Belarus.

(3) OBSERVATION FLIGHT; OBSERVATION AIRCRAFT.—The terms ''observation flight'' and ''observation aircraft'' have the meaning given such terms in Article II of the Open Skies Treaty.

(4) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SEC. 1080. REPORTS ON PROGRAMS MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 119a. Programs managed under alternative compensatory control measures: congressional oversight

''(a) ANNUAL REPORT ON CURRENT PROGRAMS UNDER AACMS.—

''(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the programs being managed under alternative compensatory control measures in the Department of Defense.

''(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

''(A) The total amount requested for programs being managed under alternative compensatory control measures in the Department in the budget of the President under section 1105 of title 31 for the fiscal year beginning in the fiscal year in which such report is submitted.

''(B) For each program in that budget that is a program being managed under alternative compensatory control measures in the Department—

''(i) a brief description of the program;

''(ii) a brief discussion of the major milestones established for the program;

''(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

''(iv) the estimated total cost of the program and the estimated cost of the program for—

''(I) the current fiscal year;

''(II) the fiscal year for which that budget is submitted; and

''(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

''(3) ELEMENTS ON PROGRAMS COVERED BY MULTIYEAR BUDGETING.—In the case of a report under paragraph (1) submitted in a year during which the budget of the President for the fiscal year concerned does not, because of multiyear budgeting for the Department, include a full budget request for the Department, the report required by paragraph (1) shall set forth—

''(A) the total amount already appropriated for the next fiscal year for programs being managed under alternative compensatory control measures in the Department, and any additional amount requested in that budget for such programs for such fiscal year; and

''(B) for each program that is a program being managed under alternative compensatory control measures in the Department, the information specified in paragraph (2)(B).

''(b) ANNUAL REPORT ON NEW PROGRAMS UNDER AACMS.—

''(1) IN GENERAL.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report that, with respect to each new program being managed under alternative compensatory control measures in the Department, provides—

''(A) notice of the designation of the program as a program being managed under alternative compensatory control measures in the Department; and

''(B) a justification for such designation.

''(2) ADDITIONAL ELEMENTS.—A report under paragraph (1) with respect to a program shall include—

''(A) the current estimate of the total program cost for the program; and

''(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the report.

''(3) NEW PROGRAM BEING MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES DEFINED.—In this subsection, the term 'new program being managed under alternative compensatory control measures' means a program in the Department that has not previously been covered by a report under this subsection.

''(c) REPORT ON CHANGE IN CLASSIFICATION OR DECLASSIFICATION OF PROGRAMS.—

''(1) IN GENERAL.—Whenever a change in the classification of a program being managed under alternative compensatory control measures in the Department is planned to be made, or whenever classified information concerning a program being managed under alternative compensatory control measures in the Department is to be declassified and made public, the Secretary shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

''(2) DEADLINE FOR REPORT.—Except as provided in paragraph (3), a report required by paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement concerned is to occur.

''(3) EXCEPTION.—If the Secretary determines that because of exceptional circumstances the requirement in paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a program covered by paragraph (1), the Secretary may submit the report required by that paragraph regarding the proposed change or public announcement at any time before the proposed change or public announcement is made, and shall include in the report an explanation of the exceptional circumstances.

''(d) MODIFICATION OF CRITERIA OR POLICY FOR DESIGNATING PROGRAMS UNDER ACCMS.—Whenever there is a modification or termination of the policy or criteria used for designating a program as a program being managed under alternative compensatory control measures in the Department, the Secretary shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy or criteria as modified.

''(e) WAIVER.—

''(1) IN GENERAL.—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

''(2) NOTICE TO CONGRESS.—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

''(f) LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.—

''(1) NOTICE AND WAIT.—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

''(A) the congressional defense committees are notified of the program; and

''(B) a period of 30 days elapses after such notification is received.

''(2) EXCEPTION.—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.''.

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

''119a. Programs managed under alternative compensatory control measures: congressional oversight.''.

SEC. 1081. REQUIREMENT FOR NOTICE AND REPORTING TO COMMITTEES ON ARMED SERVICES ON CERTAIN EXPENDITURES OF FUNDS BY DEFENSE INTELLIGENCE AGENCY.

Section 105(c) of the National Security Act of 1947 (50 U.S.C. 3038(c)) is amended by inserting '', the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives'' after ''committees'' each place it appears.

SEC. 1082. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS FROM AN AMENDMENT MADE BY AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.

(a) PROVISIONS OF TITLE 10, UNITED STATES DODE.—The following provisions of title 10, United States Code, are repealed: sections 113(c)(2), 113(l), 115a, 115b(a), 118(a)(3), 127d(d), 129(f), 153(c), 179(f)(4) and (5)(B), 229(a), 235, 401(d), 428(f), 974(d)(3), 1705(f), 1722b(c), 2011(e), 2166(i), 2193b(g), 2218(h), 2225(e), 2249c(c), 2249d(f), 2262(d), 2263(b), 2306b(l)(4), 2313a, 2330a(c), 2330a(g), 2350j(f), 2410i(c) (second sentence), 2445b(a), 2475(a), 2506(b), 2537(b), 2561(c), 2564(e), 2674(a)(2), 2687a(a), 2687a(b)(4), 2687a(d)(2), 2711, 2831(e), 2859(c), 2861(d), 2866(b)(3), 2884(c), 2912(d), 4316, 4721(e), 5144(d)(2), 7310(c), 10504(b), 10543(a), and 10543(c).

(b) OTHER PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 9902(f)(2)(B) of title 5, United States Code.

(2) Section 509(k) of title 32, United States Code.

(3) Section 103a(b)(3) of the Sikes Act (16 U.S.C. 670c–1(b)(3)).

(4) Section 1003(c) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note).

(5) Section 3002(c)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343(c)(4)).

SEC. 1083. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS SPECIFIED IN AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991.—Section 211(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 1518(e) of the National Defense Authorization Act for Fiscal Year 1991 (24 U.S.C. 418(e)) is amended by striking paragraph (2).

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking subsection (d).

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000.—Section 366 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended by striking subsection (f).

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002.—The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) Section 346 (115 Stat. 1062) is amended by striking subsection (b).

(2) Section 1008(d) (10 U.S.C. 113 note) is amended by striking paragraph (2).

(f) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 817 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2306a note) is amended by striking subsection (d).

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note) is amended by striking subsection (c).

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 123(d) (119 Stat. 3157) is amended by striking paragraph (1).

(2) Section 218(c) (119 Stat. 3172) is amended by striking paragraph (3).

(3) Section 1224 (10 U.S.C. 113 note) is repealed.

(i) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 357 (22 U.S.C. 4865 note) is amended by striking subsection (b).

(2) Section 1017 (120 Stat. 2379) is amended by striking subsection (e).

(j) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 328(b) (10 U.S.C. 4544 note) is amended by striking paragraph (1).

(2) Section 330 (122 Stat. 68) is amended by striking subsection (e).

(3) Section 845 (5 U.S.C. App. 5 note) is repealed.

(k) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 943 (122 Stat. 4578) is amended by striking subsection (e).

(2) Section 1014 (122 Stat. 4586), as most recently amended by section 1023 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is amended by striking subsection (c).

(l) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2212) is amended by striking subsection (e).

(m) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) Section 112(b) (124 Stat. 4153) is amended by striking paragraph (3).

(2) Section 243 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(3) Section 866(d) (10 U.S.C. 2302 note) is amended by striking paragraph (1).

(4) Section 1054 (10 U.S.C. 113 note) is repealed.

(n) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

(1) Section 1081 (10 U.S.C. 168 note) is amended by striking subsection (e).

(2) Section 1102 (5 U.S.C. 9902 note) is amended by striking subsection (b).

(3) Section 1207 (22 U.S.C. 2151 note) is amended by striking subsection (n).

(4) Section 2828 (10 U.S.C. 7291 note) is amended by striking subsection (b).

(5) Section 2867 (10 U.S.C. 2223a note) is amended by striking subsection (d).

(o) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) is amended as follows:

(1) Section 126 (126 Stat. 1657) is amended by striking subsection (b).

(2) Section 144 (126 Stat. 1663) is amended by striking subsection (c).

(3) Section 716 (10 U.S.C. 1074g note) is amended by striking subsection (e).

(4) Section 865 (126 Stat. 1861) is repealed.

(5) Section 917 (126 Stat. 1878) is repealed.

(6) Section 921(c) (126 Stat. 1878), as amended by section 1622 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3632), is repealed.

(7) Section 955(d) (10 U.S.C. 129a note) is amended by striking paragraph (2).

(8) Section 1009 (126 Stat. 1906) is amended by striking subsection (a).

(9) Section 1079(c) (10 U.S.C. 221 note) is repealed.

(10) Section 1211(d)(3) (126 Stat. 1983), as amended by section 1214(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 907), is repealed.

(11) Section 1273 (22 U.S.C. 2421f) is amended by striking subsection (d).

(12) Section 1276 (10 U.S.C. 2350c note) is amended by striking subsection (e).

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—The National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) Section 907 (10 U.S.C. 1564 note) is amended by striking subparagraph (B) of subsection (c)(3).

(2) Section 923 (10 U.S.C. prec. 421 note) is amended by striking subsection (b).

(3) Section 1107 (10 U.S.C. 2358 note) is amended by striking subsection (g).

(4) Section 1203 (10 U.S.C. 2011 note) is amended by striking subsection (e).

(5) Section 1249 (127 Stat. 925) is repealed.

(6) Section 1601 (10 U.S.C. 2533a note) is amended by striking subsection (b).

(7) Section 1611 (127 Stat. 947) is amended by striking subsection (d).

(8) Section 2916 (127 Stat. 1028) is amended by striking subsection (b).

(q) CARL LEVIN AND HOWARD P. ''BUCK'' MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—The Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) Section 232(e) (10 U.S.C. 2358 note) is repealed.

(2) Section 914 (5 U.S.C. 5911 note) is amended by striking paragraphs (2) and (3) of subsection (d).

(3) Section 1026(d) (128 Stat. 3490) is amended by striking paragraph (1).

(4) Section 1052(b) (128 Stat. 3497) is amended by striking paragraph (2).

(5) Section 1204(b) (10 U.S.C. 2249e note) is repealed.

(6) Section 1205 (128 Stat. 3537) is amended by striking subsection (e).

(7) Section 1206 (10 U.S.C. 2282 note) is amended by striking subsection (e).

(8) Section 1207 (10 U.S.C. 2342 note) is amended by striking subsection (d).

(9) Section 1209 (128 Stat. 3542) is amended by striking subsection (d).

(10) Section 1236(d) (128 Stat. 3559), as amended by section 1223(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is repealed.

(11) Section 1268 (10 U.S.C. 9411 note) is amended by striking subsection (g).

(12) Section 1275(b) (128 Stat. 3591) is amended by striking ''and every 180 days thereafter'' and inserting ''and every year thereafter''.

(13) Section 1325 (50 U.S.C. 3715) is amended by striking subsection (e).

(14) Section 1341 (50 U.S.C. 3741) is repealed.

(15) Section 1342 (50 U.S.C. 3742) is repealed.

(16) Section 1534 (128 Stat. 3616) is amended by striking subsection (g).

(17) Section 1607 (128 Stat. 3625) is amended by striking subsection (b).

(18) Section 2821 (10 U.S.C. 2687 note) is amended by striking subsection (a)(3).

(r) CONFORMING REPEAL.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) is repealed.

SEC. 1084. REPEAL OF REQUIREMENTS RELATING TO EFFICIENCIES PLAN FOR THE CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.

Section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1896; 10 U.S.C. 129a note) is repealed.

SEC. 1085. REPORT ON PRIORITIES FOR BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS FOR C–130J AIRCRAFT OF THE AIR FORCE.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Air Force Reserve Command contributes unique capabilities to the total force, including all the weather reconnaissance and aerial spray capabilities, and 25 percent of the Modular Airborne Firefighting System capabilities, of the Air Force; and

(2) special mission units of the Air Force Reserve Command currently operate aging aircraft, which jeopardizes future mission readiness and operational capabilities.

(b) REPORT ON PRIORITIES FOR C–130J BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS.—Not later than February 1, 2017, the Secretary of the Air Force shall submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C–130J aircraft unit bed downs.

(2) The strategic basing criteria of the Air Force for C–130J aircraft unit conversions.

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities.

(4) Such other information relating to C–130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

Subtitle I—Other Matters

SEC. 1086. MILITARY SERVICE MANAGEMENT OF F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) DISESTABLISHMENT OF F–35 JOINT PROGRAM OFFICE.—

(1) IN GENERAL.—Except as provided under subsection (d), not later than 180 days after Milestone C approval for the F–35 Joint Strike Fighter program, the Secretary of Defense shall disestablish the F–35 Joint Program Office and devolve relevant responsibilities to the Department of the Air Force and the Department of the Navy. The Department of the Air Force and the Department of the Navy shall establish separate program offices to manage the production, sustainment, and modernization of their respective aircraft.

(2) RESPONSIBILITIES OF THE DEPARTMENT OF THE AIR FORCE.—The Department of the Air Force shall manage all aspects related to the F–35A variant.

(3) RESPONSIBILITIES OF THE DEPARTMENT OF THE NAVY.—The Department of the Navy shall manage all aspects related to the F–35B and F–35C variants.

(4) COORDINATION.—The Department of the Air Force and the Department of the Navy shall establish processes to coordinate on F–35 Joint Strike Fighter issues where commonality exists.

(b) REPORT.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report outlining the Department's plan for implementing the changes to management of the F–35 Joint Strike Fighter program required under subsection (a).

(c) GAO REVIEW.—Not later than 90 days after the Secretary of Defense submits the report and implementation plan required under subsection (b), the Comptroller General of the United States shall review the implementation plan and brief the congressional defense committees on its findings.

(d) WAIVER.—The Secretary of Defense may waive the requirements of this section if the Secretary certifies to the congressional defense committees that the current Joint Program Office management structure is the optimal management structure for the F–35 Joint Strike Fighter program, including a business case analysis demonstrating that the current management structure is the optimal structure.

SEC. 1087. TREATMENT OF FOLLOW-ON MODERNIZATION FOR THE F–35 JOINT STRIKE FIGHTER AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F–35 Joint Strike Fighter as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F–35 Joint Strike Fighter are the Block 4 Follow-on Modernization and any future F–35 Joint Strike Fighter modernization program that

would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 1088. REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO BE MAINTAINED.

(a) CODIFICATION AND REDUCTION.—Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Secretary of the Navy shall ensure that the Navy maintains—

''(1) a minimum of 9 carrier air wings; and

''(2) for each such carrier air wing, a dedicated and fully staffed headquarters.''.

(b) REPEAL OF SUPERSEDED REQUIREMENT.—Section 1093 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606; 10 U.S.C. 5062 note) is repealed.

SEC. 1089. STREAMLINING OF THE NATIONAL SECURITY COUNCIL.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended to read as follows:

''SEC. 101. NATIONAL SECURITY COUNCIL.

''(a) NATIONAL SECURITY COUNCIL.—There is a council known as the National Security Council (in this section referred to as the 'Council').

''(b) FUNCTIONS.—Consistent with the direction of the President, the functions of the Council shall be to—

''(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

''(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President; and

''(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and such other officers of the United States Government as the President may designate.

''(2) ATTENDANCE AND PARTICIPATION IN MEETINGS.—The President may designate such other officers of the United States Government as the President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, and the Chairman of the Joint Chiefs of Staff, to attend and participate in meetings of the Council.

''(d) PRESIDING OFFICERS.—At meetings of the Council, the President shall preside or, in the absence of the President, a member of the Council designated by the President shall preside.

''(e) STAFF.—

''(1) IN GENERAL.—The Council shall have a staff headed by a civilian executive secretary appointed by the President.

''(2) STAFF.—Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the President in connection with performance of the functions of the Council.

''(3) NUMBER OF PROFESSIONAL STAFF.—The professional staff for which this subsection provides shall not exceed 150 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving wholly in support or administrative positions.''.

SEC. 1090. FORM OF ANNUAL NATIONAL SECURITY STRATEGY REPORT.

Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) is amended by striking ''in both a classified form and an unclassified form'' and inserting ''in classified form, but may include an unclassified summary''.

SEC. 1091. BORDER SECURITY METRICS.

(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 Homeland Security of the House of Representatives;

(C) the Committee on the Judiciary of the Senate; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) 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.

(3) GOT AWAY.—The term ''got away'' means an unlawful border crosser who—

(A) is directly or indirectly observed making an unlawful entry into the United States; and

(B) is not a turn back and is not apprehended.

(4) KNOWN MIGRANT FLOW.—The term ''known migrant flow'' means the sum of the number of undocumented migrants—

(A) interdicted at sea;

(B) identified at sea, but not interdicted;

(C) that successfully entered the United States through the maritime border; or

(D) not described in subparagraph (A), (B), or (C), which were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.

(5) 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—

(A) possession of illicit drugs;

(B) smuggling of prohibited products;

(C) human smuggling;

(D) weapons possession;

(E) use of fraudulent United States documents; or

(F) other offenses that are serious enough to result in arrest.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' means knowledge and unified understanding of current 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 persistent and integrated surveillance of the international borders of the United States.

(7) 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.

(8) 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.

(9) UNLAWFUL BORDER CROSSING EFFECTIVENESS RATE.—The term ''unlawful border crossing effectiveness rate'' means the percentage that results from dividing—

(A) the number of apprehensions and turn backs; and

(B) the number of apprehensions, estimated unlawful entries, turn backs, and got aways.

(10) 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 of Homeland Security.

(b) METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security 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—

(A) estimates, including recidivism data, survey data, known-flow data, technologically-measured data, and alternative methodologies considered appropriate by the Secretary, of—

(i) total attempted unlawful border crossings;

(ii) the rate of apprehension of attempted unlawful border crossers; and

(iii) the number of unlawful entries;

(B) measurement of situational awareness achieved in each Border Patrol sector;

(C) an unlawful border crossing effectiveness rate;

(D) 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 subparagraph (A);

(E) 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;

(F) estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years; and

(G) an examination of each consequence referred to in subparagraph (F), 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.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) 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.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall

be collected and reported in a consistent and standardized manner across all Border Patrol sectors, informed by situational awareness.

(c) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security 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—

(A) 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;

(B) 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;

(C) 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;

(D) 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;

(E) 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

(F) 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—

(I) upon arrival at a United States seaport before entering United States commerce; and

(II) before being laden on a vessel destined for the United States.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) 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.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner across all field offices, informed by situational awareness.

(d) METRICS FOR SECURING THE MARITIME BORDER.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security 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—

(A) situational awareness achieved in the maritime environment;

(B) an undocumented migrant interdiction rate, which compares the migrants interdicted at sea to the total known migrant flow;

(C) 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 of Homeland Security's maritime security components in any fiscal year to the average of the amount and type of illicit drugs removed by the Department of Homeland Security's maritime components for the immediately preceding 5 fiscal years;

(D) a response rate, which compares the ability of the maritime security components of the Department of Homeland Security 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

(E) an intergovernmental response rate, which compares the ability of the maritime security components of the Department of Homeland Security 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.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) 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.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(e) AIR AND MARINE SECURITY METRICS IN THE LAND DOMAIN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security 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 Protection. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) an effectiveness rate, which compares Office of Air and Marine flight hours requirements to the number of flight hours flown by such Office;

(B) 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;

(C) 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;

(D) the number of missions cancelled by such Office due to weather compared to the total planned missions;

(E) the number of subjects detected by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts;

(F) the number of apprehensions assisted by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts;

(G) 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

(H) the number of times that actionable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other departments and agencies, including the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(f) DATA TRANSPARENCY.—The Secretary of Homeland Security 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 of Homeland Security with unfettered access to the data described in paragraph (1).

(g) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY OF HOMELAND SECURITY.—

(1) METRICS REPORT.—

(A) MANDATORY DISCLOSURES.—The Secretary of Homeland Security shall submit an annual report containing the metrics required under subsections (b) through (e) 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 of Homeland Security, 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 of Homeland Security laboratory network with prior expertise in border security; and

(iii) a Federally Funded Research and Development Center sponsored by the Department of Homeland Security.

(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 of Homeland Security shall submit a ''State of the Border'' report to the appropriate congressional committees that—

(A) provides trends for each metric under subsections (b) through (e) 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 (2), the Secretary of Homeland Security may reevaluate and update any of the metrics required under subsections (b) through (e) to ensure that such metrics—

(i) meet the Department of Homeland Security'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. 1092. CONSOLIDATION OF MARKETING OF THE ARMY WITHIN THE ARMY MARKETING RESEARCH GROUP.

(a) NATURE OF RESPONSIBILITY.—The marketing the Army, and each of the components of the Army, is the responsibility of the Secretary of the Army in the Secretary's duty as the principal officer responsible for the authority, direction, and control of the Army and each of the components of the Army.

(b) CONSOLIDATION WITHIN AMRG.—

(1) CONSOLIDATION REQUIRED.—Not later than October 1, 2017, the Secretary of the Army shall consolidate within the Army Marketing Research Group all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

(2) REPORT.—Not later than October 1, 2016, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan of the Secretary to carry out the consolidation required by paragraph (1).

SEC. 1093. PROTECTION AGAINST MISUSE OF NAVAL SPECIAL WARFARE COMMAND INSIGNIA.

(a) IN GENERAL.—Chapter 663 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7882. Protection against misuse of insignia of Naval Special Warfare Command

''(a) PROTECTION AGAINST MISUSE.—Subject to subsection (b), no person may use any covered Naval Special Warfare insignia in connection with any promotion, good, service, or other commercial activity when a particular use would be likely to suggest a false affiliation, connection, or association with, endorsement by, or approval of, the United States, the Department of Defense, or the Department of the Navy.

''(b) EXCEPTION.—Subsection (a) shall not apply to the use of a covered Naval Special Warfare insignia for purposes such as criticism, comment, news reporting, analysis, research, or scholarship.

''(c) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated this section shall be made without regard to any use of a disclaimer of affiliation, connection, or association with, endorsement by, or approval of the United States Government, the Department of Defense, the Department of the Navy, or any subordinate organization thereof to the extent consistent with international obligations of the United States.

''(d) ENFORCEMENT.—Whenever it appears to the Attorney General that any person is engaged in, or is about to engage in, an act or practice that constitutes or will constitute conduct prohibited by this section, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice, and such court may take such injunctive or other action as is warranted to prevent the act, practice, or conduct.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of the Navy to register any symbol, name, phrase, term, acronym, or abbreviation otherwise capable of registration under the provisions of the Act of July 5, 1946, popularly known as the Lanham Act or the Trademark Act of 1946 (15 U.S.C. 1051 et seq.).

''(f) COVERED NAVAL SPECIAL WARFARE INSIGNIA DEFINED.—In this section, the term 'covered Naval Special Warfare insignia' means any of the following:

''(1) The Naval Special Warfare insignia comprising or consisting of the design of an eagle holding an anchor, trident, and flintlock pistol.

''(2) The Special Warfare Combatant Craft Crewman insignia comprising or consisting of the design of the bow and superstructure of a Special Operations Craft on a crossed flint-lock pistol and enlisted cutlass, on a background of ocean swells.

''(3) Any colorable imitation of the insignia referred to in paragraphs (1) and (2), in a manner which could reasonably be interpreted or construed as conveying the false impression that an advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the United States Government, the Department of Defense, or the Department of the Navy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 663 of such title is amended by adding at the end the following new item:

''7882. Protection against misuse of insignia of Naval Special Warfare Command.''.

SEC. 1094. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.

(a) COMMEMORATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government and State and local governments.

(2) WORK WITH NONGOVERNMENTAL ORGANIZATIONS.—In conducting the commemorative program, the Secretary may work with nongovernmental organizations working to support the commemoration of the Tomb of the Unknown Soldier. No public funds may be used to undertake activities sponsored by such organizations.

(b) SCHEDULE.—The Secretary shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor America's commitment to never forget or forsake those who served and sacrificed for our Country, including personnel who were held as prisoners of war or listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American Public about service and sacrifice on behalf of the United States of America and the principles that define and unite us.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.

(d) NAMES AND SYMBOLS.—The Secretary shall have the sole and exclusive right to use the name ''The United States of America Tomb of the Unknown Soldier Commemoration'', and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATION FUND.—

(1) IN GENERAL.—Upon the establishment of the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the ''Tomb of the Unknown Soldier Commemoration Fund'' (in this subsection referred to as the ''Fund''). The Fund shall be administered by the Secretary of Defense.

(2) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (d).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary of Defense from funds appropriated for fiscal year 2017 and subsequent years for the Department of Defense.

(3) USE OF FUND.—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(4) AVAILABILITY.—Amounts deposited under paragraph (2) shall constitute the assets of the Fund and remain available until expended.

(5) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative

program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) FINAL REPORT.—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of the following:

(1) All of the funds deposited into and expended from the Tomb of the Unknown Soldier Commemoration Fund.

(2) Any other funds expended under this section.

(3) Any unobligated funds remaining in the Fund.

SEC. 1095. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE KC–46A AIRCRAFT.

(a) FINDING.—Congress finds that the Department of Defense is continuing its process of permanently stationing the KC–46A aircraft at installations in the Continental United States (in this section referred to as ''CONUS'') and forward-basing outside the Continental United States (in this section referred to as ''OCONUS'').

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC–46A aircraft, should continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations that—

(1) support day-to-day air refueling operations, combatant commander operations plans, and flexibility for contingency ops, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution for 5-day peacetime operating stock; and

(B) minimize overall construction and operational costs.

SEC. 1096. REPLACEMENT OF QUADRENNIAL DEFENSE REVIEW WITH NATIONAL DEFENSE STRATEGY.

(a) REPLACEMENT OF QUADRENNIAL REVIEW WITH NATIONAL DEFENSE STRATEGY.—Section 118 of title 10, United States Code, is amended to read as follows:

''§ 118. National defense strategy

''(a) PRESENTATION OF DEFENSE STRATEGY.—

''(1) IN GENERAL.—Except as provided in paragraph (5), in January each year, the Secretary of Defense shall present to the congressional defense committees a defense strategy for such year. The strategy shall be known as the 'national defense strategy' for the year concerned.

''(2) ELEMENTS.—The defense strategy for a year shall include the following:

''(A) The highest priority missions for the Department of Defense.

''(B) The most critical and enduring threats to the national security of the United States and its allies posed by states or non-state actors, and the strategies that the Department will employ to counter such threats and provide for the national defense.

''(C) A strategic framework that conforms to resource levels prescribed by the Secretary for the manner in which the Department will prioritize among the threats described in subparagraph (B) and the missions specified pursuant to subparagraph (A), allocate the resulting risks, and seek to mitigate such risks.

''(D) The major investments in defense capabilities, force readiness, global posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in subparagraph (C).

''(3) ADVICE OF CHAIRMAN OF JCS.—The Secretary shall seek the military advice of the Chairman of the Joint Chiefs of Staff in preparing each defense strategy required by this subsection.

''(4) FORM.—Each defense strategy under this subsection shall be presented in classified form, and shall also include a written unclassified summary.

''(5) SUBMITTAL IN YEARS OF NEW ADMINISTRATION.—In a year following an election for President, which election results in the President appointing a new Secretary of Defense, the Secretary shall present the defense strategy required by this subsection as soon as possible after appointment by and with the advice and consent of the Senate.

''(b) NATIONAL DEFENSE PANEL.—

''(1) QUADRENNIAL PANEL REQUIRED.—Not later than February 1 of a year following a year evenly divisible by four, there shall be established an independent panel to be known as the National Defense Panel (in this subsection referred to as the 'Panel').

''(2) MEMBERSHIP.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

''(A) Two by the chair of the Committee on Armed Services of the Senate.

''(B) Two by the chair of the Committee on Armed Services of the House of Representatives.

''(C) Two by the ranking member of the Committee on Armed Services of the Senate.

''(D) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

''(3) CO-CHAIRS PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members of the Panel from private civilian life to serve as co-chairs of the Panel.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

''(5) FIRST MEETING.—If the Secretary of Defense has not made appointments to the Panel under paragraph (3) by March 1 of a year in which the Panel is established, the Panel shall convene for its first meeting with its other members on that date.

''(6) RECEIPT OF NATIONAL DEFENSE STRATEGY.—The national defense strategy under subsection (a) for a year in which the Panel is established under this subsection shall be submitted to the Panel by the Secretary not later than March 1 of such year.

''(7) DUTIES.—The Panel shall have the following duties:

''(A) Assessing the current national defense strategy submitted to the Panel pursuant to paragraph (5).

''(B) Identifying any changes in domestic or international circumstances that could undermine or limit the effectiveness of the national defense strategy.

''(C) Assessing the key assumptions on which the national defense strategy is based.

''(D) Evaluating the efforts of the Department of Defense to mitigate risks in connection with the strategic framework and choices in the national defense strategy.

''(E) Assessing the extent to which the current annual budget, future-years defense program, and other critical activities of the Department align with the national defense strategy.

''(F) Considering alternative national defense strategies.

''(G) Providing to the Secretary and Congress, in the report required by paragraph (8), any recommendations the Panel considers appropriate for consideration.

''(8) REPORT.—Not later than November 1 of each year in which the Panel is established, the Panel shall submit to the Secretary and the congressional defense committees a report on the results of the discharge of the duties of the Panel in that year under paragraph (7). The report shall be submitted to the congressional defense committees in an unclassified summary, but shall also include with such summary the full report in a classified annex.

''(9) ADMINISTRATIVE PROVISIONS.—The following administrative provisions apply to a Panel:

''(A) The Panel may request directly from the Department and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

''(B) Upon the request of the co-chairs, the Secretary shall make available to the Panel the services of any Federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

''(C) The Panel shall have the authorities provided in section 3161 of title 5, and shall be subject to the conditions set forth in such section.

''(D) Funds for activities of the Panel shall be derived from amounts available to the Department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118 and inserting the following new item:

''118. National defense strategy.''.

SEC. 1097. PROJECT MANAGEMENT.

(a) DEPUTY DIRECTOR FOR MANAGEMENT.—

(1) ADDITIONAL FUNCTIONS.—Section 503 of title 31, United States Code, is amended by adding at the end the following:

''(c) PROGRAM AND PROJECT MANAGEMENT.—

''(1) REQUIREMENT.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

''(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

''(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

''(C) chair the Program Management Policy Council established under section 1126(b);

''(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

''(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

''(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

''(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

''(H) establish a 5-year strategic plan for program and project management.

''(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of the provisions of chapter 87 of title 10.''.

(2) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall issue the standards, policies, and guidelines required under section 503(c) of title 31, United States Code, as added by paragraph (1).

(3) REGULATIONS.—Not later than 90 days after the date on which the standards, policies, and guidelines are issued under paragraph (2), the Deputy Director for Management of the Office of Management and Budget, in consultation with the Program Management Policy Council established under section 1126(b) of title 31, United States Code, as added by subsection (b)(1), and the Director of the Office of Management and Budget, shall issue any regulations as are necessary to implement the requirements of section 503(c) of title 31, United States Code, as added by paragraph (1).

(b) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) AMENDMENT.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''§ 1126. Program Management Improvement Officers and Program Management Policy Council

''(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

''(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

''(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

''(A) implement program management policies established by the agency under section 503(c); and

''(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

''(i) Enhanced training and educational opportunities for program managers that shall include—

''(I) training in the relevant competencies encompassed with program and project manager within the private sector for program managers; and

''(II) training that emphasizes cost containment for large projects and programs.

''(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

''(iii) Improved career paths and career opportunities for program managers.

''(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

''(v) Improved means of collecting and disseminating best practices and lessons learned to enhance program management across the agency.

''(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

''(3) APPLICATION TO DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of chapter 87 of title 10.

''(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

''(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the 'Program Management Policy Council' (in this subsection referred to as the 'Council').

''(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

''(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

''(B) review programs identified as high risk by the General Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee;

''(C) discuss topics of importance to the workforce, including—

''(i) career development and workforce development needs;

''(ii) policy to support continuous improvement in program and project management; and

''(iii) major challenges across agencies in managing programs;

''(D) advise on the development and applicability of standards governmentwide for program management transparency; and

''(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122.

''(3) MEMBERSHIP.—

''(A) COMPOSITION.—The Council shall be composed of the following members:

''(i) Five members from the Office of Management and Budget as follows:

''(I) The Deputy Director for Management.

''(II) The Administrator of the Office of Electronic Government.

''(III) The Administrator of Federal Procurement Policy.

''(IV) The Controller of the Office of Federal Financial Management.

''(V) The Director of the Office of Performance and Personnel Management.

''(ii) The Program Management Improvement Officer from each agency described in section 901(b).

''(iii) Other individuals as determined appropriate by the Chairperson.

''(B) CHAIRPERSON AND VICE CHAIRPERSON.—

''(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

''(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

''(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

''(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.

''(6) COMMITTEE DURATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.''.

(2) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with each Program Management Improvement Officer designated under section 1126(a)(1) of title 31, United States Code, shall submit to Congress a report containing the strategy developed under section 1126(a)(2)(B) of such title, as added by paragraph (1).

(c) PROGRAM AND PROJECT MANAGEMENT PERSONNEL STANDARDS.—

(1) DEFINITION.—In this subsection, the term ''agency'' means each agency described in section 901(b) of title 31, United States Code.

(2) REGULATIONS REQUIRED.—Not later than 180 days after the date on which the standards, policies, and guidelines are issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall issue regulations that—

(A) identify key skills and competencies needed for a program and project manager in an agency;

(B) establish a new job series, or update and improve an existing job series, for program and project management within an agency; and

(C) establish a new career path for program and project managers within an agency.

(d) GAO REPORT ON EFFECTIVENESS OF POLICIES ON PROGRAM AND PROJECT MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Government Accountability Office shall issue, in conjunction with the High Risk list of the Government Accountability Office, a report examining the effectiveness of the following on improving Federal program and project management:

(1) The standards, policies, and guidelines for program and project management issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1).

(2) The 5-year strategic plan established under section 503(c)(1)(H) of title 31, United States Code, as added by subsection (a)(1).

(3) Program Management Improvement Officers designated under section 1126(a)(1) of title 31, United States Code, as added by subsection (b)(1).

(4) The Program Management Policy Council established under section 1126(b)(1) of title 31, United States Code, as added by subsection (b)(1).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.

(a) MODIFICATION OF MANAGEMENT LIMITATIONS.—Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''solely'';

(B) in the second sentence—

(i) by striking ''The management of such personnel in any fiscal year shall not be subject to any'' and inserting ''Any''; and

(ii) by inserting before the period the following: ''shall be developed on the basis of those factors and shall be subject to adjustment solely for reasons of changed circumstances''; and

(C) in the third sentence, by striking ''unless such reduction'' and all that follows and inserting ''except in accordance with the requirements of this section and section 129a of this title.'';

(2) by striking subsections (b), (c), (e), and (f);

(3) by redesignating subsection (d) as subsection (b); and

(4) by adding at the end the following new subsection (c):

''(c)(1) Not later than February 1 of each year—

''(A) the Secretary of Defense shall submit to the congressional defense committees a report on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities; and

''(B) the Secretary of each military department shall submit to the congressional defense committees a report on the management of the civilian workforces under the jurisdiction of such Secretary.

''(2) Each report under paragraph (1) shall contain, with respect to the civilian workforce under the jurisdiction of the official submitting the report, the following:

''(A) An assessment of the projected size of such civilian workforce in the current year and for each year in the future-years defense program.

''(B) If the projected size of such civilian workforce has changed from the previous year's projected size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts that have been taken to identify offsetting reductions and avoid unnecessary overall growth in the size of the civilian workforce.

''(C) In the case of a transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.''.

(b) CONFORMING AMENDMENTS.—

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

''§ 129. Civilian personnel management''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

''129. Civilian personnel management.''.

SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRATEGIC WORKFORCE PLAN FOR THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 115b of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 115b.

SEC. 1103. TEMPORARY AND TERM APPOINTMENTS IN THE COMPETITIVE SERVICE IN THE DEPARTMENT OF DEFENSE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Secretary of Defense may make a temporary appointment or a term appointment in the Department when the need for the services of an employee in the Department is not permanent.

(2) EXTENSION.—The Secretary may extend a temporary appointment or a term appointment made under paragraph (1).

(b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—If there is a critical hiring need, the Secretary of Defense may make a noncompetitive temporary appointment or a noncompetitive term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months.

(2) NO EXTENSION AVAILABLE.—An appointment made under paragraph (1) may not be extended.

(c) REGULATIONS.—The Secretary may prescribe regulations to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''temporary appointment'' means the appointment of an employee in the competitive service for a period that is not more than one year.

(2) The term ''term appointment'' means the appointment of an employee in the competitive service for a period that is more than one year and not more than five years, unless the Secretary of Defense, before the appointment of the employee, authorizes a longer period.

SEC. 1104. PERSONNEL AUTHORITIES RELATED TO THE DEFENSE ACQUISITION WORKFORCE.

(a) REPLACEMENT FOR ACQUISITION DEMONSTRATION PROGRAM.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1762 the following new section.

''§ 1763. Special system of personnel authorities related to the acquisition workforce

''(a) AUTHORITY.—The Secretary of Defense may establish, and from time to time adjust, a special system of personnel programs under the authorities provided by this section for employees in the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

''(b) COVERED EMPLOYEES.—

''(1) IN GENERAL.—The Secretary of Defense may determine which employees who meet the requirements in subparagraphs (A) and (B) of subsection (k)(1) are covered by system established under this section, subject to the requirements in subsection (i).

''(2) NOTICE AND WAIT OF COVERAGE OF CATEGORIES OF EMPLOYEES.—A determination by the Secretary under paragraph (1) to cover a category of employees under a system established under this section may not take effect until—

''(A) a general notice of the proposed coverage is provided to affected employees; and

''(B) a period of 30 days has elapsed from the date of the notice, during which those employees (for their representatives) shall be provided an opportunity to provide comments.

''(c) CLASSIFICATION AND RATES OF BASIC PAY.—The Secretary of Defense may determine classification and fix rates of basic pay for covered employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, subject to the following requirements:

''(1) Broadband or classification levels under the system shall be linked to specific levels of the General Schedule and associated minimum and maximum rates of basic pay.

''(2) Rates of basic pay fixed under this subsection may not exceed the maximum rate of basic pay for a position at GS–15 of the General Schedule under section 5332 of title 5, except for a retained rate established under section 3594 or 5363 of such title.

''(3) Covered employees shall receive locality-based comparability payments under section 5304 of title 5 on the same basis as if they were in a General Schedule position, with rates of basic pay fixed under this subsection treated as scheduled rates of basic pay.

''(4) A covered employee shall be treated as if the covered employee is in a General Schedule position for the purposes of determining eligibility under the following provisions of title 5:

''(A) The pay retention provisions in sections 5363–5366.

''(B) Section 5545(d) (relating to eligibility for hazardous duty differentials).

''(C) Sections 5753–5755 (relating to recruitment, relocation, and retention bonuses, and supervisory differentials).

''(D) Section 5941 (relating to allowances based on living costs and environmental conditions for employees stationed in parts of the United States outside the continental United States or Alaska).

''(d) PERFORMANCE MANAGEMENT APPRAISALS AND ADVERSE ACTIONS.—In applying the provisions of chapter 43 (relating to performance appraisal), chapter 45 (relating to incentive awards), and chapter 75 (relating to adverse actions) of title 5 to a covered employee, the Secretary of Defense—

''(1) shall exclude from the provisions in chapters 43 and 75 dealing with a reduction in grade any reduction in broadband or classification level under the system established under this section, if such reduction in broadband or classification level is the result of a covered employee's rate of basic pay falling below the minimum rate of basic pay for the level to which the covered employee is assigned (because the covered employee did not receive the full amount of an increase in the rate of basic pay based on inadequate performance or contributions); and

''(2) may provide awards that are integrated within the system of providing performance-based or contribution-based salary adjustments without regard to the limitations on awards in subsections (a) and (b) of section 4502.

''(e) AUTHORITY TO WAIVE CERTAIN PROVISIONS OF LAW.—In applying the provisions of chapter 31 (relating to employment), chapter 33 (relating to examination, selection, and placement, chapter 43 (relating to performance appraisals), chapter 71, and chapter 75 of title 5 to a covered employee, the Secretary of Defense may act without regard to the following provisions:

''(1) Section 3111 (relating to acceptance of volunteer service), to the extent necessary to allow volunteer service under the provisions of a voluntary emeritus program established by the Secretary for covered employees.

''(2) Section 3308 (relating to examination for the competitive service), to the extent necessary to accommodate the requirement for a college degree appointment as part of a scholastic achievement program established by the Secretary for covered employees.

''(3) Section 3317(a) (relating to competitive service registers) and section 3318(a) (relating to competitive service selection).

''(4) Subchapter I of chapter 33 (other than sections 3303 and 3328), to the extent necessary to structure streamlined external recruitment and appointment programs that afford the swiftest and best access to qualified candidates for direct appointment to positions covered by this chapter.

''(5) Section 3341(b) (relating to details within executive or military departments).

''(6) Section 4304(b) (relating to OPM review of agency performance appraisal systems).

''(7) Sections 7105(a)(2)(E), 7114, and 7116, to the extent those provisions are inconsistent with this section or would prohibit the Department or a labor organization from unilaterally terminating negotiations over whether the system will apply to employees represented by a labor organization or would allow for review of such a termination.

''(8) Section 7119 (relating to negotiation impasses and the Federal Service Impasses Panel), to the extent it gives the Federal

Service Impasses Panel jurisdiction to resolve impasses referred to it by either party or both parties during or after implementation of the system.

''(9) Section 7512(4) (relating to adverse actions), to the extent necessary to exclude a conversion from a General Schedule position for which a special rate of pay is in effect under section 5305, or similar provision of law, to a rate of pay under the system that does not result in a reduction in the covered employee's total rate of pay.

''(f) STATUS OF CERTAIN VOLUNTEERS.—A volunteer under a voluntary emeritus program established by the Secretary of Defense for covered employees shall be considered to be an employee of the Federal Government for the purposes specified in section 1588(d) of this title.

''(g) AUTHORITY TO WAIVE CERTAIN OPM REGULATIONS.—The Secretary of Defense may waive application of regulations of the Office of Personnel Management to a system established under this section to the same extent that such regulations were waived for the demonstration project that applied to certain employees in the Department of Defense acquisition workforce under section 1762 of this title as of the day before the date of the enactment of this section.

''(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the system of personnel programs established under this section.

''(i) LABOR ORGANIZATIONS.—

''(1) IN GENERAL.—An employee within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 of title 5 shall not be covered by a system established under this section unless the labor organization and the Department of Defense have entered into a written agreement covering participation in such system.

''(2) NEW UNITS FOR LABOR ORGANIZATION REPRESENTATION.—If a labor organization is accorded exclusive recognition for a newly recognized unit that includes employees who are designated as covered employees before being included in an appropriate unit under section 7112 of title 5, the labor organization has the right to determine that affected employees (including vacant positions) will be removed from such system and placed under the system that would otherwise apply, under applicable law and regulation. If a labor organization notifies the Secretary of Defense in writing of its determination to remove such an employee (or vacant position) from a system established under this section, the removal may not take effect earlier than 6 months after the date of the receipt by the Secretary of the written notification, unless there is an agreement by the labor organization and the Secretary for an earlier date.

''(3) LIMITATION ON SCOPE OF NEGOTIATIONS.—For purposes of section 7117(a)(1) of title 5, the duty to bargain in good faith with a labor organization regarding a matter arising under a system established under this section shall not extend to any matter relating to the establishment of rates of pay or any other matter which is the subject of any regulation of the Secretary regarding the system in the same manner as if the regulation were a Government-wide regulation.

''(4) LIMITATION ON APPEALS.—Section 7117(c) of title 5 does not apply to a determination by the Secretary that a matter is the subject of regulations prescribed under this section by the Secretary.

''(j) STATUS OF EMPLOYEES MOVING OUT OF SYSTEM.—An employee who, while continuously employed, moves from a position as a covered employee to a General Schedule position—

''(1) shall be treated as if the employee were in a General Schedule position immediately before such movement for the purpose of applying the promotion provision in section 5334(b) of such title; and

''(2) shall be converted to an equivalent level of the General Schedule and rate of basic pay immediately before such movement, under regulations prescribed by the Director of the Office of Personnel Management, for the purpose of applying paragraph (1).

''(k) DEFINITIONS.—In this section:

''(1) The term 'covered employee' means an employee who—

''(A) is—

''(i) in the acquisition workforce of the Department of Defense; or

''(ii) is a supporting employee assigned to work directly with the acquisition workforce;

''(B) would be in a General Schedule position, except for the exercise of the authority under this section; and

''(C) is designated by the Secretary of Defense to be covered under a system established under this section in accordance with subsection (b).

''(2) The term 'General Schedule position' means a position to which subchapter III of chapter 53 of title 5 applies.''.

(b) REPEAL OF ACQDEMO STATUE.—Section 1762 of such title is repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of such title is amended by striking the item relating to section 1762 and inserting the following new item:

''1763. Special system of personnel authorities related to the acquisition workforce.''.

(d) TRANSITION PROVISIONS.—

(1) CONTINUITY OF ACQDEMO SYSTEM.—The system established under the demonstration project authority under section 1762 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be considered a system established under section 1763 of title 10, United States Code, as added by subsection (a).

(2) CONTINUITY OF ACQDEMO REGULATIONS.—The demonstration project plan published in the Federal Register under section 1762 of title, United States Code, for the Department of Defense acquisition workforce, as in effect on the day before the date of the enactment of this Act, shall be considered to be a regulation prescribed by the Secretary of Defense under subsection (h) of section 1763 of title 10, United States Code, as so added. The provisions of such plan related to the conversion of employees back to the General Schedule pay system shall not apply, except as necessary to allow for possible application of the General Schedule promotion rule in section 5334(b) of title 5, United States Code, pending the issuance of regulation under subsection (j)(2) of section 1763, as so added.

(3) CONTINUITY OF COVERED EMPLOYEES.—The categories of employees covered on the day before the day of the enactment of this Act by the demonstration project referred to in paragraph (1) shall be covered by a system established by the Secretary under section 1763 of title 10, United States Code, as so added, without regard to subsection (b) of that section.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 1105. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

(a) AUTHORITY.—Each Secretary concerned may appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree, or a related degree or equivalent experience, to positions specified in subsection (c) for the Defense Agencies or the applicable military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) SECRETARY CONCERNED.—For purposes of this section, the Secretary concerned is as follows:

(1) The Secretary of Defense with respect to the Defense Agencies.

(2) The Secretary of a military department with respect to such military department.

(c) POSITIONS.—The positions specified in this subsection are the positions within the Department of Defense workforce as follows:

(1) Financial management positions.

(2) Accounting positions.

(3) Auditing positions.

(4) Actuarial positions.

(5) Cost estimation positions.

(6) Operational research positions.

(d) LIMITATION.—Authority under this section may not, in any calendar year and with respect to any Defense Agency or military department, be exercised with respect to a number of candidates greater than the number equal to 10 percent of the total number of the financial management, accounting, auditing, and actuarial positions within the financial management workforce of such Defense Agency or military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(e) NATURE OF APPOINTMENT.—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(f) EMPLOYEE DEFINED.—In this section, the term ''employee'' has the meaning given that term in section 2105 of title 5, United States Code.

(g) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2022.

SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.

(a) HIRING AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may recruit and appoint qualified recent graduates and current post-secondary students to positions within the Department of Defense.

(b) LIMITATION ON APPOINTMENTS.—Subject to subsection (c)(2), the total number of employees appointed by the Secretary under subsection (a) during a fiscal year may not exceed the number equal to 15 percent of the number of hires made into professional and administrative occupations of the Department at the GS–11 level and below (or equivalent) under competitive examining procedures during the previous fiscal year.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall administer this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(2) LOWER LIMIT ON APPOINTMENTS.—The regulations may establish a lower limit on the number of individuals appointable under subsection (a) during a fiscal year than is otherwise provided for under subsection (b), based on such factors as the Secretary considers appropriate.

(d) SUNSET.—The authority in this section terminates on the date that is four years after the date on which the Secretary first appoints a recent graduate or current post-secondary student to a position under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''current post-secondary student'' means a person who—

(A) is currently enrolled in, and in good academic standing at, a full-time program at an institution of higher education;

(B) is making satisfactory progress toward receipt of a baccalaureate or graduate degree; and

(C) has completed at least one year of the program.

(2) The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term ''recent graduate'', with respect to appointment of a person under this section, means a person who was awarded a degree by an institution of higher education not more than two years before the date of the appointment of such person, except that in the case of a person who has completed a period of obligated service in a uniformed service of more than four years, such term means a person who was awarded a degree by an institution of higher education not more than four years before the date of the appointment of such person.

SEC. 1107. PUBLIC-PRIVATE TALENT EXCHANGE.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599g. Public-private exchange

''(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private-sector organization concerned, arrange for the temporary assignment of a Department of Defense employee to such private-sector organization, or from such private-sector organization to a Department organization under this section.

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

''(A) shall require that an employee of the Department, upon completion of the assignment, will serve in the Department, or elsewhere in the civil service if approved by the Secretary, for a period equal to the length of the assignment; and

''(B) shall provide that if the employee of the Department or the private-sector organization (as the case may be) fails to carry out the agreement, the employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary.

''(2) TREATMENT OF EMPLOYEE LIABILITY.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

''(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private-sector organization concerned.

''(d) DURATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an assignment under this section shall be for a period of not less than three months and not more than two years.

''(2) EXCEPTION TO MEET CRITICAL MISSION OR PROGRAM REQUIREMENTS.—An assignment under this section may be for a period in excess of two years, but not more than four years, if the Secretary determines that such assignment is necessary to meet critical mission or program requirements.

''(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a private-sector organization who is assigned to a Department of Defense organization under this section—

''(1) may continue to receive pay and benefits from the private-sector organization from which such employee is assigned;

''(2) is deemed to be an employee of the Department for the purposes of—

''(A) chapter 73 of title 5;

''(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

''(C) sections 1343, 1344, and 1349(b) of title 31;

''(D) the Federal Tort Claims Act and any other Federal tort liability statute;

''(E) the Ethics in Government Act of 1978; and

''(F) chapter 21 of title 41; and

''(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which such employee is assigned.

''(f) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to the Department under this section for the period of the assignment.

''(g) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense shall take into consideration how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of 81 of such title is amended by adding at the end the following new item:

''1599g. Public-private exchange.''.

SEC. 1108. TRAINING FOR EMPLOYMENT PERSONNEL OF DEPARTMENT OF DEFENSE ON MATTERS RELATING TO AUTHORITIES FOR RECRUITMENT AND RETENTION AT UNITED STATES CYBER COMMAND.

(a) TRAINING REQUIRED.—Section 1599f of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (h) through (k), respectively; and

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

''(f) TRAINING.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

''(2) For purposes of this subsection, covered personnel are employees of the Department who—

''(A) carry out functions relating to—

''(i) the management of human resources and the civilian workforce of the Department; or

''(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

''(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.''.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress (as defined in section 1599f of title 10, United States Code) a report on the training the Secretary intends to provide to each of the employees described in subsection (f)(2) of such section (as added by subsection (a) of this section) and the frequency with which the Secretary intends to provide such training.

(2) ONGOING REPORTS.—Subsection (h)(2)(E) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking ''supervisors of employees in qualified positions at the Department on the use of the new authorities'' and inserting ''employees described in subsection (f)(2) on the use of authorities under this section''.

SEC. 1109. INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 9902(f)(5)(A)(ii) of title 5, United States Code, is amended by striking ''$25,000'' and inserting ''an amount determined by the Secretary, not to exceed $40,000''.

SEC. 1110. REPEAL OF CERTAIN BASIS FOR APPOINTMENT OF A RETIRED MEMBER OF THE ARMED FORCES TO DEPARTMENT OF DEFENSE POSITION WITHIN 180 DAYS OF RETIREMENT.

Section 3326(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding ''or'' at the end;

(2) in paragraph (2), by striking ''; or'' and inserting a period; and

(3) by striking paragraph (3).

SEC. 1111. PILOT PROGRAMS ON CAREER SABBATICALS FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out one or more pilot programs under which civilian employees of the Department of Defense under the jurisdiction of such Secretary are permitted periods of recess of not more than one year from full-time employment by the Department in order to meet personal, familial, or professional needs and return to their full-time civilian employment by the Department at the end of such periods of recess without loss of civil service status or privilege.

(2) PURPOSE.—The purpose of the pilot programs is to assess whether permitting periods of recess from civilian employment for civilian employees of the Department provides an effective means of enhancing retention of civilian employees of the Department and the capacity of the Department to respond to the personal, familial, and professional needs of individual members of its civilian workforce.

(b) INELIGIBLE EMPLOYEES.—A civilian employee of the Department is not eligible to participate in a pilot program under this section during any period of service required of the employee—

(1) during the initial probationary period before the appointment of the employee in the competitive service becomes final; or

(2) in connection with any recruitment, retention, or relocation bonus, incentive payment, or other additional payment for employment received by the employee pursuant to a provision of title 5 or 10, United States Code, or any other provision of law.

(c) PARTICIPATION.—

(1) IN GENERAL.—Civilian employees of a military department shall be selected for participation in pilot programs of the military department under this section by the Secretary of the military department in accordance with such procedures as the Secretary of Defense shall establish for purposes of the pilot programs.

(2) LIMITATION ON NUMBER OF PARTICIPANTS.—Not more than 300 civilian employees of each military department may be selected during each of calendar years 2017 through 2022 to participate in pilot programs under this section.

(d) PERIOD OF RECESS FROM CIVILIAN EMPLOYMENT.—

(1) PERIOD OR RECESS.—The period of recess from civilian employment by the Department under a pilot program under this section of an employee participating in the pilot program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the employee under subsection (e), except that such period may not exceed one year.

(2) PERIOD NOT CREDITABLE TOWARD RETIREMENT BENEFITS.—Any period of recess of a civilian employee of the Department under a pilot program shall not count as creditable service for purposes of chapter 83 or 84 of title 5, United States Code.

(3) CONTINUATION OF ENROLLMENT IN HEALTH BENEFITS PLANS.—A civilian employee of the Department who undertakes a period of recess from full-time employment under a pilot program shall, at the election of the employee, be treated as an employee in nonpay status during such period of recess for purposes of section 890.303(e) of title 5, Code of Federal Regulations (relating to continuation in enrollment in Federal health benefits plans), as such section is in effect on December 15, 2015, for purposes of the eligibility of the employee and any dependents of the employee for enrollment in a Federal health benefits plan.

(4) CONTINUATION OF LIFE INSURANCE.—A civilian employee of the Department who undertakes a period of recess from full-time employment under a pilot program shall be treated as an employee in nonpay status during such period of recess for purposes of continuation of life insurance under the Federal Employees' Group Life Insurance Program without requirement for employee premium payments under section 870.508(a) of title 5, Code of Federal Regulations, or agency premium payments under section 870.404(c) of title 5, Code of Federal Regulations, as such sections are in effect on December 31, 2015.

(e) AGREEMENT.—

(1) IN GENERAL.—Each civilian employee of the Department who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement such employee shall agree as follows:

(A) To undergo during each period of the recess of such employee from full-time employment by the Department under the pilot program such skills training as the Secretary shall require in order to ensure that such employee retains proficiency, at a level determined by the Secretary to be sufficient, in such employee's professional qualifications and certifications.

(B) Following completion of a period of the recess of such civilian employee under the pilot program, to serve two months as a civilian employee of the Department on a full-time basis for each month of such period of the recess of such employee under the pilot program.

(2) NOTICE ON OBLIGATED SERVICE.—Each employee entering into an agreement under this subsection for purposes of a pilot program shall be notified at the time of entry into the agreement of the obligated service required of the employee as a result of a period of recess from full-time employment by the Department under the pilot program pursuant to paragraph (1)(B).

(f) TERMS AND CONDITIONS OF RELEASE FOR PERIOD OF RECESS.—A civilian employee of the Department who participates in a pilot program under this section shall be eligible for periods of release from full-time employment by the Department under the pilot program in accordance with such terms and conditions as are specified in the agreement of the employee under subsection (e). Such terms and conditions shall conform to guidelines issued by the Secretary of Defense for purposes of the pilot programs under this section.

(g) INVOLUNTARY RETURN TO FULL-TIME EMPLOYMENT.—

(1) IN GENERAL.—Under guidelines issued by the Secretary of the military department concerned for the purpose of pilots programs of such military department under this section, a civilian employee of the Department who is in a period of recess from full-time employment by the Department under a pilot program may, at the election of Secretary and without the consent of the employee, be required to return to full-time employment by the Department at any time during such period of recess.

(2) GUIDELINES AND PROCEDURES.—The circumstances under which a civilian employee may be required to return to full-time employment pursuant to paragraph (1), and the procedures applicable to requiring such return, shall be specified in guidelines issued by the Secretary of Defense for purposes of the pilot programs.

(h) PAY AND ALLOWANCES.—

(1) PROHIBITION ON RECEIPT OF BASIC PAY AND ALLOWANCES.—While undertaking a period of recess from full-time employment by the Department under a pilot program under this section, a civilian employee of the Department is not entitled to any pay or allowances otherwise payable to the employee under title 5 or 10, United States Code.

(2) PROHIBITION ON RECEIPT OF SPECIAL AND INCENTIVE PAYS.—While undertaking a period of recess from employment under a pilot program, an employee may not be paid any special or incentive pay or bonus to which the employee would otherwise entitled under an employment agreement under a provision of title 5 or 10, United States Code, or any other provision of law, that is in force when the employee commences such period of recess.

(3) REVIVAL OF SPECIAL PAYS UPON RETURN TO FULL-TIME DEPARTMENT EMPLOYMENT.—

(A) REVIVAL REQUIRED.—Subject to subparagraph (B), upon the return of an employee to full-time employment by the Department after completion by the employee of a period of recess from employment under a pilot program—

(i) any employment agreement entered into by the employee under a provision of law referred to in paragraph (2) for the payment of a special or incentive pay or bonus that was in force when the employee commenced such period of recess shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the employee commenced such period of recess; and

(ii) any special or incentive pay or bonus shall be payable to the employee in accordance with the terms of the agreement described in clause (i) for the term specified in that clause.

(B) LIMITATIONS.—

(i) LIMITATIONS AT TIME OF RETURN TO FULL-TIME DEPARTMENT EMPLOYMENT.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, at the time of the return of the employee to full-time employment as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the employee does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the employee to full-time employment by the Department.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, during the term of the revived agreement of the employee under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) REPAYMENT.—An employee who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable employment agreement of the employee under a provision of law referred to in paragraph (2).

(D) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of an employee under an agreement covered by this paragraph after the employee returns to full-time employment by the Department as described in subparagraph (A) shall be in addition to any service required of the employee under an agreement under subsection (e).

(i) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2018, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs carried out by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs carried out under this section.

(3) ELEMENTS OF REPORT.—The interim reports under paragraph (1) and the final report under paragraph (2) shall include the following:

(A) A description of each pilot program covered by such report, including a description of the number of applicants for participation in such pilot program and the criteria used to select applicants for participation in such pilot program.

(B) An assessment by the Secretary submitting such report of the pilot programs covered by such report, including an evaluation of the following:

(i) Whether the authorities of this section provided an effective means of enhancing the retention of civilian employees of the Department possessing critical skills, talents, and leadership abilities.

(ii) Whether the career progression in the Department of civilian employees who participated in the pilot programs has been or will be adversely affected.

(iii) Whether the pilot programs were useful in responding to the personal, familial, and professional needs of individual civilian employees of the Department.

(C) Such recommendations for legislative or administrative action as the Secretary submitting such report considers appropriate for the modification or continuation of the pilot programs covered by such report.

(j) DURATION OF AUTHORITY.—

(1) COMMENCEMENT.—The authority to carry out a pilot program under this section shall commence on January 1, 2017.

(2) CESSATION.—No civilian employee of the Department may be granted a period of recess from full-time employment by the Department under a pilot program under this section after December 31, 2022.

SEC. 1112. LIMITATION ON NUMBER OF SES EMPLOYEES.

(a) DEFINITION OF COVERED SES EMPLOYEE.—In this section:

(1) IN GENERAL.—The term ''covered SES employee'' means an employee of the Department of Defense—

(A) who is serving in a Senior Executive Service position, as defined under section 3132(a)(2) of title 5, United States Code; and

(B) subject to paragraph (2), who is not serving in such position under an appointment as a highly qualified expert under section 9903 of title 5, United States Code.

(2) MAXIMUM NUMBER OF HIGHLY QUALIFIED EXPERTS.—Not more than 200 employees may be excluded under paragraph (1)(B) for purposes of determining the number of covered SES employees.

(b) LIMITATION.—On and after January 1, 2019, the number of covered SES employees may not exceed the number equal to the product obtained by multiplying—

(1) number of covered SES employees on December 31, 2015; and

(2) 0.75.

SEC. 1113. NO TIME LIMITATION FOR APPOINTMENT OF RELOCATING MILITARY SPOUSES.

Section 3330d(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(3) NO TIME LIMITATION.—A relocating spouse of a member of the Armed Forces may receive an appointment under this section with no time limitation for eligibility from the date of such member's permanent change of station orders.''.

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) PERMANENT PERSONNEL MANAGEMENT AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, as amended by section 1107 of this Act, is further amended by adding at the end the following new section:

''§ 1599h. Personnel management authority to attract experts in science and engineering

''(a) PROGRAMS AUTHORIZED.—

''(1) LABORATORIES OF THE MILITARY DEPARTMENTS.—The Secretary of Defense may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for such laboratories of the military departments as the Secretary shall designate for purposes of the program for research and development projects of such laboratories.

''(2) DARPA.—The Director of the Defense Advanced Research Projects Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.

''(3) DOTE.—The Director of the Office of Operational Test and Evaluation may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering to support operational test and evaluation missions of the Office.

''(b) PERSONNEL MANAGEMENT AUTHORITY.—Under a program under subsection (a), the official responsible for administration of the program may—

''(1) without regard to any provision of title 5 governing the appointment of employees in the civil service—

''(A) in the case of the laboratories of the military departments designated pursuant to subsection (a)(1), appoint scientists and engineers to a total of not more than 40 scientific and engineering positions in such laboratories;

''(B) in the case of the Defense Advanced Research Projects Agency, appoint individuals to a total of not more than 100 positions in the Agency, of which not more than 15 such positions may be positions of administration or management of the Agency; and

''(C) in the case of the Office of Operational Test and Evaluation, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;

''(2) notwithstanding any provision of title 5 governing the rates of pay or classification of employees in the executive branch, prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1)—

''(A) in the case of employees appointed pursuant to paragraph (1)(B) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this subparagraph, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

''(B) in the case of any other employee appointed pursuant to paragraph (1), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

''(3) pay any employee appointed under paragraph (1), other than an employee appointed to a position designated as described in paragraph (2)(A), payments in addition to basic pay within the limit applicable to the employee under subsection (d).

''(c) LIMITATION ON TERM OF APPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

''(2) EXTENSION.—The official responsible for the administration of a program under subsection (a) may, in the case of a particular employee under the program, extend the period to which service is limited under paragraph (1) by up to two years if the official determines that such action is necessary to promote the efficiency of a laboratory of a military department, the Defense Advanced Research Projects Agency, or the Office of Operational Test and Evaluation, as applicable.

''(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.—Notwithstanding any other provision of this section or section 5307 of title 5, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title, as so amended, is further amended by adding at the end the following new item:

''1599h. Personnel management authority to attract experts in science and engineering.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is repealed.

(c) APPLICABILITY OF PERSONNEL MANAGEMENT AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED UNDER SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Any individual employed as of the date of the enactment of this Act under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (as in effect on the day before such date) shall remain employed under section 1599h of title 105, United States Code (as added by subsection (a)), after such date in accordance with such section 1599h and the applicable program carried out under such section 1599h.

(2) DATE OF APPOINTMENT.—For purposes of subsection (c) of section 1599h of title 10, United States Code (as so added), the date of the appointment of any employee who remains employed as described in paragraph (1) shall be the date of the appointment of such employee under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (as so in effect).

SEC. 1122. PERMANENT EXTENSION AND MODIFICATION OF TEMPORARY AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING LABORATORIES.

(a) INCREASE OF APPOINTMENT CEILING FOR STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—Subsection (c)(3) of section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is amended by striking ''3 percent'' and inserting ''10 percent''.

(b) PERMANENT AUTHORITIES.—

(1) IN GENERAL.—Such section is further amended by striking subsection (e).

(2) APPOINTMENT OF SENIOR SCIENTIFIC TECHNICAL MANAGERS.—Subsection (f) of such section is amended by striking paragraph (3).

(c) REPEAL OF ANNUAL REPORTING REQUIREMENT.—Such section is further amended by striking subsection (g).

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by transferring subsection (d) so as to appear after subsection (h); and

(2) by redesignating subsections (f), (h), and (d) (as so transferred) as subsections (d), (e), and (f), respectively.

SEC. 1123. DIRECT HIRE AUTHORITY FOR SCIENTIFIC AND ENGINEERING POSITIONS FOR TEST AND EVALUATION FACILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) IN GENERAL.—The Secretary of Defense may, acting through the Director of Operational Test and Evaluation and the Directors of the test and evaluation facilities of the Major Range and Test Facility Base of the Department of Defense, appoint qualified candidates possessing an advanced degree to scientific and engineering positions within the Office of the Director of Operational Test and Evaluation and the test and evaluation facilities of the Major Range and Test Facility Base without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) LIMITATION ON NUMBER.—

(1) IN GENERAL.—Authority under this section may not, in any calendar year and with respect to the Office of the Director of Operational Test and Evaluation or any test and evaluation facility, be exercised with respect to a number of candidates greater than the number equal to 3 percent of the total number of scientific and engineering positions within the Office or such facility that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) NATURE OF APPOINTMENT.—For purposes of this subsection, any candidate appointed to a position under this section shall be treated as appointed on a full-time equivalent basis.

(c) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2021.

(d) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' means the test and evaluation facilities that are designated by the Secretary as facilities and resources comprising the Major Range and Test Facility Base of the Department.

SEC. 1124. PERMANENT AUTHORITY FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) PERMANENT AUTHORITY.—Subsection (d) of section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (5 U.S.C. 3702 note) is amended by striking ''; however'' and all that follows and inserting a period.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1110. PROGRAM FOR TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.''.

SEC. 1125. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The pilot program may be carried out in a military department only with the approval of the Service Acquisition Executive of the military department.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

(g) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''science and technology reinvention laboratories of the Department of Defense'' means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

SEC. 1126. DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.

Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as added by section 1114(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), is amended by inserting before the period at the end the following: ''through the Under Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory)''.

Subtitle C—Government-Wide Matters

SEC. 1131. EXPANSION OF PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES TO INCLUDE ALL AGENCIES.

(a) IN GENERAL.—Chapter 96 of title 5, United States Code, is amended as follows:

(1) In section 9601, by striking paragraph (1) and inserting the following:

''(1) the term 'agency' has the meaning given the term in section 101 of title 31; and''.

(2) In section 9602—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''a land management agency'' and inserting ''an agency'';

(II) by inserting after ''appointment in the competitive service'' the following: ''or a time-limited appointment under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))''; and

(III) by striking ''any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency'' and inserting ''such agency when the agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, or any agency when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency,'';

(ii) in paragraph (1), by inserting after ''chapter 33'' the following: '', or under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) (regardless of the competitive nature of the appointment),''; and

(iii) in paragraph (2)—

(I) by striking ''a land management agency'' and inserting ''an agency'';

(II) by striking ''more than'' and inserting ''not less than''; and

(III) by inserting before the semicolon the following: '', or, in the case of an employee appointed under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and serving under an intermittent, time-limited appointment, has been deployed for a period or periods totaling not less than 4,160 hours within a 48-month period without a break of 2 or more years''; and

(B) in subsection (d), in the matter preceding paragraph (1)—

(i) by striking ''a land management agency'' and inserting ''an agency''; and

(ii) by inserting ''of the agency from which the former employee was most recently separated'' after ''deemed a time-limited employee''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 96 of such title is amended to read as follows:

''CHAPTER 96—PERSONNEL FLEXIBILITIES FOR FEDERAL AGENCIES''.

(2) TABLE OF CHAPTERS.—The table of chapters for part III of such title is amended by striking the item relating to chapter 96 and inserting the following new item:

''96. Personnel Flexibilities for Federal Agencies ..... 9601''.

SEC. 1132. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE EMPLOYEES.

The Director of the Office of Personnel Management shall permit an agency with delegated examining authority under 1104(a)(2) of title 5, United States Code, to use direct-hire authority under section 3304(a)(3) of such title for a permanent or non-permanent position or group of positions in the competitive services at GS–15 (or equivalent) and below, or for prevailing rate employees, if the Director determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

SEC. 1133. APPOINTMENT AUTHORITY FOR UNIQUELY QUALIFIED PREVAILING RATE EMPLOYEES.

Section 5343 of title 5, United States Code, is amended by adding at the end the following:

''(g)(1) The head of an agency may appoint an individual to a position in accordance with regulations prescribed under paragraph (2) at such a rate of basic pay above the minimum rate of the appropriate grade as the Office of Personnel Management may authorize.

''(2) The Office of Personnel Management may prescribe regulations that authorize the head of an agency to exercise the authority under paragraph (1) in the case of—

''(A) an unusually large shortage of qualified candidates for employment;

''(B) unique qualifications of a candidate for employment; or

''(C) a special need of the Government for the services of a candidate for employment.''.

SEC. 1134. LIMITATION ON PREFERENCE ELIGIBLE HIRING PREFERENCES FOR PERMANENT EMPLOYEES IN THE COMPETITIVE SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended—

(1) in section 3309—

(A) in the matter preceding paragraph (1), by striking ''A preference eligible'' and inserting ''(a) ADDITIONAL POINTS.—Except as provided in subsection (b), a preference eligible''; and

(B) by adding at the end the following:

''(b) ADDITIONAL POINTS ONLY FOR FIRST APPOINTMENT.—If a preference eligible is selected for a permanent position in the competitive service after the application of subsection (a) or the application of section 3319(b), the preference eligible shall not be awarded any additional points under subsection (a) with respect to a subsequent examination for any position in the competitive service.'';

(2) in section 3319—

(A) in subsection (b), in the first sentence, by striking ''Within'' and inserting ''Except as provided in subsection (d), within''; and

(B) by striking subsection (d) and inserting the following:

''(d) If a preference eligible is selected for a permanent position in the competitive service after the application of subsection (b) or the application of section 3309(a), such individual shall not be listed ahead of individuals who are not preference eligibles due to

the application of subsection (b) on a subsequent list under this section for any position in the competitive service.''; and

(3) in section 3320, by striking ''3318'' and inserting ''3319''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 703 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–607.3, D.C. Official Code) is amended by striking ''3309(1)'' each place it appears and inserting ''3309(a)(1)''.

SEC. 1135. AUTHORITY FOR ADVANCEMENT OF PAY FOR CERTAIN EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) COVERAGE.—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to an employee who is assigned to a position in the agency that is located—

''(A) outside of the employee's commuting area; and

''(B) in an area not covered by section 5927.''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''or assigned'' after ''appointed''; and

(2) in paragraph (2)(B)—

(A) by inserting ''or assignment'' after ''appointment''; and

(B) by inserting ''or assigned'' after ''appointed''.

(c) CLERICAL AMENDMENTS.—

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

''§ 5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1136. ELIMINATION OF THE FOREIGN EXEMPTION PROVISION IN REGARD TO OVERTIME FOR FEDERAL CIVILIAN EMPLOYEES TEMPORARILY ASSIGNED TO A FOREIGN AREA.

(a) IN GENERAL.—Section 5542 of title 5, United States Code, is amended by adding at the end the following:

''(h) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.''.

(b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section 5544 of title 5, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee whose overtime pay is determined in accordance with subsection (a) who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.''.

(c) CONFORMING REPEAL.—Section 5542(a) of title 5, United States Code, is amended by striking paragraph (6).

SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1027), is further amended by striking ''through 2016'' and inserting ''through 2017''.

Subtitle D—Other Matters

SEC. 1151. MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS.

(a) MODIFICATION OF FLAT RATE.—

(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act.

(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to any commander or head of an agency, component, or systems command of the Department of Defense at the level of lieutenant general or vice admiral, or above, or civilian equivalent thereof.

(c) WAIVER OF COLLECTION OF RECEIPTS.—The commander or head of an agency, component, or systems command to which the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submittal of receipts by travelers of such agency, component, or systems command for the purpose of receiving the full per diem rate pursuant to subsection (a) if the commander or head personally certifies that requiring such travelers to submit receipts for that purpose will negatively affect mission performance, create an undue administrative burden, or result in significant additional administrative processing costs for such agency, component, or systems command.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101 of title 37, United States Code.

SEC. 1152. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1022), is further amended by striking ''2017'' and inserting ''2018''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. THREE-YEAR EXTENSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) EXTENSION OF PROGRAM GENERALLY.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1042), is further amended in subsections (a), (b), and (f) by striking ''fiscal year 2016'' and inserting ''fiscal years 2017, 2018, and 2019''.

(b) EXTENSION AND EXPANSION OF AUTHORITY FOR PAYMENTS TO REDRESS INJURY AND LOSS IN IRAQ.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 2016 is amended—

(1) in the subsection heading, by striking ''IRAQ'' and inserting ''AFGHANISTAN, IRAQ, AND SYRIA'';

(2) in paragraph (1)—

(A) by striking ''fiscal year 2016'' and inserting ''fiscal years 2017, 2018, and 2019''; and

(B) by striking ''Iraq'' and inserting ''Afghanistan, Iraq, or Syria''; and

(3) in paragraph (3), by striking ''in fiscal year 2016'' and inserting ''in a fiscal year in which the authority in this subsection is in effect''.

SEC. 1202. INCREASE IN SIZE OF THE SPECIAL DEFENSE ACQUISITION FUND.

(a) INCREASE IN SIZE.—Effective on October 1, 2016, section 114(c)(1) of title 10, United States Code, is amended by striking ''$1,070,000,000'' and inserting ''$2,000,000,000''.

(b) REPORTS.—

(1) INITIAL PLAN ON USE OF AUTHORITY.—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendment made by subsection (a), the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

(2) ANNUAL SPENDING PLAN.—Not later than August 1 each year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a detailed plan for the use of amounts in the Special Defense Acquisition Fund for the fiscal year beginning in the year in which such report is submitted.

(3) QUARTERLY UPDATES.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal quarter.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1252(a)(3) of this Act).

SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting before section 128 the following new section:

''§ 127e. Support of special operations to combat terrorism

''(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $100,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

''(b) FUNDS.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

''(c) LIMITATION.—Of the funds available for support under this section in a fiscal year, not more than $10,000,000 may be used for support in connection with any particular military operation.

''(d) PROCEDURES.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material modification of such procedures.

''(e) NOTIFICATION.—

''(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an approved military operation or changing the scope or funding level of any support for such an operation by $1,000,000 or an amount equal to 20 percent of such funding level (whichever is less), or not later than 48 hours after exercising such authority if the Secretary determines that extraordinary circumstances that impact the national security of the United States exist, the Secretary shall notify the congressional defense committees of the use of such authority with respect to that operation. Any such notification shall be in writing.

''(2) ELEMENTS.—A notification required by this subsection shall include the following:

''(A) The type of support provided or to be provided to United States special operations forces.

''(B) The type of support provided or to be provided to the recipient of the funds.

''(C) The amount obligated under the authority to provide support.

''(f) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

''(g) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

''(h) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—The Secretary shall submit to the congressional defense committees each year a report on support provided under this section during the fiscal year ending in the preceding calendar year.

''(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

''(A) A description of supported operations.

''(B) A summary of operations.

''(C) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

''(D) The total amount obligated in such fiscal year, including budget details.

''(E) The total amount obligated in prior fiscal years under this section and applicable preceding authority.

''(F) The intended duration of support.

''(G) A description of support or training provided to the recipients of support.

''(H) A value assessment of the operational support provided.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

''127e. Support of special operations to combat terrorism.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is repealed.

SEC. 1204. PROHIBITION ON USE OF FUNDS TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.

(a) PROHIBITION.—The Secretary of Defense may not use any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba until the Secretary, in coordination with the Director of National Intelligence, submits to Congress written assurances that—

(1) the Cuban military has ceased committing human rights abuses against civil rights activists and other citizens of Cuba;

(2) the Cuban military has ceased providing military intelligence, weapons training, strategic planning, and security logistics to the military and security forces of Venezuela;

(3) the Cuban military and other security forces in Cuba have ceased all persecution, intimidation, arrest, imprisonment, and assassination of dissidents and members of faith based organizations;

(4) the Government of Cuba no longer demands that the United States relinquish control of Guantanamo Bay, in violation of an international treaty; and

(5) the officials of the Cuban military that were indicted in the murder of United States citizens during the shootdown of planes operated by the Brothers to the Rescue humanitarian organization in 1996 are brought to justice.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXPIRATION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as most recently amended by section 1215 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) CONVERSION OF QUARTERLY REPORTS INTO ANNUAL REPORTS.—Effective on January 1, 2017, subsection (f) of such section 1222, as so amended, is further amended—

(1) in the subsection heading, by striking ''QUARTERLY'' and inserting ''ANNUAL''; and

(2) in paragraph (1)—

(A) by striking ''Not later than 90 days'' and all that follows through ''in which the authority in subsection (a) is exercised'' and inserting ''Not later than March 31 of any year following a year in which the authority in subsection (a) is exercised''; and

(B) by striking ''during the 90-day period ending on the date of such report'' and inserting ''during the preceding year''.

(c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking ''During fiscal years 2013, 2014, 2015, and 2016'' each place it appears and inserting ''Through December 31, 2017,''.

SEC. 1212. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1043), is amended by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

(b) MILITARY OPERATIONS COVERED.—Such section 1233 is further amended in subsection (a)(1), by striking ''in Iraq or in Operation Enduring Freedom in Afghanistan'' and inserting ''in Afghanistan, Iraq, or Syria''.

(c) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section 1233, as so amended, is further amended—

(1) in the second sentence, by striking ''during fiscal year 2016 may not exceed $1,160,000,000'' and inserting ''during fiscal year 2017 may not exceed $350,000,000''; and

(2) by striking the last sentence

(d) TREATMENT OF 2016 UNOBLIGATED BALANCES.—Of the $100,000,000 made available pursuant to section 1212(f) of the National Defense Authorization Act for Fiscal Year 2016, amounts that are unobligated as of September 30, 2016, shall continue to be available in fiscal year 2017 for the purposes specified in such section, in addition to the total amount of reimbursements and support authorized for Pakistan during fiscal year 2017 pursuant to section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008, as amended by this section.

(e) REPEAL AUTHORITY FOR OTHER SUPPORT.—Subsection (b) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016, is repealed.

SEC. 1213. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS AND PROJECTS OF THE DEPARTMENT OF DEFENSE IN AFGHANISTAN THAT CANNOT BE SAFELY ACCESSED BY UNITED STATES GOVERNMENT PERSONNEL.

(a) PROHIBITION.—

(1) IN GENERAL.—Amounts available to the Department of Defense may not be obligated or expended for a construction or other infrastructure project of the Department in Afghanistan if military or civilian personnel of the United States Government or their representatives with authority to conduct oversight of such program or project cannot safely access such program or project.

(2) APPLICABILITY.—Paragraph (1) shall apply only with respect to a program or project that is initiated on or after the date of the enactment of this Act.

(b) WAIVER.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than

$1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of $1,000,000 or more, but less than $40,000,000, by the Commander of United States Forces-Afghanistan.

(C) In the case of a program or project with an estimated lifecycle cost of $40,000,000 or more, by the Secretary of Defense.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the Government of Afghanistan has requested or expressed a need for the program or project.

(C) That the program or project has been coordinated with the Government of Afghanistan, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption and waste, fraud, and abuse of funds.

(F) That adequate arrangements have been made for the sustainment of the program or project following its completion, including arrangements with respect to funding and technical capacity for sustainment.

(G) That meaningful metrics have been established to measure the progress and effectiveness of the program or project in meeting its objectives.

(3) NOTICE ON CERTAIN WAIVERS.—In the event a waiver is issued under paragraph (1) for a program or project described in subparagraph (C) of that paragraph, the Secretary of Defense shall notify Congress of the waiver not later than 15 days after the issuance of the waiver.

SEC. 1214. REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense is authorized to reimburse Pakistan for certain activities meant to enhance the security situation in the northwest regions of Pakistan, including the Federally Administered Tribal Areas and Khyber Pakhtunkhwa.

(2) FUNDS AVAILABLE.—Reimbursement under the authority of this subsection may be provided from amounts available to the Department of Defense for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code (as added by subtitle G of this title).

(3) CITATION.—This section may be referred to as the ''Pakistan Security Enhancement Authorization''.

(b) ACTIVITIES.—Reimbursement may be provided under the authority in subsection (a) for activities as follows:

(1) Counterterrorism activities in the Federally Administered Tribal Areas and Khyber Pakhtunkhwa, including the following:

(A) Eliminating infrastructure, training areas, and sanctuaries used by terrorist groups, and preventing the establishment of new or additional infrastructure, training areas, and sanctuaries.

(B) Direct action against individuals that are involved in or supporting terrorist activities.

(C) Any other activity recognized by the Secretary of Defense as a counterterrorism activity for purposes of this subsection.

(2) Border security activities along the Afghanistan-Pakistan border, including the following:

(A) Building and maintaining border outposts.

(B) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense and Security Forces, including border security cooperation.

(C) Maintaining access to and securing key ground lines of communication.

(D) Providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(E) Improving interoperability between the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(c) LIMITATIONS.—

(1) IN GENERAL.—Funds available under the authority in subsection (a) may not be used for reimbursement for any activities described in subsection (b) during any period of time when the ground lines of communication through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan and the retrograde of United States equipment out of Afghanistan.

(2) WAIVER.—The Secretary may waive the limitation in paragraph (1) if the Secretary of Defense certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(3) AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2017 may not exceed $800,000,000.

(4) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a reimbursement under the authority in paragraph (1).

(d) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION.—Of the funds available under the authority in subsection (a), $300,000,000 shall not be available for use as reimbursement described in that subsection unless the Secretary of Defense certifies to the congressional defense committees that the Government of Pakistan is taking demonstrable actions—

(1) to significantly disrupt the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) to prevent the Haqqani Network from using Pakistan territory as a safe haven; and

(3) to actively coordinate with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border.

(e) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by the authority in subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the activities undertaken.

(f) REPORT.—Not later than December 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the expenditure of funds under the authority in subsection (a), including a description of the following:

(1) The purpose for which such funds were expended.

(2) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

(3) Any limitation imposed on the expenditure of funds under subsection (a), including on any recipient of funds or any use of funds expended.

(g) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense shall notify the congressional defense committees not later than 15 days before making any reimbursement under the authority in subsection (a).

(2) EXCEPTION.—The requirement to provide notice under paragraph (1) shall not apply with respect to reimbursement for access based on an international agreement.

(3) ELEMENTS.—Each notification under paragraph (1) shall include an itemized description of the activities conducted by the Government of Pakistan for which the United States will provide reimbursement.

(4) FORM.—Each notification under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) INFORMATION ON CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, in the manner specified in paragraph (2), an itemized description of the costs claimed by the Government of Pakistan for activities specified in subsection (b) provided by Government of Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority in subsection (a).

(2) MANNER OF SUBMITTAL.—

(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required by paragraph (1) not later than 180 days after the date on which a decision to disallow or defer reimbursement for the costs claimed is made.

(B) FORM.—Each itemized description of costs under subparagraph (A) shall be submitted in an unclassified form, but may include a classified annex.

SEC. 1215. IMPROVEMENT OF OVERSIGHT OF UNITED STATES GOVERNMENT EFFORTS IN AFGHANISTAN.

(a) REPORT ON IG OVERSIGHT ACTIVITIES IN AFGHANISTAN DURING FISCAL YEAR 2017.—Not later than 60 days after the date of the enactment of this Act, the Lead Inspector General for Operation Freedom's Sentinel, as designated pursuant to section 8L of the Inspector General Act of 1978 (5 U.S.C. App.), shall, in coordination with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction, submit to the appropriate committees of Congress a report on the oversight activities of United States Inspectors General in Afghanistan planned for fiscal year 2017.

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

(1) A description of the requirements, responsibilities, and focus areas of each Inspector General of the United States planning to conduct oversight activities in Afghanistan during fiscal year 2017.

(2) A comprehensive list of the funding to be used for the oversight activities described in paragraph (1).

(3) A list of the oversight activities and products anticipated to be produced by each Inspector General of the United States in connection with oversight activities in Afghanistan during fiscal year 2017.

(4) An identification of any anticipated overlap among the planned oversight activities of Inspectors General of the United States in Afghanistan during fiscal year 2017, and a justification for such overlap.

(5) A description of the processes by which the Inspectors General of the United States coordinate and reduce redundancies in requests for information to United States Government officials executing funds in Afghanistan.

(6) Any other matters the Lead Inspector General for Operation Freedom's Sentinel considers appropriate.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee Appropriations of the House of Representatives.

Subtitle C—Matters Relating to Syria and Iraq

SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) NOTICE ON NEW INITIATIVES.—

(1) IN GENERAL.—Subsection (f) of section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), as amended by section 1225(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1055), is further amended to read as follows:

''(f) NOTICE TO CONGRESS BEFORE INITIATION OF NEW INITIATIVES.—Not later than 30 days before initiating a new initiative under subsection (a), the Secretary of Defense shall submit to the appropriate congressional committees a notice setting forth the following:

''(1) The initiative to be carried out, including a detailed description of the assistance provided.

''(2) The budget, implementation timeline and anticipated delivery schedule for the assistance to which the initiative relates, the military department responsible for management and the associated program executive office, and the completion date for the initiative.

''(3) The amount, source, and planned expenditure of funds to carry out the initiative.

''(4) Any financial or other support for the initiation provided by foreign governments.

''(5) Any other information with respect to the initiative that the Secretary considers appropriate.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to new initiatives initiated under section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 on or after the date that is 30 days after the date of the enactment of this Act.

(b) EXTENSION OF AUTHORITY.—Subsection (a) of such section is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

SEC. 1222. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) IN GENERAL.—Section 1236(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(b) ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS BY GOVERNMENT OF IRAQ.—Subsection (l)(1)(A) of such section, as added by section 1223(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92. 129 Stat. 1050), is amended by striking ''120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016'' and inserting ''each of March 25, 2016, and the date that is 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017''.

SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

(b) AMOUNT AVAILABLE.—Such section is further amended—

(1) in subsection (c), by striking ''fiscal year 2016'' and all that follows and inserting ''fiscal year 2017 may not exceed $60,000,000''; and

(2) in subsection (d), by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

Subtitle D—Matters Relating to Iran

SEC. 1226. ADDITIONAL ELEMENTS IN THE ANNUAL REPORT ON THE MILITARY POWER OF IRAN.

Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542), as most recently amended by section 1231(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1057), is further amended—

(1) by striking subparagraph (F) and inserting the following new subparagraph (F):

''(F) an assessment of Iran's cyber capabilities, including an assessment of Iran's ability to mask its cyber operations through the use of proxies, irregular forces, the Iranian Revolutionary Guard Corps, and other actors;''; and

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

''(H) an assessment of any assistance to, assistance from, or cooperation by Iran with other countries and non-state actors to increase cyber capabilities.''.

Subtitle E—Matters Relating to the Russian Federation

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 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.''.

(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 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 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 to decrease corruption, increase accountability, and sustain improvements of combat capability enabled by such security assistance. The certification shall include an assessment of the substantial actions taken to make 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 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 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''.

SEC. 1232. EXTENSION AND MODIFICATION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) ADDITIONAL SOURCE OF FUNDING.—Subsection (d)(2) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1070; 10 U.S.C. 2282 note) is amended by adding at the end the following new subparagraph:

''(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available under Land Forces Operations Support for the European Reassurance Initiative for that fiscal year.''.

(b) TWO-YEAR EXTENSION.—Subsection (h) of such section is amended—

(1) by striking ''September 30, 2017'' and inserting ''September 30, 2019''; and

(2) by striking ''through 2017'' and inserting ''through 2019''.

SEC. 1233. ADDITIONAL MATTERS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as amended by section 1248 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1066), is further amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (10) through (18) as paragraphs (11) through (19), respectively;

(B) by inserting after paragraph (9) the following new paragraph:

''(10) In consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, an assessment of Russia's diplomatic, economic, and intelligence operations in Ukraine.'';

(C) by striking paragraph (13), as redesignated by subparagraph (A), and inserting the following new paragraph:

''(13) An analysis of the nuclear strategy and associated doctrine of Russia, based on current assessments, including—

''(A) the capacity, capability, and readiness of Russia's active and inactive strategic and tactical nuclear systems;

''(B) the estimated minimum and maximum flight ranges of each of Russia's active and inactive strategic and tactical nuclear systems;

''(C) an assessment of whether Russia's SAM and ABM systems possess surface-to-surface launch capability, and if so, an estimate of the minimum and maximum surface-to-surface flight range of these systems; and

''(D) an assessment of Russia's investments in alternative delivery systems, including—

''(i) air-launched ICBMs;

''(ii) rail-mobile ICBMs; and

''(iii) nuclear-armed, nuclear-powered unmanned underwater vehicles, including the Maritime Multifunctional System Status–6 (Kanyon).''; and

(D) in subparagraph (B) of paragraph (17), as redesignated by subparagraph (A) of this paragraph, by striking ''day'' and inserting ''month'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) PUBLISHING REQUIREMENT.—Upon submission of the report required under subsection (a) in both classified and unclassified form, the Secretary of Defense shall publish the unclassified form on the Department of Defense website.''; and

(4) in subsection (g), as redesignated by paragraph (3), by striking ''2018'' and inserting ''2022''.

SEC. 1234. EUROPEAN INVESTMENT IN SECURITY AND STABILITY.

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

(1) the North Atlantic Treaty Organization (NATO) allies and European partners of the United States are indispensable to addressing global security challenges;

(2) the security and stability of Europe is an enduring vital national security interest of the United States;

(3) while the investments of the United States are important to the security and stability of Europe, the investments of North Atlantic Treaty Organization allies and European partners in developing and employing their own security capabilities should meet or exceed such investments of the United States, including in efforts such as the European Deterrence Initiative;

(4) Congress expects an increase in the forward presence of the military forces of the North Atlantic Treaty Organization allies and European partners, especially by the most capable North Atlantic Treaty Organization allies; and

(5) the forces described in paragraph (4) must be interoperable with the additional United States troops in Eastern Europe, as enabled by the European Deterrence Initiative, and are a critical component of the forward presence of the North Atlantic Treaty Organization to provide improved collective security and increased effective deterrence.

(b) ACCOUNTING OF EUROPEAN INVESTMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall present to the congressional defense committees an accounting of European investment in security capabilities including current and planned efforts to contribute to global security operations such as maintaining security and stability in Afghanistan and countering the Islamic State of Iraq and the Levant, programs and projects designed to deter Russia and maintain the security and stability of Europe, and any other initiative that matches or compliments the efforts the United States is making (such as the European Deterrence Initiative).

(c) ELEMENTS.—The accounting presented pursuant to subsection (b) shall include the following:

(1) A summary of the major outcomes of the 2014 NATO Wales Summit and the 2016 NATO Warsaw Summit including progress towards fulfilment of pledges to increase defense spending as agreed to by Heads of State and Government.

(2) A description of initiatives by other members of the North Atlantic Treaty Organization and European partners to—

(A) deter security challenges posed by Russia;

(B) increase capabilities to respond to unconventional or hybrid warfare tactics such as those used by the Russian Federation to annex Crimea and foment instability in Eastern Ukraine;

(C) enhance security in Europe in ways that match or exceed United States contributions to conventional deterrence in the region;

(D) contribute to the counter-Islamic State of Iraq and the Levant campaign and the North Atlantic Treaty Organization-led mission in Afghanistan; and

(E) counter terrorism elsewhere in Europe and Africa.

(3) Any other matters the Secretary of Defense considers appropriate.

SEC. 1235. SENSE OF SENATE ON EUROPEAN DETERRENCE INITIATIVE.

It is the sense of the Senate that—

(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend their sovereignty and territorial integrity, and preserve regional stability; and

(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic;

(2) investments that support the security and stability of Europe and that assist European nations in further developing their security capabilities are in the long-term vital national security interests of the United States; and

(3) funds for such efforts should be authorized and appropriated in the base budget of the Department of Defense in order to ensure continued and planned funding to address long-term stability on the European continent, reassure our European allies and partners, and deter further Russian aggression.

Subtitle F—Matters Relating to Asia-Pacific Region

SEC. 1241. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION REPORT.

(a) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed

Services of the Senate and the House of Representatives on an annual basis a report setting forth an update of the most current Department of Defense Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program. The purpose of each report shall be to document the types and locations of excessive claims that the Armed Forces of the United States have challenged in the previous year in order to preserve the rights, freedoms, and uses of the sea and airspace guaranteed to all countries by international law.

(b) ELEMENTS.—Each report under this section shall include, for the year covered by such report, the following:

(1) Each excessive maritime claim challenged by the United States under the program referred to in subsection (a), including the country making each such claim.

(2) The nature of each claim, including the geographic location or area covered by such claim (including the body of water and island grouping, when applicable).

(3) The specific legal challenge asserted through the program.

(c) FORM.—Each report under this section shall be submitted in unclassified form.

SEC. 1242. INCLUSION OF THE PHILIPPINES AMONG ALLIED COUNTRIES WITH WHOM UNITED STATES MAY ENTER INTO COOPERATIVE MILITARY AIRLIFT AGREEMENTS.

Section 2350c(d)(1)(B) of title 10, United States Code, is amended by inserting ''the Philippines,'' after ''Japan,''.

SEC. 1243. MILITARY EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

(a) MILITARY EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan designed to improve military to military relations between the United States and Taiwan.

(2) EXCHANGES DESCRIBED.—For the purposes of this subsection, an exchange is an activity, exercise, event, or observation opportunity between members of the Armed Forces and officials of the Department of Defense, on the one hand, and armed forces personnel and officials of Taiwan, on the other hand.

(3) FOCUS OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall include exchanges focused on the following:

(A) Threat analysis.

(B) Military doctrine.

(C) Force planning.

(D) Logistical support.

(E) Intelligence collection and analysis.

(F) Operational tactics, techniques, and procedures.

(G) Humanitarian assistance and disaster relief.

(4) CIVIL-MILITARY AFFAIRS.—The exchanges under the program carried out pursuant to paragraph (1) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(5) LOCATION OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall be conducted in both the United States and Taiwan.

(6) DEFINITIONS.—In this subsection:

(A) The term ''senior military officer'', with respect to the Armed Forces, means a general or flag officer of the Armed Forces on active duty.

(B) The term ''senior official'', with respect to the Department of Defense, means a civilian official of the Department of Defense at the level of Assistant Secretary of Defense or above.

(b) SENSE OF SENATE ON PARTICIPATION OF TAIWAN IN CERTAIN ADVANCED AERIAL COMBAT TRAINING EXERCISES.—It is the sense of the Senate that—

(1) the military forces of Taiwan, in accordance with the Taiwan Relations Act (Public Law 96–8), should be permitted to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan;

(2) Taiwan should be extended an invitation to participate in advanced aerial combat training exercises alongside the United States Air Force upon the completion of the upgrades to the 45 F–16A/B fighter aircraft of Taiwan; and

(3) to maintain a high state of readiness, Taiwan must strive to invest at least 3 percent of its annual gross domestic product on defense.

SEC. 1244. SENSE OF SENATE ON TAIWAN.

It is the sense of the Senate that the United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, and reinforce its commitment to the Taiwan Relations Act and the ''Six Assurances'' as both countries work toward mutual security objectives, by—

(1) conducting regular transfers of defense articles and defense services necessary to enable Taiwan to secure common interests and objectives with the United States;

(2) supporting the efforts of Taiwan to integrate innovative and asymmetric capabilities to balance the growing military capabilities of the People's Republic of China, including fast-attack craft, coastal-defense cruise missiles, rapid-runway repair training, and undersea warfare capabilities optimized for the defense of the Taiwan Straits;

(3) assisting Taiwan in building an effective air defense capability consisting of a balance of fighters and more mobile air defense systems; and

(4) permitting Taiwan to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

SEC. 1245. SENSE OF SENATE ON ENHANCEMENT OF THE MILITARY RELATIONSHIP BETWEEN THE UNITED STATES AND VIETNAM.

It is the sense of the Senate that—

(1) removing the prohibition on the sale of lethal military equipment to the Government of Vietnam at this time would further United States national security interests;

(2) any future sale of arms by the United States Government to the Government of Vietnam should be monitored to ensure that—

(A) the Government of Vietnam is continuing to make progress on human rights; and

(B) the arms sold are not being used in ways that violate the human rights and freedoms of civilians in Vietnam; and

(3) the United States Government should continue to expand the military-to-military relationship with the Government of Vietnam, including by—

(A) increasing participation in bilateral and multilateral naval exercises;

(B) increasing naval port visits by the United States, including at Cam Ranh Bay and Da Nang, Vietnam;

(C) increasing International Military Education and Training (IMET) and Expanded–IMET (E–IMET) programs for military officers of Vietnam;

(D) establishing bilateral arrangements to support increased cooperation on humanitarian assistance and disaster relief and joint personnel accounting cooperative activities; and

(E) seeking opportunities to promote military observation and participation by Vietnam in regional exercises such as the Rim of the Pacific (RIMPAC) exercise, the COBRA GOLD multinational exercises held in Thailand, and the BALIKITAN exercise of the United States and the Philippines.

SEC. 1246. REDESIGNATION OF SOUTH CHINA SEA INITIATIVE.

(a) REDESIGNATION AS SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C. 2282 note) is amended by striking ''the 'South China Sea Initiative' '' and inserting ''the 'Southeast Asia Maritime Security Initiative' ''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.''.

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.

Subtitle G—Reform of Department of Defense Security Cooperation

SEC. 1251. SENSE OF CONGRESS ON SECURITY SECTOR ASSISTANCE.

It is the sense of Congress that—

(1) United States security sector assistance is aimed at strengthening the ability of United States allies and partner nations to build their own security capacity, consistent with the principles of good governance and rule of law;

(2) in an environment of limited resources and diverse security challenges, it is essential that the United States be selective and focus targeted assistance where it can be most effective and where it is most aligned with broader foreign policy and national security objectives of the United States;

(3) the goals of United States security sector assistance are to—

(A) help partner nations build sustainable capacity to address common security challenges;

(B) promote partner support for United States interests;

(C) promote universal values, such as good governance, citizen security, and respect for human rights;

(D) strengthen collective security and multinational defense arrangements and organizations; and

(E) promote the adoption of United States products and technology, which increases interoperability and interdependence;

(4) the Department of State is the coordinator of United State foreign policy, and is responsible for policy direction on all matters relating to security sector assistance;

(5) the Department of Defense provides critical implementing support to the Department of State on security assistance programs, and conducts critical security cooperation programs of its own;

(6) other United States Government agencies, such as the United States Agency for

International Development, the Department of Treasury, the Department of Justice, and the Department of Homeland Security, also play critical roles in executing a whole-of-government approach to security sector assistance;

(7) security sector assistance must be discharged as a shared responsibility across all departments and agencies of the United States Government, with all departments and agencies operating with a shared commitment to agility, effectiveness, and coordination; and

(8) as the two leading implementers of security sector assistance, the Department of State and Department of Defense should work collaboratively in all matters relating to security sector assistance, including by undertaking joint planning to determine the best application of security sector assistance programs under title 10, United States Code, the Foreign Assistance Act of 1961, and other laws relating to such programs for the Department of Defense and the Department of State, particularly when the United States Government seeks to introduce a significant new military capability into a foreign country or region, significantly enhance the security capacity of a foreign country, or engage a diplomatically sensitive foreign country.

SEC. 1252. ENACTMENT OF NEW CHAPTER FOR DEFENSE SECURITY COOPERATION.

(a) STATUTORY REORGANIZATION.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapters 13, 15, 17, and 18 as chapters 12, 13, 14, and 15, respectively;

(2) by redesignating sections 261, 311, 312, 331, 332, 333, 334, 335, 351, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384 (as added by section 1006 of this Act) as sections 241, 246, 247, 251, 252, 253, 254, 255, 261 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, and 284, respectively; and

(3) by inserting after chapter 15, as redesignated by paragraph (1), the following new chapter:

"CHAPTER 16—SECURITY COOPERATION

''Subchapter	Sec.
"I. General Matters	**301**
"II. Military-to-Military Engagements	**311**
"III. Training With Foreign Forces	**321**
"IV. Support for Operations and Capacity Building	**331**
"V. Educational and Training Activities	**341**
"VI. Limitations on Use of Department of Defense Funds	**361**
"VII. Administrative and Miscellaneous Matters	**381**

''SUBCHAPTER I—GENERAL MATTERS

''Sec.
''301. Definitions.

"§ 301. Definitions

''In this chapter:

''(1) The terms 'appropriate congressional committees' and 'appropriate committees of Congress' mean—

''(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.

''(2) The term 'defense article' means—

''(A) any weapon, weapon system, munition, aircraft, boat, or other implement of war;

''(B) any machinery, tool, material, supply, or other item necessary for the repair, servicing, operation, or use of any article listed in this paragraph; and

''(C) any component or part of any article listed in this paragraph.

''(3) The term 'defense service' means any service, test, inspection, repair, training, publication, technical or other assistance related to a defense article.

''(4) The term 'incremental expenses', with respect to a foreign country—

''(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country's participation in activities authorized by this chapter; and

''(B) does not include—

''(i) any form of lethal assistance (excluding training ammunition); or

''(ii) pay, allowances, and other normal costs of the personnel of the country.

''(5) The term 'security cooperation programs and activities of the Department of Defense' means any program, activity (including an exercise), or interaction of the Department of Defense with the security establishment of a foreign country to achieve a purpose as follows:

''(A) To build relationships that promote specific United States security interests.

''(B) To build and develop allied and friendly security capabilities for self-defense and multinational operations.

''(C) To provide the armed forces with access to the foreign country during peacetime or a contingency operation.

''(6) The term 'small-scale construction' means construction at a cost not to exceed $750,000 for any project.

''(7) The term 'training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors, or technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces.

''SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS

''Sec.
''311. Exchange of defense personnel between United States and friendly foreign countries: authority.
''312. Payment of personnel expenses necessary for theater security cooperation.
''313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.

''SUBCHAPTER III—TRAINING WITH FOREIGN FORCES

''Sec.
''321. Training with friendly foreign countries: payment of training and exercise expenses.

''SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

''Sec.
''331. Friendly foreign countries: authority to provide support for conduct of operations.
''332. Friendly foreign countries; international and regional organizations: defense institution capacity building.
''333. Foreign security forces: authority to build capacity.

''SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES

''Sec.
''341. Department of Defense State Partnership Program.
''342. Regional centers for security studies.
''343. Western Hemisphere Institute for Security Cooperation.
''344. Participation in multinational military centers of excellence.
''345. Defense Cooperation Fellowship Program.
''346. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.
''347. International engagement authorities for service academies.
''348. Aviation Leadership Program.
''349. Inter-American Air Force Academy.
''350. Inter-European Air Force Academy.

''SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS

''Sec.
''361. Prohibition on providing financial assistance to terrorist countries.
''362. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

''SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS

''Sec.
''381. Security Cooperation Enhancement Fund.
''382. Policy oversight and resource allocation; execution and administration of programs and activities.
''383. Annual assessment, monitoring, and evaluation of programs and activities.
''384. Annual report.''.

(b) TRANSFER OF SECTION 1051B.—Section 1051b of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter II of such chapter, and redesignated as section 313.

(c) CODIFICATION OF SECTION 1081 OF FY 2012 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter IV a new section 332 consisting of—

(A) a heading as follows:

"§ 332. Friendly foreign countries; international and regional organizations: defense institution capacity building"; and

(B) a text consisting of the text of subsections (a) through (d) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note).

(2) CONFORMING REPEAL.—Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 is repealed.

(d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP FOREIGN SECURITY FORCES.—

(1) SUPERSEDING AUTHORITY.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 332, as added by subsection (c), the following new section:

"§ 333. Foreign security forces: authority to build capacity

''(a) AUTHORITY.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of conducting one or more of the following:

''(1) Counterterrorism operations.

''(2) Counter-weapons of mass destruction operations.

''(3) Counter-illicit drug trafficking operations.

''(4) Counter-transnational organized crime operations.

''(5) Maritime and border security operations.

''(6) Military intelligence operations in support of lawful military operations.

''(7) Humanitarian and disaster assistance operations.

''(8) Operations or activities that contribute to an international coalition operation that is determined by the Secretary to be in the national interest of the United States.

''(9) National territorial defense of the foreign country concerned.

''(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

''(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct any program authorized by subsection (a).

''(2) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

''(c) TYPES OF CAPACITY BUILDING.—

''(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction.

''(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

''(A) Observance of and respect for the law of armed conflict, fundamental freedoms, and the rule of law.

''(B) Respect for civilian control of the military.

''(3) HUMAN RIGHTS TRAINING.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense is already undertaking, or will undertake as part of the program, human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict to such national security forces.

''(4) DEFENSE INSTITUTION BUILDING.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department is already undertaking, or will undertake as part of the program, a program of defense institution building with appropriate defense institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a). The purpose of the program of defense institution building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.

''(d) LIMITATIONS.—

''(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

''(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

''(3) DURATION OF SUSTAINMENT SUPPORT.—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 205 or 2016, for a period in excess of five years unless the Secretary provides to the congressional defense committees a written justification that the provision of such support for a period in excess of five years will enhance the security interests of the United States.

''(e) NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice of the following:

''(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program.

''(2) The cost, implementation timeline and delivery schedule for assistance under the program.

''(3) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

''(4) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

''(5) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned that will be advanced by the program.

''(f) QUARTERLY MONITORING REPORTS.—The Secretary of Defense shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

''(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, and small-scale construction under programs under subsection (a).

''(2) Information on the timeliness of delivery of defense articles, defense services, and small-scale construction when compared with delivery schedules for such articles and construction previously provided to Congress.

''(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

''(g) FUNDING.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in connection with such programs as authorized by this section, shall be derived from amounts available for such programs and purposes for such fiscal year in the Security Cooperation Enhancement Fund under section 381 of this title or as otherwise provided by law.

''(h) NATIONAL SECURITY FORCES DEFINED.—In this section, the term 'national security forces', in the case of a foreign country, means the national military and national-level security forces of the foreign country that have among their functional responsibilities the operations and activities specified in subsection (a).''.

(2) FUNDING FOR FISCAL YEAR 2017.—Amounts shall be available for fiscal year 2017 for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as added by paragraph (1), as follows:

(A) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide, and available for such programs and purposes as specified in the funding table in section 4301.

(B) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for such programs and purposes as specified in the funding table in section 4302.

(C) Amounts authorized to be appropriated by section 1510 for the Counterterrorism Partnerships Fund and available for such programs and purposes as specified in the funding table in section 4502.

(3) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2017.—Of the amounts available for fiscal year 2017 pursuant to paragraph (2) for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as so added, not more than 65 percent of such amounts may be used for such purposes under the guidance required by paragraph (4) is submitted to the congressional defense committees as required by paragraph (4).

(4) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe, and submit to the congressional defense committees, policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added.

(5) CONFORMING AMENDMENTS.—Effective as of the date that is 180 days after the date of the enactment of this Act, section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''tribal, or foreign'' and inserting ''or tribal'';

(ii) in paragraph (1), by adding ''or'' at the end;

(iii) in paragraph (2), by striking ''; or'' and inserting a period; and

(iv) by striking paragraph (3); and

(B) in subsection (b)(4), by striking ''or for the purpose'' and all that follows and inserting a period.

(6) CONFORMING REPEALS.—Effective as of the date that is 180 days after the date of the enactment of this Act, the following provisions of law are repealed:

(A) Section 2282 of title 10, United States Code.

(B) The following provisions of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):

(i) Section 1203 (127 Stat. 894; 10 U.S.C. 2011 note).

(ii) Section 1204 (127 Stat. 896; 10 U.S.C. 401 note).

(iii) Section 1207 (127 Stat. 902; 22 U.S.C. 2151 note).

(C) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881).

(7) CLERICAL AMENDMENT.—Effective as of the date that is 180 days after the date of the enactment of this Act, the table of sections at the beginning of chapter 136 of title 10, United States Code, is amended by striking the item relating to section 2282.

(e) TRANSFER AND MODIFICATION OF SECTION 184 AND CODIFICATION OF RELATED PROVISIONS.—

(1) TRANSFER AND REDESIGNATION.—Section 184 of title 10, United States Code, is transferred to chapter 16 of such title as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter V of such chapter, and redesignated as section 342.

(2) MODIFICATION OF AUTHORITIES AND CODIFICATION OF REIMBURSEMENT-RELATED PROVISIONS.—Section 342 of title 10, United States Code, as so transferred and redesignated, is amended—

(A) in subsection (a), by striking ''and exchange of ideas'' and inserting ''and training'';

(B) in subsection (b)—

(i) in paragraph (1)(B), by striking ''and exchange of ideas'' and inserting ''and training'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''European'';

(II) in subparagraph (B), by striking ''Asia-Pacific'';

(III) in subparagraph (C), by striking ''Hemispheric Defense'' and inserting ''Security''; and

(IV) by striking subparagraphs (D) and (E); and

(iii) in paragraph (3), by striking '', except as specifically provided by law after October 17, 2006'';

(C) in subsection (c), by adding at the end the following new sentence: ''The regulations shall assign regional areas of focus to each Regional Center, and shall prioritize within their respective areas of focus the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.''; and

(D) in subsection (f)—

(i) in paragraph (3)—

(I) by inserting ''(A)'' after ''(3)''; and

(II) in subparagraph (A), as so designated, by striking ''civilian government officials'' and inserting ''personnel''; and

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

''(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

''(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed $1,000,000.''; and

(ii) in paragraph (5), by striking ''under the Latin American cooperation authority'' and all that follows and inserting ''under section 312 of this title are also available for the costs of the operation of the Regional Centers.''.

(3) CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.—Such section 342, as so transferred and redesignated, is further amended by adding at the end the following new subsections:

''(h) AUTHORITIES SPECIFIC TO MARSHALL CENTER.—(1) The Secretary of Defense may authorize participation by a European or Eurasian country in programs of the George C. Marshall Center for Security Studies (in this subsection referred to as the 'Marshall Center') if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

''(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

''(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

''(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

''(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

''(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.

''(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

''(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.''.

(4) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(A) Section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 184 note).

(B) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 113 note).

(C) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892).

(D) Section 8073 of the Department of Defense Appropriations Act, 2003 Public Law 107–248 (10 U.S.C. prec. 2161 note).

(f) TRANSFER OF SECTION 2166.—

(1) TRANSFER AND REDESIGNATION.—Section 2166 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 342, as transferred and redesignated by subsection (e), and redesignated as section 343.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 343, as so transferred and redesignated, is amended by striking ''nations'' each place it appears in subsections (b) and (c) and inserting ''countries''.

(g) TRANSFER OF SECTION 2350M.—Section 2350m of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 343, as transferred and redesignated by subsection (f), and redesignated as section 344.

(h) TRANSFER OF SECTION 2249D.—

(1) TRANSFER AND REDESIGNATION.—Section 2249d of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 344, as transferred and redesignated by subsection (g), and redesignated as section 346.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 346, as so transferred and redesignated, is amended—

(A) by striking ''nations'' in subsections (a) and (d) and inserting ''countries''; and

(B) by striking subsection (g).

(i) REENACTMENT OF CHAPTER 905.—

(1) CONSOLIDATION OF SECTIONS 9381, 9382, AND 9383.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 346, as transferred and redesignated by subsection (h), the following new section:

''§ 348. Aviation Leadership Program

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may carry out an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training under this section shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

''(b) SUPPLIES AND CLOTHING.—(1) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this section—

''(A) transportation incident to the training;

''(B) supplies and equipment to be used during the training;

''(C) flight clothing and other special clothing required for the training; and

''(D) billeting, food, and health services.

''(2) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this section.

''(c) ALLOWANCES.—The Secretary of the Air Force may pay to a person receiving training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.''.

(2) CONFORMING REPEAL.—Chapter 905 of such title is repealed.

(j) TRANSFER OF SECTION 9415.—

(1) IN GENERAL.—Section 9415 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 348, as added by subsection (i), and redesignated as section 349.

(2) CONFORMING AMENDMENT FOR STANDARDIZATION WITH CERTAIN OTHER AIR FORCES ACADEMY AUTHORITY.—Such section 349, as so transferred and amended, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) LIMITATIONS.—

''(1) CONCURRENCE OF SECRETARY OF STATE.—Military personnel of a foreign country may be provided education and training under this section only with the concurrence of the Secretary of State.

''(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—Education and training may not be provided under this section to the military personnel of any country that is otherwise prohibited from receiving such type of assistance under any other provision of law.''.

(k) CODIFICATION OF SECTION 1268 OF FY 2015 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 349, as transferred and redesignated by subsection (j), a new section 350 consisting of—

(A) a heading as follows:

''§ 350. Inter-European Air Forces Academy''; and

(B) a text consisting of the text of subsections (a) through (g) of section 1268 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3585; 10 U.S.C. 9411 note).

(2) CONFORMING REPEAL.—Section 1268 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(l) TRANSFER OF SECTIONS 2249A AND 2249E.—

(1) TRANSFER AND REDESIGNATION.—Sections 2249a and 2249e of title 10, United

States Code, are transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter VI of such chapter, and redesignated as sections 361 and 362, respectively.

(2) CONFORMING REPEAL RELATING TO SUPERSEDED DEFINITION OF CONGRESSIONAL COMMITTEES.—Section 362 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by striking subsection (f).

(m) ADMINISTRATIVE MATTERS.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter VII the following new sections:

"§ 382. Policy oversight and resource allocation; execution and administration of programs and activities

''(a) POLICY OVERSIGHT AND RESOURCE ALLOCATION.—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or below.

''(b) EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease.

''(2) DESIGNATION OF RESPONSIBILITY.—The Director may designate an element of an armed force or a combatant command to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

"§ 383. Assessment, monitoring, and evaluation of programs and activities

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities of the Department of Defense.

''(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

''(1) ELEMENTS.—The program under subsection (a) shall provide for the following:

''(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense.

''(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

''(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

''(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

''(2) BEST PRACTICES.—The program shall be conducted in accordance with international best practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

''(c) REPORTS.—

''(1) REPORTS TO CONGRESS.—The Secretary shall submit to the congressional defense committees each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

''(A) A description of the activities under the program.

''(B) An assessment of the efficacy of the activities under the program.

''(2) INFORMATION FOR THE PUBLIC ON EVALUATIONS.—The Secretary shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted pursuant to subsection (b)(1)(C). In making a summary so available, the Secretary may redact or omit any information that the Secretary determines should not be disclosed to the public in order to protect the interests of the United States or the foreign country or countries covered by such evaluation.''.

(n) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended—

(A) by revising the chapter references relating to chapters 13, 15, 17, and 18 (and the section references therein) to conform to the redesignations made by paragraphs (1) and (2) of subsection (a); and

(B) by inserting after the item relating to chapter 15, as revised pursuant to subparagraph (A), the following new item:

"16. Security Cooperation ..... 301".

(2) The section references in the tables of sections at the beginning of chapters 12, 13, 14, and 15, as redesignated by paragraph (1) of subsection (a), are revised to conform to the redesignations made by paragraph (2) of such subsection.

(3) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 184.

(4) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051b.

(5) The table of sections at the beginning of chapter 108 is amended by striking the item relating to section 2166.

(6) The table of sections at the beginning of subchapter I of chapter 134 is amended by striking the items relating to sections 2249a, 2249d, and 2249e.

(7) The table of sections at the beginning of subchapter II of chapter 138 is amended by striking the item relating to section 2350m.

(8) The tables of chapters at the beginning of subtitle D, and at the beginning of part III of subtitle D, are amended by striking the item relating to chapter 905.

(9) The table of sections at the beginning of chapter 907 is amended by striking the item relating to section 9415.

SEC. 1253. MILITARY-TO-MILITARY EXCHANGES.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter II a new section 311 consisting of—

(1) a heading as follows:

"§ 311. Exchange of defense personnel between United States and friendly foreign countries: authority"; and

(2) a text consisting of the text of section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(b) REVISIONS TO INCORPORATE PERMANENT NONRECIPROCAL EXCHANGE AUTHORITY.—Section 311 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking ''an ally of the United States or another friendly foreign country for the exchange'' and inserting ''a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange'';

(B) in subparagraph (A), by striking ''military'' and inserting ''members of the armed forces''; and

(C) in subparagraph (B)—

(i) by inserting ''or security'' after ''defense''; and

(ii) by inserting before the period at the end the following: ''or international or regional security organization'';

(2) in subsection (c)—

(A) by striking ''Each government shall be required under'' and inserting ''In the case of''; and

(B) by inserting after ''exchange agreement'' the following: ''that provides for reciprocal exchanges, each government shall be required''; and

(3) in subsection (f), by inserting ''defense or security ministry of that'' after ''military personnel of the''.

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(2) Section 1207 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 168 note).

SEC. 1254. CONSOLIDATION AND REVISION OF AUTHORITIES FOR PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR THEATER SECURITY COOPERATION.

(a) CONSOLIDATION AND REVISION OF AUTHORITIES IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 311, as added by section 1253(a) of this Act, the following new section:

"§ 312. Payment of personnel expenses necessary for theater security cooperation

''(a) AUTHORITY.—The Secretary of Defense may pay expenses specified in subsection (b) that the Secretary considers necessary for theater security cooperation.

''(b) TYPES OF EXPENSES.—The expenses that may be paid under the authority provided in subsection (a) are the following:

''(1) PERSONNEL EXPENSES.—The Secretary of Defense may pay travel and subsistence of, and special compensation for, defense and other security-related personnel of friendly foreign governments that the Secretary considers necessary for theater security cooperation.

''(2) ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.—The Secretary may provide administrative services and support for the performance of duties by a liaison officer of another country while the liaison officer is assigned temporarily to any headquarters in the Department of Defense.

''(3) TRAVEL, SUBSISTENCE, AND MEDICAL CARE FOR LIAISON OFFICERS.—The Secretary may pay the expenses of a liaison officer in connection with the assignment of that officer as described in paragraph (2) if the assignment is requested by the commander of a combatant command, 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 head of a Defense Agency as follows:

''(A) Travel and subsistence expenses.

''(B) Personal expenses directly necessary to carry out the duties of that officer in connection with that assignment.

''(C) Expenses for medical care at a civilian medical facility if—

''(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

''(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

''(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement.

''(D) Mission-related travel expenses if such travel meets each of the following conditions:

''(i) The travel is in support of the national security interests of the United States.

''(ii) The officer or official making the request directs round-trip travel from the assigned location to one or more travel locations.

''(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—The authority provided by paragraph (1) includes authority to pay travel and subsistence expenses for personnel described in that paragraph in connection with the attendance of such personnel at any conference, seminar, or similar meeting that is in direct support of enhancing interoperability between the United States armed forces and the national security forces of a friendly foreign country for the purposes of conducting operations, the provision of equipment or training, or the planning for, or the execution of, bilateral or multilateral training, exercises, or military operations.

''(5) OTHER EXPENSES.—In addition to the personnel expenses payable under paragraph (1), the Secretary may pay such other limited expenses in connection with conferences, seminars, and similar meeting covered by paragraph (4) as the Secretary considers appropriate in the national security interests of the United States.

''(c) LIMITATION.—The authority provided in subsection (a) may be used only for the payment of expenses of, and special compensation for, personnel from developing countries, except that the Secretary of Defense may authorize the payment of such expenses and special compensation for personnel from a country other than a developing country if the Secretary determines that such payment is necessary to respond to extraordinary circumstances and is in the national security interest of the United States.

''(d) REIMBURSEMENT.—The Secretary may provide the services and support specified in subsection (b)(2) with or without reimbursement from (or on behalf of) the recipients. The terms of reimbursement (if any) shall be specified in the appropriate agreements used to assign the liaison officer.

''(e) LIMITATIONS.—

''(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

''(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed $150,000.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEALS.—Sections 1050, 1050a, 1051, and 1051a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1050, 1050a, 1051, and 1051a.

(c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—The authority under section 1050 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the Inter-American Defense College during fiscal year 2017 under regulations prescribed by the Secretary of Defense.

SEC. 1255. TRANSFER AND REVISION OF AUTHORITY ON PAYMENT OF EXPENSES IN CONNECTION WITH TRAINING AND EXERCISES WITH FRIENDLY FOREIGN FORCES.

(a) IN GENERAL.—Section 2011 of title 10, United States Code, is transferred to 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter III, redesignated as section 321, and amended to read as follows:

''§ 321. Training with friendly foreign countries: payment of training and exercise expenses

''(a) TRAINING AUTHORIZED.—

''(1) TRAINING WITH FOREIGN FORCES.—The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other security forces of a friendly foreign country if the Secretary determines that it is in the national security interests of the United States to do so.

''(2) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which the unit of the armed forces participating in such training is responsible.

''(3) ELEMENTS OF TRAINING.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, include elements that promote—

''(A) observance of and respect for human rights and fundamental freedoms; and

''(B) respect for legitimate civilian authority within the foreign country concerned.

''(b) AUTHORITY TO PAY TRAINING AND EXERCISE EXPENSES.—Under regulations prescribed pursuant to subsection (e), the commander of a combatant command may pay, or authorize payment for, any of the following expenses:

''(1) Expenses of training forces assigned or allocated to that command in conjunction with training, and training with, the military forces or other security forces of a friendly foreign country under subsection (a).

''(2) Expenses of deploying such forces for that training.

''(3) The incremental expenses of a friendly foreign country as the direct result of participating such training, as specified in the regulations.

''(4) The incremental expenses of a friendly foreign country as the direct result of participating in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

''(5) Small-scale construction that is directly related to the effective accomplishment of the training described in paragraph (1) or an exercise described in paragraph (4).

''(c) PURPOSE OF TRAINING AND EXERCISES.—

''(1) IN GENERAL.—The primary purpose of the training and exercises for which payment may be made under subsection (b) shall be to train the forces available to the combatant command concerned.

''(2) SELECTION OF FOREIGN PARTNERS.—Training and exercises with friendly foreign countries under subsection (a) should be planned and prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

''(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

''(e) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

''(2) ELEMENTS.—The regulations required under this section shall provide the following:

''(A) A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.

''(B) Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

''(C) Procedures to limit the payment of incremental expenses to developing countries, except in the case of exceptional circumstances as specified in the regulations.

''(e) REPORTS.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding training and exercises during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

''(1) All countries in which that training was conducted.

''(2) The type of training conducted, the duration of that training, the number of members of the armed forces involved, and expenses paid.

''(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and the physical and financial contribution, if any, of each host nation to the training effort.

''(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).

''(5) A summary of the expenditures resulting from the training and exercises for which expenses were paid under this section.

''(6) A discussion of the unique military training benefit to United States forces derived from the activities for which expenses were paid under this section.''.

(b) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 2010 of title 10, United States Code.

(2) Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 894; 10 U.S.C. 2011 note).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by striking the items relating to sections 2010 and 2011.

SEC. 1256. TRANSFER AND REVISION OF AUTHORITY TO PROVIDE OPERATIONAL SUPPORT TO FORCES OF FRIENDLY FOREIGN COUNTRIES.

(a) TRANSFER AND REVISION.—Section 127d of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter IV, redesignated as section 331, and amended to read as follows:

"§ 331. Friendly foreign countries: authority to provide support for conduct of operations

''(a) AUTHORITY.—The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

''(b) DESIGNATED OPERATIONS.—

''(1) IN GENERAL.—The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

''(2) NOTICE TO CONGRESS.—The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

''(3) ANNUAL REVIEW FOR CONTINUING DESIGNATION.—The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation for purposes of this section for another year, the Secretary—

''(A) may continue the designation of such operation under this subsection for such purposes for another year; and

''(B) if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

''(c) TYPES OF SUPPORT AUTHORIZED.—The types of support that may be provided under the authority in subsection (a) are the following:

''(1) Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

''(A) an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

''(B) a military or stability operation that benefits the national security interests of the United States.

''(2) Logistic support, supplies, and services—

''(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

''(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

''(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.

''(4) Provision of specialized training to personnel of friendly foreign countries in connection with such an operation, including training of such personnel before deployment in connection with such operation.

''(d) CERTIFICATION REQUIRED.—

''(1) OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.—The Secretary of Defense may provide support under subsection (a) to a friendly foreign country with respect to an operation in which the United States is not participating only—

''(A) if the Secretary of Defense and the Secretary of State jointly certify to Congress that the operation is in the national security interests of the United States; and

''(B) after the expiration of the 15-day period beginning on the date of such certification.

''(2) ACCOMPANYING REPORT.—Any certification under paragraph (1) shall be accompanied by a report that includes the following:

''(A) A description of the operation, including the geographic area of the operation.

''(B) A list of participating countries.

''(C) A description of the type of support and the duration of support to be provided.

''(D) A description of the national security interests of the United States supported by the operation.

''(E) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

''(e) SECRETARY OF STATE CONCURRENCE.—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.

''(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (c) that is otherwise prohibited by any provision of law.

''(g) LIMITATIONS ON VALUE.—

''(1) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(1) in any fiscal year may not exceed $450,000,000.

''(2) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(2) in any fiscal year may not exceed $5,000,000.

''(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350(1) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127d.

SEC. 1257. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter IV a new section 341 consisting of—

(1) a heading as follows:

"§ 341. Department of Defense State Partnership Program"; and

(2) a text consisting of subsections (a) through (g) of section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note), as amended by section 1203 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1037).

(b) REVISIONS TO STRIKE OBSOLETE PROVISIONS AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Section 341 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking subsection (d) and inserting the following new subsection (d):

''(d) REGULATIONS.—This section shall be carried out in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section. Such regulations shall include accounting procedures to ensure that expenditures of funds to carry out this section are accounted for and appropriate.'';

(2) in subsection (f)—

(A) by striking ''(f) REPORTS AND NOTIFICATIONS.—'' and all that follows through ''(B) MATTERS TO BE INCLUDED.—'' and inserting the following:

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than February 1 of each year following a fiscal year in which activities under each program established under subsection (a) are carried out, the Secretary of Defense shall submit to the appropriate congressional committees a report on such activities under such program.

''(2) MATTERS TO BE INCLUDED.—''; and

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively, and realigning the margin of each such subparagraph two ems to the left; and

(ii) in subparagraph (F), as redesignated by clause (i) of this subparagraph, by striking ''clause (v)'' and inserting ''subparagraph (E)''; and

(3) in subsection (g), by striking ''under title 10'' and all that follows and inserting ''under title 10 as in effect on December 26, 2013.''.

(c) PROHIBITION ON ACTIVITIES WITH UNITS HAVING COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—Subsection (b) of such section is amended—

(1) by striking ''(b) LIMITATION.—An activity'' and inserting the following:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—An activity''; and

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

''(2) PROHIBITION ON ACTIVITIES WITH UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The conduct of any activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.''.

(d) CONFORMING REPEAL.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note) is repealed.

SEC. 1258. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 2249c of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after section 344, as transferred and redesignated by section 1252(g) of this Act, redesignated as section 345, and amended to read as follows:

"§ 345. Defense Cooperation Fellowship Program

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Defense is authorized to carry out a program (to be known as the 'Defense Cooperation Fellowship Program') under which the Secretary may pay any costs associated with the education and training described in paragraph (2) of foreign military officers, ministry of defense officials, or national-level security officials of friendly foreign countries. Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.

''(2) EDUCATION AND TRAINING.—Education and training described in this paragraph is defense cooperation education and training at a military or civilian educational institution of the United States Government, regional center, conference, seminar, or other training program that is conducted as part of the program under this section.

''(b) REGULATIONS.—The program authorized by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense. The regulations shall ensure that, to the maximum extent practicable, activities under the program do not duplicate or conflict with activities under International Military Education and Training (IMET). The Secretary shall submit a current copy of the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

''(c) AVAILABILITY OF FUNDS.—

''(1) LIMITATION.—Except as provided in paragraph (2), the total amount of costs that may be paid under the program authorized by subsection (a) in any fiscal year may not exceed $35,000,000.

''(2) AVAILABILITY FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Funds available under the authority in subsection (a) for a fiscal year may be used for activities that begin in such fiscal year but end in the next fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c.

SEC. 1259. CONSOLIDATION OF AUTHORITIES FOR SERVICE ACADEMY INTERNATIONAL ENGAGEMENT.

(a) CONSOLIDATION OF AUTHORITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 346, as transferred and redesignated by section 1252(h) of this Act, the following new section:

''§ 347. International engagement authorities for service academies

''(a) SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.—

''(1) ATTENDANCE AUTHORIZED.—

''(A) IN GENERAL.—The Secretary of each military department may permit persons from foreign countries to receive instruction at the Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

''(i) in the case of the United States Military Academy, the authorized strength of the Corps of the Cadets of the Academy under 4342 of this title;

''(ii) in the case of the United States Naval Academy, the authorized strength of the Brigade of Midshipmen of the Academy under section 6954 of this title; and

''(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under 9342 of this title.

''(B) LIMITATION ON NUMBER.—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 60 at any one time.

''(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTION.—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

''(A) the countries from which persons may be selected for appointment under this subsection to the Service Academy under the jurisdiction of that Secretary; and

''(B) the number of persons that may be selected from each country.

''(3) QUALIFICATIONS AND SELECTION.—The Secretary of each military department—

''(A) may establish entrance qualifications and methods of competition for selection among individual applicants under this subsection; and

''(B) shall select those persons who will be permitted to receive instruction at the Service Academy under the jurisdiction of the Secretary under this subsection.

''(4) SELECTION PRIORITY TO PERSONS WITH NATIONAL SERVICE OBLIGATION UPON GRADUATION.—In selecting persons to receive instruction under this subsection from among applicants from the countries approved under paragraph (2), the Secretary of the military department concerned shall give a priority to persons who have a national service obligation to their countries upon graduation from the Service Academy concerned.

''(5) PAY, ALLOWANCES, AND EMOLUMENTS OF PERSONS ADMITTED.—A person receiving instruction under this subsection is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

''(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE ADMITTED.—

''(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a cadet or midshipmen is permitted to receive instruction at one of the Service Academies under this subsection shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (5). The Secretaries of the military departments shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet or midshipmen appointed from the United States.

''(B) WAIVER AUTHORITY.—The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet or midshipmen under subparagraph (A). In the case of a partial waiver, the Secretary of Defense shall establish the amount waived.

''(7) APPLICABILITY OF ACADEMY REGULATIONS, ETC..—

''(A) IN GENERAL.—Except as the Secretary of the military department concerned determines, a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet or midshipmen at that Academy appointed from the United States.

''(B) CLASSIFIED INFORMATION.—The Secretary of the military department concerned may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary that differ from the regulations that apply to a cadet or midshipmen at that Academy appointed from the United States.

''(8) INELIGIBILITY FOR APPOINTMENT IN THE UNITED STATES ARMED FORCES.—A person receiving instruction at a Service Academy under this subsection is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

''(9) INAPPLICABILITY OF REQUIREMENT FOR TAKING OATH OF ADMISSION.—A person receiving instruction under this subsection is not subject to section 4346(d), 6958(d), or 9346(d) of this title, as the case may be.

''(b) EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.—

''(1) EXCHANGE PROGRAMS AUTHORIZED.—The Secretary of a military department may permit a student enrolled at a military academy of a foreign country to receive instruction at the Service Academy under the jurisdiction of that Secretary in exchange for a cadet or midshipmen receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. A students receiving instruction at a Service Academy under the exchange program under this subsection shall be in addition to persons receiving instruction at the Academy under subsection (a).

''(2) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this subsection between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets or midshipmen from each Service Academy and a comparable number of students from foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at a Service Academy.

''(3) COSTS AND EXPENSES.—

''(A) NO PAY AND ALLOWANCES.—A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet or midshipmen by reason of attendance at a Service Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

''(B) SUBSISTENCE, TRANSPORTATION, ETC..—The Secretary of the military department concerned may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet or midshipmen in that foreign country.

''(C) SOURCE OF FUNDS.—A Service Academy shall bear all costs of the exchange program from funds appropriated for that Academy and such additional funds as may be available to that Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

''(D) LIMITATION ON EXPENDITURES.—Expenditures in support of the exchange program from funds appropriated for each Academy may not exceed $1,000,000 during any fiscal year.

''(4) APPLICATION OF OTHER LAWS.—Paragraphs (7), (8), and (9) of subsection (a) shall apply with respect to a student enrolled at a military academy of a foreign country while attending a Service Academy under the exchange program.

''(5) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations to implement this subsection. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

''(c) FOREIGN AND CULTURAL EXCHANGE ACTIVITIES.—

''(1) ATTENDANCE AUTHORIZED.—The Secretary of a military department may authorize the Service Academy under the jurisdiction of that Secretary to permit students, officers, and other representatives of a foreign country to attend that Academy for periods of not more than four weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets or midshipmen, as the case may be.

''(2) EFFECT OF ATTENDANCE.—Persons attending a Service Academy under paragraph (1) are not considered to be students enrolled

at that Academy and are in addition to persons receiving instruction at that Academy under subsection (a) or (b).

''(3) FINANCIAL MATTERS.—

''(A) COSTS AND EXPENSES.—The Secretary of a military department may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Service Academy under the jurisdiction of that Secretary under paragraph (1).

''(B) SOURCE OF FUNDS.—Each Service Academy shall bear the costs of the attendance of persons at that Academy under paragraph (1)—

''(i) from funds appropriated for that Academy; and

''(ii) from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

''(C) LIMITATION ON EXPENDITURES.—Expenditures from appropriated funds in support of activities under this subsection for any Service Academy may not exceed $40,000 during any fiscal year.

''(d) SERVICE ACADEMY DEFINED.—In this section, the term 'Service Academy' means the following:

''(1) The United States Military Academy.

''(2) The United States Naval Academy.

''(3) The United States Air Force Academy.''.

(b) CONFORMING REPEALS.—

(1) REPEALS.—Sections 4344, 4345, 4345a, 6957, 6957a, 6957b, 9344, 9345, and 9345a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 403 of such title is amended by striking the items relating to sections 4344, 4345, and 4345a.

(B) The table of sections at the beginning of chapter 603 of such title is amended by striking the items relating to sections 6957, 6957a, and 6957b.

(C) The table of sections at the beginning of chapter 903 of such title is amended by striking the items relating to sections 9344, 9345, and 9345a.

SEC. 1260. SECURITY COOPERATION ENHANCEMENT FUND.

(a) IN GENERAL.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter VII the following new section:

''§ 381. Security Cooperation Enhancement Fund

''(a) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated for the Security Cooperation Enhancement Fund (in this section referred to as the 'Fund') shall be available for the purposes provided in subsections (b) and (c).

''(b) PURPOSES GENERALLY .—

''(1) PURPOSES.—Subject to subsection (c), amounts in the Fund shall be available for security cooperation programs and activities of the Department of Defense.

''(2) DURATION AFTER OBLIGATION.—Upon obligation, amounts in the Fund so obligated shall remain available until expended.

''(c) AVAILABILITY FOR SPECIFIC PURPOSES.—Of the amounts in the Fund for a fiscal year, up to four percent of such amounts may be used to carry out the following:

''(1) Execution and administration of security cooperation programs and activities of the Department of Defense pursuant to section 382 of this title.

''(2) Annual assessment, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense pursuant to section 383 of this title.

''(3) Incremental expenses associated with the implementation of the Department of Defense Security Cooperation Workforce Development Program pursuant to section 1263 of the National Defense Authorization Act for Fiscal Year 2017.

''(d) TRANSFERS FROM FUND.—

''(1) TRANSFERS AUTHORIZED.—Amounts in the Fund may be transferred to any account of the Department of Defense for operation and maintenance for the purposes specified in subsection (b).

''(2) EFFECT ON AUTHORIZATION AMOUNTS.—The transfer of an amount to an account under the authority paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

''(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Fund.

''(e) CONTRIBUTIONS.—

''(1) AUTHORITY TO ACCEPT.—The Secretary of Defense may accept and retain contributions to the Fund from any person, foreign government, or international organization.

''(2) AVAILABILITY.—An amount contributed to the Fund pursuant to this subsection shall remain available until expended for purposes of the Fund.

''(3) NOTICE ON CONTRIBUTIONS.—The Secretary shall notify the congressional defense committees, in writing, upon the receipt, and upon the obligation, of any contribution to the Fund pursuant to this subsection, setting forth the source and amount of such contribution and the intended, and actual, use of such contribution.

''(e) CONSTRUCTION WITH OTHER LIMITATIONS.—Nothing in this section may be construed to terminate, alter, or override any requirement or limitation applicable to activities funded with amounts in the Fund under the authority of the Department of Defense that authorizes such activities.

''(f) QUARTERLY REPORTS.—Not later than 30 days after each calendar quarter, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure of amounts in the Fund during the preceding calendar quarter.''.

(b) DISCHARGE OF CERTAIN ACTIVITIES UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) IN GENERAL.—Not later than October 1, 2018, the Secretary of Defense shall provide for the discharge of all activities funded by accounts specified in paragraph (2) or funds specified in paragraph (3) under applicable authorities in chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, rather than the provision of law or other authority under which such activities are carried out on the day before the date on which discharge in accordance with this paragraph commences.

(2) COVERED ACCOUNTS.—The accounts specified in this paragraph are the following:

(A) The Afghanistan Security Forces Fund.

(B) The Iraq Train and Equip Fund.

(C) The Southeast Asia Maritime Security Initiative.

(3) OTHER SECURITY COOPERATION FUNDS.—The funds specified in this paragraph are all unobligated balances as of the date of transfer provided for in subsection (c)(1) in any account or fund of the Department of Defense (other than an account specified in paragraph (2) of this subsection) of amounts for security cooperation programs and activities of the Department of Defense.

(4) REPORT.—Not later than October 1, 2017, the Secretary shall submit to the congressional defense committees a report setting forth a description of any gaps that exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which activities covered by paragraph (1) are carried out. The report shall include the following:

(A) A description of each discrete set of activities covered by paragraph (1) for which gaps exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which such activities are carried out.

(B) For each discrete set of activities covered by subparagraph (A), the following:

(i) A description of the gaps described in subparagraph (A).

(ii) Recommendations for legislative or administrative action to address such gaps.

(c) TRANSFER TO SCEF OF FUNDS IN CONNECTION WITH ACTIVITIES DISCHARGED UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) IN GENERAL.—Not later than October 1, 2017, the Secretary of Defense shall transfer all the unobligated balances that remain in the accounts specified in subsection (b)(2) as of the date of such transfer to the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by subsection (a).

(2) OTHER SECURITY COOPERATION FUNDS.—In addition to the transfer required by paragraph (1), the Secretary shall also transfer to the Security Cooperation Enhancement Fund on the date provided in that paragraph all unobligated balances as of such date in any other account or fund of the Department of Defense of amounts for security cooperation programs and activities of the Department of Defense.

(4) TREATMENT OF FUNDS TRANSFERRED.—Amounts transferred to the Security Cooperation Enhancement Fund under this subsection shall be merged with amounts in the Fund, and shall be available for the same purposes, and subject to the same terms and conditions, as other amounts in the Fund.

(d) SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

SEC. 1261. CONSOLIDATION AND STANDARDIZATION OF REPORTING REQUIREMENTS RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 383, as added by section 1252(m) of this Act, a new section 384 consisting of—

(1) a heading as follows:

''§ 384. Annual report''; and

(2) a text consisting of the text of subsections (a) through (e) of section 1211 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544).

(b) REVISIONS TO PROVIDE FOR PERMANENT, ANNUAL REPORT.—Subsection (a) of section 384 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking ''BIENNIAL'' and all that follows through ''the Secretary'' and inserting ''ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Secretary''; and

(2) by striking ''the two fiscal years'' and inserting ''the fiscal year''.

(c) REVISION TO COVERED AUTHORITIES.—Subsection (c) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) The following sections of this chapter: 332, 333, 344, 346, and 347.'';

(2) by striking paragraphs (3) through (7);

(3) by redesignating paragraph (8) as paragraph (3) and in that paragraph by striking ''Section'' and inserting ''Sections 401 and'';

(4) by inserting after paragraph (3), as redesignated by paragraph (3) of this subsection, the following new paragraph:

''(4) Section 1206 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2282 note), relating to authority to conduct human rights training of security forces and associated security ministries of foreign countries.'';

(5) by redesignating paragraphs (9) and (10) as paragraphs (5) and (6), respectively;

(6) by striking paragraph (11); and

(7) by redesignating paragraphs (12) through (17) as paragraphs (7) through (12), respectively.

(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

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

''(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—

''(1) IN GENERAL.—At the same time the reports required by subsection (a) are submitted pursuant to that subsection, the Secretary shall submit to the congressional defense committees a report on funding for the Department of Defense Security Cooperation Workforce Development Program under section 1263 of the National Defense Authorization Act for Fiscal Year 2017 and the security cooperation workforce during the fiscal year beginning in the year in which such report is submitted.

''(2) ELEMENTS.—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

''(A) The funds requested for the Program and for the security cooperation workforce.

''(B) A description of how the funds identified pursuant to subparagraph (A) will be implemented for the following:

''(i) To address any gaps in the skills and competencies of the current or anticipated security cooperation workforce.

''(ii) To provide incentives to retain qualified, experienced personnel in the security cooperation workforce.

''(iii) To provide incentives to attract and recruit new, high-quality personnel to the security cooperation workforce.''; and

(3) in subsections (e) and (f), as redesignated by paragraph (1) of this section, by striking ''subsection (a)'' each place it appears and inserting ''this section''.

(e) REPEAL OF CODIFIED STATUTE.—Section 1211 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544) is amended by striking subsections (a) through (e).

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are repealed:

(1) Section 401(d) of title 10, United States Code, requiring an annual report on humanitarian and civic assistance activities under that section.

(2) Section 1534(g) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3618), requiring semiannual reports on the Counterterrorism Partnerships Fund.

(3) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), requiring a quarterly report on the use of authority to reimburse certain coalition nations for support provided to United States military operations.

(4) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 394), requiring a quarterly report on the use of authorization for logistical support for coalition forces supporting certain United States military operations.

SEC. 1262. REQUIREMENT FOR SUBMITTAL OF CONSOLIDATED ANNUAL BUDGET FOR SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The budget of the President for each fiscal year after fiscal year 2018, as submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, shall set forth as a separate item, the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense to be conducted in such fiscal year, including the specific country or region, to the extent practicable, for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by section 1260 of this Act.

(b) SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

SEC. 1263. DEPARTMENT OF DEFENSE SECURITY COOPERATION WORKFORCE DEVELOPMENT.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to be known as the ''Department of Defense Security Cooperation Workforce Development Program'' (in this section referred to as the ''Program'') to oversee the development and management of a professional workforce supporting security cooperation programs and activities of the Department of Defense, including—

(1) monitoring, execution, and administration of such programs and activities under chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act; and

(2) execution of security assistance programs and activities under the Foreign Assistance Act of 1961 and the Arms Export Control Act by the Department of Defense.

(b) PURPOSE.—The purpose of the Program is to improve the quality and professionalism of the security cooperation workforce in order to ensure that the workforce—

(1) has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate support to the planning, monitoring, execution, and evaluation of security cooperation programs and activities described in subsection (a), and ensure that the Department receives the best value for the expenditure of public resources on such programs and activities; and

(2) is assigned in a manner that ensures personnel with the appropriate level of expertise and experience are assigned in sufficient numbers to fulfill requirements for the security cooperation programs and activities of the Department of Defense and the execution of security assistance programs and activities described in subsection (a)(2).

(c) ELEMENTS.—The Program shall consist of such elements relating to the development and management of the security cooperation workforce as the Secretary considers appropriate for the purposes specified in subsection (b), including elements on training, certification, assignment, and career development of personnel of the security cooperation workforce.

(d) MANAGEMENT.—The Program shall be managed by the Director of the Defense Security Cooperation Agency.

(e) GUIDANCE.—

(1) INTERIM GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue interim guidance for the execution and administration of the Program.

(2) FINAL GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue final guidance for the execution and administration of the Program.

(3) SCOPE OF GUIDANCE.—The guidance shall do the following:

(A) Provide direction to military departments on the establishment of professional career paths for the personnel of the security cooperation workforce, addressing promotion opportunities and requirements, retention policies, and scope of workforce demands.

(B) Provide for a mechanism for issuing professional certifications for personnel of the security cooperation workforce at different levels of advancement based on requisite training, experience, and seniority.

(C) Establish minimum requirements for training and professional development associated with each level of certification provided for under subparagraph (B).

(D) Provide for a mechanism for assigning appropriately certified personnel of the security cooperation workforce to assignments associated with high-priority missions in connection with security cooperation programs and activities, and for allocating such personnel assignments based on priority, volume of activity, and other relevant factors.

(E) Identify the appropriate composition of career and temporary personnel necessary to constitute the security cooperation workforce.

(F) Identify specific positions throughout the security cooperation workforce to be managed and assigned through the Program.

(f) USE OF FUNDS.—Amounts available for use for the Program may be transferred to any account of the military departments or the Defense Agencies for purposes of the Program.

(g) DEFINITIONS.—In this section:

(1) The term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, added by section 1252(a)(3) of this Act.

(2) The term ''security cooperation workforce'' means the following:

(A) Members of the Armed Forces and civilian employees of the Department of Defense working in the security cooperation organizations of United States missions overseas.

(B) Members of the Armed Forces and civilian employees of the Department of Defense in the geographic combatant commands and functional combatant commands conducting security cooperation activities.

(C) Members of the Armed Forces and civilian employees of the Department of Defense in the military departments performing security cooperation activities, including activities in connection with the acquisition and development of technology release policies.

(D) Other personnel of Defense Agencies who perform security cooperation activities.

(E) Personnel of the Department of Defense who perform assessments of security cooperation programs and activities of the Department of Defense, including assessments under section 383 of title 10, United States Code, as added by section 1252(m) of this Act.

(F) Other members of the Armed Forces or civilian employees of the Department of Defense who contribute significantly to the security cooperation programs and activities of the Department of Defense by virtue of their assigned duties, as determined pursuant to the guidance issued under subsection (e).

SEC. 1264. COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF STATE ON CERTAIN SECURITY COOPERATION AND SECURITY ASSISTANCE PROGRAMS AND ACTIVITIES.

(a) REGULATIONS GOVERNING COORDINATION REQUIRED.—

(1) INTERIM REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly issue interim regulations to facilitate and streamline coordination between the Department of Defense and the Department of State on all matters relating to the policy, planning, and implementation of covered security cooperation and security assistance programs and activities.

(2) FINAL REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prescribe final regulations on the matters described in paragraph (1).

(3) PERIODIC UPDATE.—The Secretary of Defense and the Secretary of State shall from time to time jointly update the final regulations prescribed pursuant to paragraph (2) in order to ensure that the regulations under this subsection remain current with developments in law and other regulations relating to the matters described in paragraph (1).

(b) ELEMENTS.—The regulations required under subsection (a) shall provide for the following:

(1) Coordination between the Department of Defense and the Department of State on covered security cooperation and security assistance programs and activities.

(2) Wherever the concurrence of, coordination with, or consultation with the Secretary of Defense or the Secretary of State is required by law or regulation for the conduct of covered security cooperation and security assistance programs and activities, mechanisms as follows:

(A) A mechanism to provide for the delegation of such concurrence, coordination, or consultation to an official at the lowest appropriate level of headquarters-based management in the Department concerned.

(B) A mechanism to limit, to the maximum extent practicable, procedural delays in completion of any review required for such concurrence, coordination, or consultation, and in the issuance of such concurrence, coordination, or consultation.

(c) SUBMITTAL TO CONGRESS.—The Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress the interim regulations issued pursuant to subsection (a)(1), the final regulations prescribed pursuant to subsection (a)(2), and any update of the final regulations prescribed pursuant to subsection (a)(3).

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' has the meaning given that term in section 301(1) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

(2) The term ''covered security cooperation and security assistance programs and activities'' means the following:

(A) Security cooperation programs and activities under section 333 of title 10, United States Code, as added by section 1252(d) of this Act.

(B) Operational support to foreign national security forces.

(C) Cooperative Threat Reduction programs and activities.

(D) Defense institution building.

(E) Foreign Military Financing (FMF).

(F) International Military Education and Training (IMET).

(G) Peacekeeping operations and activities.

SEC. 1265. REPEAL OF SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) REPEALS.—The following provisions of title 10, United States Code, are repealed:

(1) Section 168, relating to military-to-military contacts and comparable activities.

(2) Section 1051c, relating to assignment of members of foreign military forces to improve education and training in information security through multilateral, bilateral, or regional cooperation programs.

(3) Section 2562, relating to a limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

(4) Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments.

(b) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 6 is amended by striking the item relating to section 168.

(2) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051c.

(3) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2562.

(4) The tables of sections at the beginning of chapter 443 is amended by striking the item relating to section 4681.

(5) The table of sections at the beginning of chapter 943 is amended by striking the item relating to section 9681.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 1271. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) PLAN REQUIREMENTS AND REPORTING.—

(1) IN GENERAL.—Section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723) is amended by striking subsections (b) and (c) and inserting the following:

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The President shall develop a plan for the purpose of negotiating and entering into one or more free trade agreements with eligible sub-Saharan African countries. The plan shall include a list of eligible sub-Saharan African countries that are most ready for a free trade agreement with the United States.

''(2) ELEMENTS OF PLAN.—The plan required by paragraph (1) shall include, for each country on the list required by that paragraph, the following:

''(A) The steps the country needs to take to be ready to enter into a free trade agreement with the United States, consistent with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (title I of Public Law 114–26; 129 Stat. 320), including—

''(i) the effective implementation of the commitments of the country under WTO Agreements; and

''(ii) the development of a bilateral investment treaty or equivalent obligations.

''(B) Milestones for accomplishing each step identified in subparagraph (A) for the country, with the goal of establishing a free trade agreement with the country not later than 10 years after the date on which the country is included on the list required by paragraph (1).

''(C) A description of the resources required to assist the country in accomplishing each milestone described in subparagraph (B).

''(D) The extent to which steps described in subparagraph (A), the milestones described in subparagraph (B), and resources described in subparagraph (C) may be accomplished through regional or subregional organizations in sub-Saharan Africa, including the East African Community, the Economic Community of West African States, the Common Market for Eastern and Southern Africa, and the Economic Community of Central African States.

''(E) Procedures to ensure the following:

''(i) Adequate consultation with Congress and the private sector during the negotiations.

''(ii) Consultation with Congress regarding all matters relating to implementation of the agreement.

''(iii) Approval by Congress of the agreement.

''(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement.

''(3) REPORTING REQUIREMENT.—The President shall prepare and submit to Congress a report containing the plan developed pursuant to paragraph (1)—

''(A) not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; and

''(B) at the same time as the submission of the report required by section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370) thereafter.

''(4) COORDINATION WITH OTHER AGENCIES.—The United States Trade Representative shall consult and coordinate with other relevant Federal agencies to assist countries on the list required by paragraph (1), including through the deployment of resources from those agencies to such countries and through trade capacity building, in addressing the steps identified under subparagraph (A) of paragraph (2) and the milestones identified under subparagraph (B) of that paragraph.

''(5) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term 'eligible sub-Saharan African country' means a country designated as an eligible sub-Saharan African country under section 104.

''(B) WTO.—The term 'WTO' means the World Trade Organization.

''(C) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

''(D) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.''.

(2) CONFORMING AMENDMENTS.—Section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370) is amended—

(A) in the matter preceding paragraph (1), by striking ''5'' and inserting ''3''; and

(B) in paragraph (3), by striking ''(E)'' and inserting ''(D)''.

(b) COORDINATION OF USAID WITH FREE TRADE AGREEMENT POLICY.—

(1) AUTHORIZATION OF FUNDS.—Funds made available to the United States Agency for International Development under section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) after the date of the enactment of this Act may be used, in consultation with the United States Trade Representative—

(A) to assist eligible countries, including by deploying resources to such countries, in addressing the steps and milestones identified in the plan developed under subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and the WTO Agreements (as defined in subsection (b)(4) of such section 116).

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term ''eligible country'' means a sub-Saharan African country that receives—

(i) benefits under the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term ''sub-Saharan African country'' has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—

(1) IN GENERAL.—After the date of the enactment of this Act, the United States Trade Representative and the Administrator of the United States Agency for International Development shall consult and coordinate with the Chief Executive Officer of the Millennium Challenge Corporation regarding countries described in paragraph (2) for the purpose of developing and carrying out the plan required by subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a).

(2) COUNTRIES DESCRIBED.—A country is described in this paragraph if the country—

(A) has entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708); or

(B) is selected by the Board of Directors of the Millennium Challenge Corporation under subsection (c) of section 607 of that Act (22 U.S.C. 7706) from among the countries determined to be eligible countries under subsection (a) of that section.

SEC. 1272. EXTENSION AND EXPANSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) EXPANSION OF AUTHORITY.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C. 2551 note) is amended—

(1) in subsection (a)(1)—

(A) by striking ''the Government of Jordan and the Government of Lebanon'' and inserting ''the Government of Egypt, the Government of Jordan, the Government of Lebanon, and the Government of Tunisia'';

(B) by striking ''efforts of the armed forces'' and inserting ''efforts as follows:

''(A) Efforts of the armed forces''; and

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

''(B) Efforts of the armed forces of Egypt and the armed forces of Tunisia to increase security and sustain increased security along the border of Egypt and the border of Tunisia with Libya, as applicable.''; and

(2) in subsection (c)(4), by striking ''along the border'' and all that follows and inserting ''along the border of the country as specified in subsection (a)(1).''.

(b) EXTENSION.—Subsection (f) of such section is amended by striking ''December 31, 2018'' and inserting ''December 31, 2019''.

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR BORDER SECURITY OPERATIONS.''.

SEC. 1273. MODIFICATION AND CLARIFICATION OF UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION AUTHORITY.

(a) AMOUNT OF SUPPORT PROVIDABLE BY THE UNITED STATES.—Paragraph (4) of section 1279(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C. 8606 note) is amended by striking ''$25,000,000'' and inserting ''$50,000,000''.

(b) SCOPE OF REQUIREMENT FOR MATCHING CONTRIBUTION BY ISRAEL.—Paragraph (3) of such section is amended by inserting before the period at the end the following: ''in the calendar year in which the support is provided''.

(c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVITIES IN US.—Of the amount contributed by the United States for activities under section 1279 of the National Defense Authorization Act for Fiscal Year 2016, not less than 50 percent of such amount shall be used in fiscal year 2017 for research, development, test, and evaluation activities for purposes of such section in the United States.

SEC. 1274. MODIFICATION TO AND EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) MODIFICATION OF AUTHORIZED ACTIVITIES.—Subsection (c) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578), as amended by section 1205(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1623), is further amended by inserting ''and other individuals as determined by the Secretary of Defense'' before the period at the end of the first sentence.

(b) EXTENSION OF AUTHORITY.—Subsection (h) of such section 943, as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1075), is further amended by striking ''2018'' and inserting ''2021''.

SEC. 1275. ASSESSMENT OF PROLIFERATION OF CERTAIN REMOTELY PILOTED AIRCRAFT SYSTEMS.

(a) REPORT ON ASSESSMENT OF PROLIFERATION OF REMOTELY PILOTED AIRCRAFT SYSTEMS.—Not later than six months after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report setting forth an assessment, obtained by the Chairman for purposes of the report, of the impact to United States national security interests of the proliferation of remotely piloted aircraft that are assessed to be ''Category I'' items under the Missile Technology Control Regime (MTCR).

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in the procurement and operation of remotely piloted aircraft, selected by the Chairman for purposes of the assessment.

(2) USE OF PREVIOUS STUDIES.—The entity conducting the assessment may use and incorporate information from previous studies on matters appropriate to the assessment.

(c) ELEMENTS.—The assessment obtained for purposes of subsection (a) shall include the following:

(1) A qualitative and quantitative assessment of the scope and scale of the proliferation of remotely piloted aircraft that are ''Category I'' items under the Missile Technology Control Regime.

(2) An assessment of the threat posed to United States interests as a result of the proliferation of such aircraft to adversaries.

(3) An assessment of the impact of the proliferation of such aircraft on the combat capabilities of and interoperability with partners and allies of the United States.

(4) An analysis of the degree to which the United States has limited the proliferation of such aircraft as a result of the application of a ''strong presumption of denial'' for exports of such aircraft.

(5) An assessment of the benefits and risks of continuing to limit exports of such aircraft.

(6) Such other matters as the Chairman considers appropriate.

(d) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1276. EFFORTS TO END MODERN SLAVERY.

(a) ACTIONS BY THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement policies and promulgate guidance to ensure that personnel of the Armed Forces, including uniformed personnel and civilians engaged in partnership with foreign nations, receive education and training on human slavery and the appropriate role of the United States Armed Forces in combatting trafficking in persons.

(2) ELEMENTS.—The training implemented pursuant to paragraph (1) shall include—

(A) a description of resources available for Armed Forces personnel who become aware of instances of human slavery or trafficking in persons while deployed overseas; and

(B) guidance on the requirement to make official reports through the chain of command, the roles and responsibilities of military and civilian officials of the United States Armed Forces and host nations, circumstances in which members of the Armed Forces are authorized to take immediate action to prevent loss of life or serious injury, and the authority to use appropriate force to stop or prevent sexual abuse or exploitation of children.

(b) GRANT AUTHORIZATION.—The Secretary of State is authorized to make grants of funding to provide support for transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in targeted populations within partner countries (or jurisdictions thereof).

(c) MONITORING AND EVALUATION.—Any grantee shall—

(1) develop specific and detailed criteria for the monitoring and evaluation of supported projects;

(2) implement a system for measuring progress against baseline data that is rigorously designed based on international corporate and nongovernmental best practices;

(3) ensure that each supported project is regularly and rigorously monitored and evaluated, on a not less than biennial basis, by an independent monitoring and evaluation entity, against the specific and detailed criteria established pursuant to paragraph (1), and that the progress of the project towards its stated goals is measured by such entity against baseline data;

(4) support the development of a scientifically sound, representative survey methodology for measuring prevalence with reference to existing research and experience, and apply the methodology consistently to determine the baseline prevalence in target populations and outcomes in order to periodically assess progress in reducing prevalence; and

(5) establish, and revise on a not less than annual basis, specific and detailed criteria for the suspension and termination, as appropriate, of projects supported by the grantee that regularly or consistently fail to meet the criteria required by this section.

(d) AUDITING.—

(1) IN GENERAL.—Any grantee shall be subject to the same auditing, recordkeeping, and reporting obligations required under subsections (e), (f), (g), and (i) of section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413).

(2) COMPTROLLER GENERAL AUDIT AUTHORITY.—

(A) IN GENERAL.—The Comptroller General of the United States may evaluate the financial transactions of the grantee as well as

the programs or activities the grantee carries out pursuant to this section.

(B) ACCESS TO RECORDS.—Any grantee shall provide the Comptroller General, or the Comptroller General's duly authorized representatives, access to such records as the Comptroller General determines necessary to conduct evaluations authorized by this section.

(e) ANNUAL REPORT.—Any grant recipient shall provide annually the names of each of the projects or sub-grantees receiving such funding pursuant to this section and the amount of funding provided for, along with a detailed description of, each such project.

(f) RULE OF CONSTRUCTION REGARDING AVAILABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The enactment of this section is deemed to meet the condition of the first proviso of paragraph (2) of section 7060(f) of the Department of State, Foreign Operations, and Related Appropriations Act, 2016 (division K of Public Law 114–113), and the funds referred to in such paragraph shall be made available in accordance with, and for the purposes set forth in, such paragraph.

(g) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2017 THROUGH 2022.—There is authorized to be appropriated to the Department of State for the purpose of making the grants authorized under this section to a single nonprofit organization, for each fiscal year from 2017 through 2022, $37,500,000.

(h) COMPTROLLER GENERAL REVIEW OF EXISTING PROGRAMS.—

(1) IN GENERAL.—Not later than September 30, 2018, and September 30, 2022, the Comptroller General of the United States shall submit to Congress a report on all of the programs conducted by the Department of State, the United States Agency for International Development, the Department of Labor, the Department of Defense, and the Department of the Treasury that address human trafficking and modern slavery, including a detailed analysis of the effectiveness of such programs in limiting human trafficking and modern slavery and specific recommendations on which programs are not effective at reducing the prevalence of human trafficking and modern slavery and how the funding for such programs may be redirected to more effective efforts.

(2) CONSIDERATION OF REPORT.—The Comptroller General of the United States shall brief the appropriate congressional committees on the report submitted under paragraph (1). The appropriate congressional committees shall review and consider the reports and shall, as appropriate, consider modifications to authorization levels and programs within the jurisdiction of such committees to address the recommendations made in the report.

(i) 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 Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

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.

Subtitle I—Human Rights Sanctions

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Global Magnitsky Human Rights Accountability Act''.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(2) PERSON.—The term ''person'' means an individual or entity.

(3) 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. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person 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) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(C) 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 subparagraph, 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) CONSIDERATION OF CERTAIN INFORMATION IN IMPOSING SANCTIONS.—In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(1) determine if that person has engaged in such an activity; and

(2) submit a report to the chairperson and ranking member of that committee with respect to that determination that includes—

(A) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(B) if the President imposed or intends to impose sanctions, a description of those sanctions.

(e) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT OBJECTIVES.—Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual into the United States would further important law enforcement objectives or is necessary 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, or other applicable international obligations of the United States.

(f) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out subsection (b)(2) 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.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the vital national security interests of the United States.

(h) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(i) IDENTIFICATION OF SANCTIONABLE FOREIGN PERSONS.—The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1284. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with subsection (b), a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section ____03 during the year preceding the submission of the report;

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President—

(A) imposed sanctions under section ____03(a) during that year; and

(B) terminated sanctions under section ____03(g) during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized by section ____03.

(b) DATES FOR SUBMISSION.—

(1) INITIAL REPORT.—The President shall submit the initial report under subsection (a) not later than 120 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—The President shall submit a subsequent report under subsection (a) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(B) CONGRESSIONAL STATEMENT.—Congress notes that December 10 of each calendar year has been recognized in the United States and internationally since 1950 as ''Human Rights Day''.

(c) FORM OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this subtitle; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section ____03(a).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The unclassified portion of the report required by subsection (a) shall be made available to the public, including through publication in the Federal Register.

(2) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FISCAL YEAR 2017 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—In this title, the term ''fiscal year 2017 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2017, 2018, and 2019.

SEC. 1302. FUNDING ALLOCATIONS.

Of the $325,604,000 authorized to be appropriated to the Department of Defense for fiscal year 2017 in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $11,791,000.

(2) For chemical weapons destruction, $2,942,000.

(3) For global nuclear security, $16,899,000.

(4) For cooperative biological engagement, $213,984,000.

(5) For proliferation prevention, $50,709,000.

(6) For threat reduction engagement, $2,000,000.

(7) For activities designated as Other Assessments/Administrative Costs, $27,279,000.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

SEC. 1406. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Security Cooperation Enhancement Fund, as specified in the funding table in section 4501, for use for authorized purposes of the Security Cooperation Enhancement Fund.

Subtitle B—National Defense Stockpile

SEC. 1411. NATIONAL DEFENSE STOCKPILE MATTERS.

(a) MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

(1) in subsection (b), by striking ''required for'' and inserting ''suitable for transfer or disposal through''; and

(2) in subsection (c)—

(A) by striking ''(1)'' and all that follows through ''(2)''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''.

(b) QUALIFICATION OF DOMESTIC SOURCES.—Section 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

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

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

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

''(3) by qualifying existing domestic facilities and domestically produced strategic and critical materials to meet the requirements of defense and essential civilian industries in times of national emergency when existing domestic sources of supply are either insufficient or vulnerable to single points of failure; and

''(4) by contracting with domestic facilities to recycle strategic and critical materials, thereby increasing domestic supplies when such materials would otherwise be insufficient to support defense and essential civilian industries in times of national emergency.''.

SEC. 1412. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORITY.—

(1) IN GENERAL.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager shall dispose of materials contained in the National Defense Stockpile and specified in paragraph (2) so as to result in receipts to the United States in amounts equal to—

(A) $10,000,000 by the end of fiscal year 2017;

(B) $50,000,000 by the end of fiscal year 2022; and

(C) $150,000,000 by the end of fiscal year 2026.

(2) MATERIALS AND DISPOSAL AMOUNTS.—The total quantities of materials authorized for disposal pursuant to paragraph (1) may not exceed the amounts as follows:

(A) 27 short tons of beryllium.

(B) 111,149 short tons of chromium, ferroalloy.

(C) 2,973 short tons of chromium metal.

(D) 8,380 troy ounces of platinum.

(E) 275,741 pounds of contained tungsten metal powder.

(F) 12,433,796 pounds of contained tungsten ores and concentrates.

(b) ACQUISITION AUTHORITY.—

(1) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(A) High modulus and high strength carbon fibers.

(B) Tantalum.

(C) Germanium.

(D) Tungsten rhenium metal.

(E) Boron carbide powder.

(F) Europium.

(G) Silicon carbide fiber.

(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $55,000,0000 in the National Defense Stockpile Transaction Fund for the acquisition of the materials specified paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2017 through fiscal year 2021.

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. AUTHORITY TO DESTROY CERTAIN SPECIFIED WORLD WAR II-ERA UNITED STATES-ORIGIN CHEMICAL MUNITIONS LOCATED ON SAN JOSE ISLAND, REPUBLIC OF PANAMA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of Defense may destroy the chemical munitions described in subsection (c).

(2) EX GRATIA ACTION.—The action authorized by this section is ''ex gratia'' on the part of the United States, as the term ''ex gratia'' is used in section 321 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2701 note).

(3) CONSULTATION BETWEEN SECRETARY OF DEFENSE AND SECRETARY OF STATE.—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) CONDITIONS.—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—

(1) revised the declaration of the Republic of Panama under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to indicate that the chemical munitions described in subsection (c) are ''old chemical weapons'' rather than ''abandoned chemical weapons''; and

(2) affirmed, in writing, that it understands—

(A) that the United States intends only to destroy the munitions described in subsections (c) and (d); and

(B) that the United States is not legally obligated and does not intend to destroy any other munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947.

(c) CHEMICAL MUNITIONS.—The chemical munitions described in this subsection are the eight United States-origin chemical munitions located on San Jose Island, Republic of Panama, that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.

(d) LIMITED INCIDENTAL AUTHORITY TO DESTROY OTHER MUNITIONS.—In exercising the authority under subsection (a), the Secretary of Defense may destroy other munitions located on San Jose Island, Republic of Panama, but only to the extent essential and required to reach and destroy the chemical munitions described in subsection (c).

(e) FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2017 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense by section 1402, up to $30,000,000 may be used to carry out the authority in subsection (a).

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).

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $122,400,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2017 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1511. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Security Cooperation Enhancement Fund, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2017.

(b) EXTENSION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057), as most recently amended by section 1532(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091), is further amended—

(1) in paragraph (1), by striking ''fiscal year 2016'' and inserting ''fiscal years 2016 and 2017''; and

(2) in paragraph (4), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1532. EXTENSION AND MODIFICATION OF AUTHORITIES ON COUNTERTERRORISM PARTNERSHIPS FUND.

(a) EXTENSION.—Section 1534 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3616) is amended—

(1) in subsection (a), by striking ''Amounts authorized to be appropriated for fiscal year 2015 by this title'' and inserting ''Subject to subsection (b), amounts authorized to be appropriated through fiscal year 2017''; and

(2) in subsection (h), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2017.—Such section is further amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2017.—Amounts authorized to be appropriated for fiscal year 2017 for the Counterterrorism Partnerships Fund may only be used for the purposes specified in subsection (a)(2). In the use of such amounts, any reference in this section to 'subsection (a)' shall be deemed to be a reference to 'subsection (a)(2)'.''.

(c) ADMINISTRATION OF FUND.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking paragraph (3); and

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

(d) REPORTS.—Subsection (h) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''and 2017'' and inserting ''2017, and 2018''; and

(B) by striking ''and 2016'' and inserting ''2016, and 2017'';

(2) in paragraph (4), by striking ''subsection (d)(5)'' and inserting ''subsection (e)(4)''; and

(3) in paragraph (5), by striking ''subsection (f)'' and inserting ''subsection (g)''.

SEC. 1533. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2017 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3612) during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) REPORTING REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall include in each report required under section 1225 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550)—

(A) a current assessment of the security of Afghan women and girls, including information regarding efforts to increase the recruitment and retention of women in the Afghan National Security Forces; and

(B) a current assessment of the implementation of the plans for the recruitment, integration, retention, training, treatment, and provision of appropriate facilities and transportation for women in the Afghan National Security Forces, including the challenges associated with such implementation and the steps being taken to address those challenges.

(2) PLAN REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, shall support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan women and girls during and after the security transition process through the development and implementation by the Government of Afghanistan of an Afghan-led plan that should include the elements described in this paragraph.

(B) TRAINING.—The Secretary of Defense, with the concurrence of the Secretary of State and working with the NATO-led Resolute Support mission, should encourage the Government of Afghanistan to develop—

(i) measures for the evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue;

(ii) a plan to increase the number of female security officers specifically trained to address cases of gender-based violence, including ensuring the Afghan National Police's Family Response Units have the necessary resources and are available to women across Afghanistan;

(iii) mechanisms to enhance the capacity for units of National Police's Family Response Units to fulfill their mandate as well as indicators measuring the operational effectiveness of these units;

(iv) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to the human rights of women and girls, including female members of the Afghan National Security Forces;

(v) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to protecting children from sexual abuse; and

(vi) a plan to develop training for the Afghanistan National Army and the Afghanistan National Police to increase awareness and responsiveness among Afghanistan National Army and Afghanistan National Police personnel regarding the unique security challenges women confront when serving in those forces.

(C) ENROLLMENT AND TREATMENT.—The Secretary of Defense, with the concurrence of the Secretary of State and in cooperation with the Afghan Ministries of Defense and Interior, shall seek to assist the Government of Afghanistan in including as part of the plan developed under subparagraph (A) the development and implementation of a plan to increase the number of female members of the Afghanistan National Army and the Afghanistan National Police and to promote their equal treatment, including through such steps as providing appropriate equipment, modifying facilities, and ensuring literacy and gender awareness training for recruits.

(D) ALLOCATION OF FUNDS.—

(i) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2017, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(I) the recruitment, integration, retention, training, and treatment of women in the Afghan National Security Forces; and

(II) the recruitment, training, and contracting of female security personnel for future elections.

(ii) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(I) efforts to recruit women into the Afghan National Security Forces, including the special operations forces;

(II) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(III) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(IV) efforts to address harassment and violence against women within the Afghan National Security Forces;

(V) improvements to infrastructure that address the requirements of women serving in the Afghan National Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(VI) support for Afghanistan National Police Family Response Units; and

(VII) security provisions for high-profile female police and army officers.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 1531 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088) is amended by striking subsections (b) and (c).

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. REQUIREMENT THAT PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES DEMONSTRATE ORDER-OF-MAGNITUDE IMPROVEMENTS IN SATELLITE COMMUNICATIONS CAPABILITIES.

(a) IN GENERAL.—Section 1605 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated or otherwise made available to carry out the pilot program under subsection (a)(1) may be obligated or expended until the Secretary submits to the congressional defense committees a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability, as required by subsection (b)(5).''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is disappointing that, despite numerous requests to the Air Force for its plan to meet the requirement of subsection (b)(5) of section 1605 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) in carrying out the pilot program under that section, the Air Force has not only failed to meet the statutorily imposed requirement to provide a briefing on that pilot program at the same time as the President submitted to Congress the budget for fiscal year 2017 pursuant to section 1105 of title 31, United States Code, but has also been nonresponsive to requests for information relating to that requirement.

SEC. 1602. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.

(a) IN GENERAL.—The Commander of the Air Force Space Command shall develop a plan to use allied launch vehicles to meet the requirements for achieving the policy relating to assured access to space set forth in section 2273 of title 10, United States Code, in the event that such requirements cannot be met, for a limited period of time, using only United States launch vehicles.

(b) ASSESSMENTS.—In developing the plan required by subsection (a), the Commander shall conduct assessments of—

(1) what United States satellites would be appropriate to be launched on an allied launch vehicle; and

(2) whether any legislation would be necessary to allow for the launch of a national security satellite on an allied launch vehicle.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan required by subsection (a) and the assessments required by subsection (b).

(d) DEFINITIONS.—In this section:

(1) ALLIED LAUNCH VEHICLE.—

(A) IN GENERAL.—The term ''allied launch vehicle'' means a launch vehicle of the government of a country that is an ally of the United States.

(B) EXCLUSIONS.—A launch vehicle of the government of the Russian Federation, the People's Republic of China, Iran, or North Korea may not be considered an allied launch vehicle for purposes of this section.

(2) NATIONAL SECURITY SATELLITE.—The term ''national security satellite'' means a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

SEC. 1603. LONG-TERM STRATEGY ON ELECTROMAGNETIC SPECTRUM FOR WARFARE.

(a) STRATEGY REQUIRED.—Not later than February 28, 2017, the Commander of the United States Strategic Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives a strategy for the Department of Defense for the availability, use, and protection of electromagnetic spectrum for warfare during the 10-year period beginning on the date of the submittal of the strategy.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) A description of the current intelligence and threat environment for electromagnetic spectrum for warfare.

(2) An assessment of the interoperability among the Agencies, components, elements, and forces of the Department needed to carry out the strategy, and a plan to remedy any shortfalls identified by the assessment.

(3) A plan for developing and maintaining the capability to conduct large-scale simulated exercises involving spectrum with near peer competitors.

(4) A plan to address meaningful capability gaps in providing electromagnetic spectrum for warfare for ground, air, and space layers not currently addressed by any element of the Department.

SEC. 1604. FIVE-YEAR PLAN FOR JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.

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 plan for the Joint Interagency Combined Space Operations Center for the five-year period beginning on such date of enactment that includes—

(1) a description of the roles and responsibilities of the Center;

(2) an estimate of funding needed for the Center that includes a description of contributions from other Federal agencies;

(3) an estimate of the personnel needed for the Center;

(4) a description of planned activities of the Center; and

(5) a description of how the Center will complement and support the mission of the Joint Space Operations Center.

SEC. 1605. INDEPENDENT ASSESSMENT OF GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with a federally funded research and development center to assess the acquisition strategy of the Air Force for the Global Positioning System Next Generation Operational Control System (in this section referred to as ''OCX'').

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the ability of the Air Force to complete blocks zero through two of the OCX operating system on a schedule necessary to transition the OCX to full operation.

(2) An estimate of the cost of completing blocks zero through two on the schedule described in paragraph (1), taking into account the following:

(A) The rate of software defects.

(B) Earned value management.

(C) Information assurance requirements.

(3) An assessment of the ability of the Air Force to implement contingency plans for sustaining the Global Positioning System constellation to mitigate the effects of delays to the implementation of the OCX and to alleviate challenges with respect to the operations and checkout of the Global Positioning System III satellites.

(4) An assessment of any risks to the viability and required availability of the Global Positioning System constellation associated with efforts to complete blocks zero through two as described in paragraph (1) or the contingency plans described in paragraph (3).

(5) An assessment of whether there are well-defined methods for terminating the OCX program in the event of the inability of the Air Force to successfully complete blocks zero through two or other requirements for the OCX while ensuring that the Global Positioning System constellation meets requirements for the availability of that System.

(c) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

SEC. 1606. GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT OF SATELLITE ACQUISITION BY NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an assessment, for calendar year 2017 and each calendar year thereafter, of the cost, schedule, and performance of each program of the National Reconnaissance Office for developing, acquiring, launching, and deploying satellites or overhead reconnaissance systems that, before, on, or after the date of the enactment of this Act, receives funding from the Military Intelligence Program or is supported by personnel of the Department of Defense.

(b) REPORTING TO CONGRESS.—The Comptroller General shall regularly inform the appropriate congressional committees with respect to any matters relating to the cost, schedule, or performance of a program assessed under subsection (a) that the Comptroller General considers significant.

(c) PROVISION OF INFORMATION BY NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall provide to the Comptroller General, in a timely manner, access to the information the Comptroller General requires to conduct the assessment required by subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1607. COST-BENEFIT ANALYSIS OF COMMERCIAL USE OF EXCESS BALLISTIC MISSILE SOLID ROCKET MOTORS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the costs and benefits of allowing the use of solid rocket motors from missiles described in section 50134(c) of title 51, United States Code, for commercial space launch purposes. Such analysis shall include an evaluation of the effect, if any, of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

(b) BRIEFING.—Not later than September 1, 2016, the Comptroller General shall provide a briefing on the analysis required by subsection (a) to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 1608. ASSESSMENT OF COST-BENEFIT ANALYSES BY DEPARTMENT OF DEFENSE OF USE OF KA-BAND COMMERCIAL SATELLITE COMMUNICATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall assess the types of analyses the Department of Defense has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the Department.

(b) ELEMENTS.—In conducting the assessment required by subsection (a), the Comptroller General shall—

(1) assess whether the Department of Defense has evaluated the use of KA-band commercial satellite communications, based on total cost, capabilities, and interoperability with existing or planned terminals; and

(2) consider such other matters as the Comptroller General considers appropriate.

(c) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall provide a briefing on the assessment required by subsection (a) to the congressional defense committees.

SEC. 1609. LIMITATION ON USE OF FUNDS FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act and made available for the Joint Space Operations Center Mission System may be obligated or expended for increment three of that System until the Secretary of the Air Force submits to the congressional defense committees a report setting forth a strategy for acquiring a common software and hardware framework for space operating systems described in paragraphs (1) and (2) of subsection (b).

(b) ELEMENTS OF REPORT.—The report described in subsection (a) shall include a description of the following:

(1) Space operating systems that perform space battlement management, communication, and control as of the date of the enactment of this Act.

(2) Space operating systems planned to perform space battlement management, communication, and control in the future.

(3) Schedules for acquisition and an estimate of the cost of space operating systems described in paragraph (2).

(4) Critical elements of space operating systems described in paragraphs (1) and (2) that will require common software and hardware to promote a common operating environment and reduce acquisition costs and long-term maintenance requirements.

SEC. 1610. LIMITATION ON AVAILABILITY OF FISCAL YEAR 2017 FUNDS FOR THE GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

Amounts authorized to be appropriated for fiscal year 2017 by this Act and available for the Global Positioning System Next Generation Operational Control System (GPS–OCX) may not be obligated or expended for the current product development contract for that System, or for any other purpose in connection with that System, until the Secretary of Defense submits to Congress the certification on the System required pursuant to section 2433a(c)(2) of title 10, United States Code, as a result of the determination not to terminate procurement of that System.

SEC. 1611. AVAILABILITY OF CERTAIN AMOUNTS TO MEET REQUIREMENTS IN CONNECTION WITH UNITED STATES POLICY ON ASSURED ACCESS TO SPACE.

(a) FISCAL YEAR 2017 AMOUNTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 201 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle (PE 0604853F) as specified in the funding table in section 4201, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the United States policy on assured access to space specified in section 2273 of title 10, United States Code.

(b) FISCAL YEAR 2016 AMOUNTS.—Of the amount authorized to be appropriated for fiscal year 2016 for research, development, test, and evaluation, Air Force, available for the Evolved Expendable Launch Vehicle, and available for obligation for that purpose as of the date of the enactment of this Act, not more than 50 percent may be available in fiscal year 2017 to meet requirements in connection with the policy described in subsection (a).

(c) AMOUNTS FOR FISCAL YEARS AFTER FISCAL YEAR 2017.—Of the amount authorized to be appropriated for any fiscal year after fiscal year 2017 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the policy described in subsection (a).

SEC. 1612. AVAILABILITY OF FUNDS FOR CERTAIN SECURE VOICE CONFERENCING CAPABILITIES.

Of amounts authorized to be appropriated or otherwise made available for fiscal year 2015 or 2016 for research, development, test, and evaluation, Air Force, and available for obligation as of the date of the enactment of this Act, not more than $10,200,000 may be used to support the accomplishment by the Air Force of integration and associated critical testing and systems engineering activities for the Presidential and National Voice Conferencing program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders, as described in the reprogramming action prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on March 3, 2016.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. DEPARTMENT OF DEFENSE-WIDE REQUIREMENTS FOR SECURITY CLEARANCES FOR MILITARY INTELLIGENCE OFFICERS.

The Secretary of Defense shall ensure that each military intelligence officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity, has an active security clearance.

Subtitle C—Cyber Warfare, Cybersecurity, and Related Matters

SEC. 1631. CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide cyber protection support to personnel of the Department of Defense while such personnel occupy positions in the Department determined by the Secretary to be of highest risk of vulnerability to cyber attacks on their personal devices, networks, and persons.

(b) NATURE OF SUPPORT.—Subject to the availability of resources, in providing cyber protection support pursuant to subsection (a), the Secretary may provide personnel described in that subsection training, advisement, and assistance regarding cyber attacks described in that subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of cyber protection support pursuant to subsection (a). The report shall include a description of the methodology used by the Secretary to determine the positions in the Department that are of highest vulnerability to cyber attacks for purposes of subsection (a).

SEC. 1632. CYBER MISSION FORCES MATTERS.

(a) ACTIONS PENDING FULL IMPLEMENTATION OF PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the Secretary of Defense completes implementation of the authority in subsection (a) of section 1599f of title 10, United States Code, for Cyber Mission Force (CMF) positions in accordance with the implementation plan required by subsection (d) of such section, the Secretary shall do each of the following:

(1) Provide for and implement an interagency transfer agreement between excepted service position and competitive service position systems in applicable agencies and components of the Department in order to satisfy the requirements for Cyber Mission Force positions from among a mix of employees in the excepted service and the competitive service in such agencies and components.

(2) Direct the Armed Forces to implement in their Defense Civilian Intelligence Personnel Systems for Cyber Mission Force positions a so-called ''Rank-in-Person'' classification system similar to the classification system used by the National Security Agency.

(3) Implement direct hiring authority for Cyber Mission Force positions up to the GG or GS–15 level.

(4) Authorize officials conducting hiring in the competitive service for Cyber Mission Force positions to set starting salaries at up to a step-five level with no justification and at up to a step-ten level with justification that meets published guidelines applicable to the excepted service.

(b) OTHER MATTERS.—The Principal Cyber Advisor shall, working through the cross-functional team established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2224 note) and in coordination with the Commander of the United States Cyber Command, supervise—

(1) the development of training standards for computer network operations tool developers for military, civilian, and contractor personnel supporting the Cyber Mission Forces;

(2) the rapid enhancement of capacity to train personnel to those standards to meet the needs of the Cyber Mission Forces for tool development; and

(3) actions necessary to ensure timely completion of personnel security investigations and adjudications for tool development personnel.

SEC. 1633. LIMITATION ON ENDING OF ARRANGEMENT IN WHICH THE COMMANDER OF THE UNITED STATES CYBER COMMAND IS ALSO DIRECTOR OF THE NATIONAL SECURITY AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the arrangement (commonly referred to as a ''dual-hat arrangement'') under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency is in the national security interests of the United States.

(b) LIMITATION ON ENDING OF CURRENT ARRANGEMENT.—The Secretary of Defense may not take action to end the arrangement described in subsection (a) until the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that the end of that arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable in the national security interests of the United States.

(c) CONDITIONS-BASED CRITERIA.—The Secretary and the Chairman shall develop criteria for assessing the military and intelligence necessity and benefit of the arrangement described in subsection (a). The criteria shall be based on measures of the operational dependence of the United States Cyber Command on the National Security Agency and the ability of each organization to accomplish their roles and responsibilities independent of the other. The conditions to be evaluated shall include the following:

(1) The sufficiency of operational infrastructure.

(2) The sufficiency of command and control systems and processes for planning, deconflicting, and executing military cyber operations, tools and weapons for achieving required effects.

(3) Technical intelligence collection and operational preparation of the environment capabilities.

(4) The ability to train personnel, test capabilities, and rehearse missions.

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

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1634. PILOT PROGRAM ON APPLICATION OF CONSEQUENCE-DRIVEN, CYBER-INFORMED ENGINEERING TO MITIGATE AGAINST CYBERSECURITY THREATS TO OPERATING TECHNOLOGIES OF MILITARY INSTALLATIONS.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretaries of the military departments,

carry out a pilot program to assess the feasibility and advisability of applying consequence-driven, cyber-informed engineering methodologies to the operating technologies of military installations, including industrial control systems, in order to increase the resilience of military installations against cybersecurity threats and prevent or mitigate the potential for high-consequence cyberattacks.

(b) ELEMENTS.—

(1) DISCHARGING ENTITY.—The Secretary shall carry out the pilot program through a research laboratory of the Department of Defense or, with the approval of the Secretary of Energy, a research laboratory of the Department of Energy, selected by the Secretary for purposes of the pilot program.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than two military installations selected by the Secretary for purposes of the pilot program from among military installations supporting the most critical mission-essential functions of the Department of Defense.

(c) DURATION.—The duration of the pilot program shall be two years.

(d) REPORTS.—

(1) REPORTS REQUIRED.—Not later than September 30, 2017, and each year thereafter through 2019, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(2) RECURRING ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) A description of the activities carried out under the pilot program.

(B) An assessment of the value of the methodologies applied during the pilot program in increasing the resilience of military installations against cybersecurity threats.

(3) ADDITIONAL ELEMENT IN FINAL REPORT.—The report under paragraph (1) in 2019 shall also include such recommendations for administrative or legislative action as the Secretary considers appropriate in light of the pilot program, including for actions as follows:

(A) To apply methodologies identified through the pilot program across the Department of Defense.

(B) To require the Armed Forces to build capability of determining whether such methodologies should be included as requirement in applicable future military construction projects.

SEC. 1635. EVALUATION OF CYBER VULNERABILITIES OF F–35 AIRCRAFT AND SUPPORT SYSTEMS.

(a) IN GENERAL.—Subsection (a) of section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118) is amended—

(1) in paragraph (2), by striking ''The'' and inserting ''Other than a weapon system described in paragraph (3), the''; and

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

''(3) F–35 AIRCRAFT.—The Secretary shall ensure that a complete evaluation of the F–35 aircraft and its support systems, such as the Autonomic Logistics Information System, is completed under paragraph (1) before February 1, 2017.''.

(b) REPORT.—Such section is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

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

''(c) TOOLS AND SOLUTIONS.—The Secretary of Defense may—

''(1) develop tools that improve assessments of cyber vulnerabilities;

''(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

''(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

''(d) REPORT ON F–35 AIRCRAFT.—

''(1) IN GENERAL.—Not later than February 28, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the evaluation completed under subsection (a)(3).

''(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

''(A) The findings of the Secretary with respect to the evaluation completed under subsection (a)(3).

''(B) Identification of any major information assurance deficiencies relating to the F–35 aircraft or its support systems.

''(C) A cyber vulnerability mitigation strategy for such aircraft and systems.''.

SEC. 1636. REVIEW AND ASSESSMENT OF TECHNOLOGY STRATEGY AND DEVELOPMENT AT DEFENSE INFORMATION SYSTEMS AGENCY.

(a) STRATEGY REQUIRED.—The Director of the Defense Information Systems Agency shall develop a research and technology development strategy in support of Defense Information Systems Agency missions.

(b) STRATEGIC PLAN FOR DEFENSE INFORMATION SYSTEMS AGENCY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) IN GENERAL.—(A) Not less frequently than once every two fiscal years through fiscal year 2022, the Director, in coordination with the Under Secretary of Defense for Acquisition, Technology and Logistics and the Chief Information Officer of the Department of Defense, shall complete a strategic plan, in unclassified and classified formats as necessary, reflecting the needs of the Department of Defense with respect to research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency.

(B) Each such strategic plan required by subparagraph (A) shall cover the period of five fiscal years beginning with the fiscal year in which the plan is developed.

(C) The strategic plan shall be based on a comprehensive review of the research, development, test, and evaluation requirements and missions of the Agency and the adequacy of research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency to meet those requirements and missions.

(2) ELEMENTS.—Each strategic plan required by paragraph (1)(A) shall include the following:

(A) An assessment of the research, development, test, and evaluation requirements of the Department to be supported by the Agency for the period covered by the plan.

(B) An identification of performance measures associated with the successful achievement of objectives for the period covered by the plan.

(C) An assessment of the research and development programs and plans of the Agency.

(D) An assessment of the current state of the test and evaluation facilities and resources of the Agency.

(E) An assessment of plans and business case analyses supporting any significant modification of the facilities, workforce, and resources project, proposed, or recommended by the Director, including with respect to the expansion, divestment, consolidation, or curtailment of activities.

SEC. 1637. EVALUATION OF CYBER VULNERABILITIES OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall, in accordance with the plan under subsection (b), complete an evaluation of the cyber vulnerabilities of Department of Defense critical infrastructure by not later than December 31, 2020.

(b) PLAN FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan of the Secretary for the evaluation of Department of Defense critical infrastructure under subsection (a), including an identification of each of the facilities and locations to be evaluated and an estimate of the funding required to conduct the evaluation.

(2) PRIORITY IN EVALUATION.—The plan under paragraph (1) shall accord a priority among evaluations based on the criticality of supporting infrastructure, as determined by the Chairman of the Joint Chiefs of Staff based on an assessment of employment of forces and threats.

(3) INTEGRATION WITH OTHER EFFORTS.—The plan under paragraph (1) shall build upon existing efforts regarding the identification and mitigation of cyber vulnerabilities of major weapon systems and Department of Defense critical infrastructure, and shall not duplicate similar ongoing efforts.

(c) STATUS ON PROGRESS.—The Secretary shall inform the congressional defense committees of the activities undertaken in the evaluation of Department of Defense critical infrastructure under this section as part of the quarterly cyber operations briefings under section 484 of title 10, United States Code.

(d) RISK MITIGATION STRATEGIES.—As part of the evaluation of cyber vulnerabilities of Department of Defense critical infrastructure, the Secretary shall develop strategies for mitigating the risks of cyber vulnerabilities identified in the course of the evaluation.

(e) TOOLS AND SOLUTIONS.—The Secretary may—

(1) develop tools that improve assessments of cyber vulnerabilities of Department of Defense critical infrastructure;

(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

(f) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term ''Department of Defense critical infrastructure'' means any asset of the Department of Defense of such extraordinary importance to the functioning of the Department and the operation of the military that its incapacitation or destruction from a cyber attack would have a debilitating effect on the ability of the Department to fulfill its missions.

SEC. 1638. PLAN FOR INFORMATION SECURITY CONTINUOUS MONITORING CAPABILITY AND COMPLY-TO-CONNECT POLICY.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense and the Commander of the United States Cyber Command, in coordination with the Principal Cyber Adviser, shall jointly develop a plan for a modernized, enterprise-wide information security continuous monitoring (ISCM) capability and a comply-to-connect policy.

(2) ELEMENTS.—The plan required by paragraph (1) shall include an architecture, a concept of operations, component functionality, and interoperability requirements for the tools, sensors, systems, and processes that comprise the information security continuous monitoring capability operating under a comply-to-connect policy.

(b) IMPLEMENTATION OF PLAN.—The Chief Information Officer and the Commander

shall each issue such directives for Department of Defense components as they each consider appropriate to take actions to comply with the plan and policy developed under paragraph (1).

(c) TIMEFRAME.—The Chief Information Officer and the Commander shall ensure that the plan and policy required by subsection (a) is developed, and the directives required by subsection (b) are issued, before such time as is necessary for components of the Department of Defense to include necessary funding and program plans in program objective memoranda for the budget submitted by the President under section 1105(a) of title 31, United States Code, for fiscal year 2019.

(d) SOFTWARE LICENSE COMPLIANCE MATTERS.—The plan and policy required by subsection (a) shall enable compliance with the software license inventory requirements of the plan issued pursuant to section 937 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2223 note) and updated pursuant to section 935 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2223 note).

(e) LIMITATION ON FUTURE SOFTWARE LICENSING.—

(1) IN GENERAL.—The Secretary of Defense may not obligate or expend any funds for a software license for the Department of Defense for which the Department would spend in excess of $5,000,000 annually unless the Department is able, through automated means—

(A) to count the number of such licenses in use; and

(B) to determine the security status of each instance of use of the software licensed.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect—

(A) in the case of a contract for new software licensing, on January 1, 2018; and

(B) in the case of a contract relating to software licensing that was already in effect, on January 1, 2020.

(f) INTEGRATION WITH OTHER CAPABILITIES.—The Chief Information Officer and the Commander of United States Cyber Command shall ensure that information generated through automated- and automation assisted processes for continuous monitoring, asset management, and comply-to-connect policies and processes is accessible and usable in machine-readable form by cyber protection teams and computer network defense service providers.

SEC. 1639. REPORT ON AUTHORITY DELEGATED TO SECRETARY OF DEFENSE TO CONDUCT CYBER OPERATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report outlining in detail the authorities that have been delegated by the President to the Secretary for the conduct of cyber operations.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the standing authorities and limitations that authorize or limit the Secretary's response to—

(A) a malicious cyber activity carried out against the United States or a United States person by a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)); or

(B) malicious cyber activity against an entity of the Department of Defense.

(2) A detailed description of how the authorities described in subsection (a) compare to the authorities delegated to the Secretary regarding activities in non-cyber domains.

SEC. 1640. DETERRENCE OF ADVERSARIES IN CYBERSPACE.

(a) REPORT ON DETERRENCE OF ADVERSARIES IN CYBERSPACE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States to deter Russia, China, Iran, North Korea, and terrorist organizations in cyberspace.

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

(A) A description of the options described in paragraph (1).

(B) For each option described under subparagraph (A), an assessment of the effectiveness of the option.

(C) An integrated priorities list for cyber deterrence capabilities of the Department of Defense that identifies, at a minimum, high priority capability needs prioritized across armed force and functional lines, risk areas, and long-term strategic planning issues.

(b) REPORT ON ACTS OF WAR IN CYBERSPACE.—

(1) IN GENERAL.—Not later than 60 days after the date on which the Chairman submits the report required by subsection (a)(1), the President shall submit to the congressional defense committees a report on determining when an action carried out in cyberspace constitutes an act of war against the United States.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) Identification of what actions carried out in cyberspace constitute an act of war against the United States.

(B) Identification of how the law of war applies to cyber operations of the Department of Defense.

(C) Identification of the circumstances required for responding to a cyber attack against the United States.

(D) A declaratory policy on the use of cyber weapons by the United States.

(3) CONSIDERATIONS.—In preparing the report required by paragraph (1), the President shall consider the following:

(A) Whether a cyber attack must demonstrate a use of force to be considered an act of war.

(B) The ways in which the effects of a cyber attack may be equivalent to effects of an attack using conventional weapons, including with respect to physical destruction or casualties.

(C) Intangible effects of significant scope, intensity, or duration.

(D) How the law of neutrality applies, how the utilization or exploitation of communications infrastructure in neutral States applies, and what limitations, if any, apply in exercising the right of the United States to act in self-defense through a cyber-operation.

Subtitle D—Nuclear Forces

SEC. 1651. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, $17,095,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term ''covered parts'' means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1652. MODIFICATION OF REPORT ON ACTIVITIES OF THE COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Section 171a(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) An assessment of the readiness of the command, control, and communications system for the national leadership of the United States and of each layer of the system, as that layer relates to nuclear command, control, and communications.''.

SEC. 1653. REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES OF RECOMMENDATIONS RELATING TO NUCLEAR ENTERPRISE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—During each of fiscal years 2017 through 2021, the Comptroller General of the United States shall conduct a review of the following:

(1) The processes of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and other recommendations affecting the health of the nuclear enterprise of the Department of Defense identified or tracked by the Nuclear Deterrence Enterprise Review Group, including the process used by the Director of Cost Assessment and Program Evaluation to evaluate the implementation of such recommendations.

(2) The processes used to implement recommendations from other assessments of the nuclear enterprise of the Department of Defense, including the National Leadership Command Capability and Nuclear Command, Control, and Communications Enterprise Review.

(b) BRIEFING.—After conducting each review under subsection (a), the Comptroller General shall provide to the congressional defense committees a briefing on the review.

(c) CONFORMING REPEAL.—Section 1658 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1125) is repealed.

SEC. 1654. SENSE OF CONGRESS ON NUCLEAR DETERRENCE.

The following is the sense of Congress:

(1) The nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and its allies in an increasingly dangerous world in which foreign adversaries, including the Russian Federation, are making explicit nuclear threats against the United States and its allies. Strong United States nuclear forces assure United States allies that the extended deterrence guarantees of the United States are credible and that the resolve of the United States remains strong even in the face of nuclear provocations, including nuclear coercion and blackmail.

(2) The prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary. Possessing a range of capabilities and options to counter nuclear threats assures United States allies and enhances the credibility of United States nuclear deterrence by reinforcing the resolve of the United States in the minds of United States allies and potential adversaries.

(3) The declared policy of the United States with respect to the use of nuclear weapons must be coordinated and communicate clearly that the use of nuclear weapons against the United States or its vital interests would ultimately fail and subject the aggressor to incalculable consequences.

(4) In support of a strong and credible nuclear deterrent, the United States must—

(A) maintain a nuclear force with a diverse, flexible range of nuclear yield and delivery modes that are ready, capable, and credible;

(B) afford the highest priority to the modernization of the nuclear triad, dual-capable aircraft, and related command and control elements; and

(C) ensure the broadest participation of United States allies in nuclear defense planning, training, and exercises to demonstrate the commitment of the United States and its allies and their solidarity against nuclear threats and coercion.

(5) The North Atlantic Treaty Organization (NATO) must make it clear at the NATO summit in Warsaw, Poland, in July 2016 that NATO has taken steps to address the nuclear provocations of the Russian Federation, particularly including steps to counter any calculation by the Russian Federation that the use of nuclear weapons against NATO members could have other than incalculable consequences for the Russian Federation. Effective deterrence requires that NATO clearly communicate that reality to the leaders of the Russian Federation, conduct realistic nuclear planning and exercises, and modernize the full suite of dual-capable aircraft and associated command and control networks and facilities.

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.

Subtitle E—Missile Defense Programs

SEC. 1661. REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) TESTING REQUIRED.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system.

(b) REQUIREMENTS.—The Director shall ensure that each test carried out under subsection (a) provides, when possible, for one or more of the following:

(1) The validation of technical improvements made to increase system performance and reliability.

(2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.

(3) The use of threat-representative targets and critical engagement conditions.

(4) The evaluation of new configurations of interceptors before they are fielded.

(5) The satisfaction of the ''fly before buy'' acquisition approach for new interceptor components or software.

(6) The evaluation of the interoperability of the ground-based midcourse defense element with other elements of the ballistic missile defense systems.

(c) EXCEPTIONS.—The Director may forgo a test under subsection (a) in a fiscal year under one or more of the following conditions:

(1) It would jeopardize national security.

(2) Insufficient time considerations between post-test analysis and subsequent pre-test design.

(3) Insufficient funding.

(4) An interceptor is unavailable.

(5) A target is unavailable or is insufficiently representative of threats.

(6) The test range or necessary test assets are unavailable.

(7) Inclement weather.

(8) Any other condition the Director considers appropriate.

(d) CERTIFICATION.—Not later than 45 days after forgoing a test for a condition or conditions under subsection (c)(8), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a certification setting forth the condition or conditions that caused the test to be forgone under that subsection.

(e) REPORT.—Not later than 45 days after forgoing a test for any condition specified in subsection (c), the Director shall submit to the congressional defense committees a report setting forth the rationale for forgoing the test and a plan to restore an intercept flight test in the Integrated Master Test Plan of the Missile Defense Agency. In the case of a test forgone for a condition or conditions under subsection (c)(8), the report required by this subsection is in addition to the certification required by subsection (d).

SEC. 1662. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM CODEVELOPMENT AND COPRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated for Procurement, Defense-wide, and available for the Missile Defense Agency, not more than $42,000,000 may be provided to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such interceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended bilateral agreement for coproduction for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral agreement specified in subparagraph (A) is being implemented as provided in such bilateral agreement; and

(ii) an assessment detailing any risks relating to the implementation of such bilateral agreement.

(b) LIMITATION ON FUNDING FOR DAVID'S SLING WEAPON SYSTEM.—None of the amounts appropriated or otherwise made available pursuant to subsection (a)(1) of section 1679 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1135) that remain available and are unobligated on the date of the enactment of this Act may be expended or obligated until the appropriate congressional committees receive the plan required by subsection (d) of such section (Public Law 114–92; 129 Stat. 1136).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1663. NON-TERRESTRIAL MISSILE DEFENSE INTERCEPT AND DEFEAT CAPABILITY FOR THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 1685 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1142) is amended—

(1) in subsection (c)(2), by inserting before the semicolon at the end the following: ''for each fiscal year over the five fiscal-year period beginning with the fiscal year following the fiscal year in which the report is submitted, assuming such potential program of record is technically feasible and could be deployed by December 31, 2027''; and

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

''(d) COMMENCEMENT OF RDT&E.—Not later than 60 days after the submittal of the report required by subsection (c), the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described in subsection (c)(2).''.

SEC. 1664. REVIEW OF PRE-LAUNCH MISSILE DEFENSE STRATEGY.

(a) REVIEW.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a review of the strategy, programs, and capabilities to counter cruise and ballistic missiles prior to launch in support of regional and homeland missile defense, using the full range of active, passive, kinetic, and nonkinetic defense measures.

(b) ELEMENTS.—The review under subsection (a) shall address the following:

(1) The pre-launch missile defense policy, strategy, and objectives of the United States.

(2) The existing and planned programs across the services and the Department to develop pre-launch missile defense capabilities.

(3) The roles and responsibilities of the Office of the Secretary of Defense, Defense Agencies, combatant commands, the Joint Chiefs of Staff, the military departments, and the intelligence community in such programs.

(4) The process for determining requirements for pre-launch missile defense capabilities under such programs, including input from the joint military requirements process.

(5) The plans to include such programs into the Department's Integrated Air and Missile Defense architecture.

(6) The budget profile for such programs across the Future Years Defense Program.

(7) The role of international cooperation on pre-launch missile defense capabilities and the plans, policies, and requirements for integration and interoperability of such capabilities with allies.

(8) Any other matters the Secretary determines relevant.

(c) REPORT.—

(1) RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) THREAT REPORT.—In conjunction with the report submitted under paragraph (1), the Secretary, in coordination with the Director of National Intelligence, shall submit to the congressional defense committees a classified report with an assessment of the tactical ballistic and cruise missile threat to the United States, deployed forces of the United States, and allies of the United States.

(d) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' means—

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

(B) the Committee on Armed Services of the House of Representatives;

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

(D) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) PRE-LAUNCH MISSILE DEFENSE PROGRAMS.—The term ''pre-launch missile defense programs'' means programs that would lead to improving the capabilities of the United States to counter cruise and ballistic missiles before they are launched against the United States homeland, United States deployed forces, or allies of the United States.

SEC. 1665. MODIFICATION OF NATIONAL MISSILE DEFENSE POLICY.

Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) is amended by striking ''limited''.

SEC. 1666. EXTENSION OF PROHIBITIONS ON PROVIDING CERTAIN MISSILE DEFENSE INFORMATION TO THE RUSSIAN FEDERATION.

Section 130h(d) of title 10, United States Code, is amended by striking ''2017'' and inserting ''2018''.

Subtitle F—Other Matters

SEC. 1671. SURVEY AND REVIEW OF DEFENSE INTELLIGENCE ENTERPRISE.

(a) SURVEY AND REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall—

(A) review the organization, resources, and processes of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise, along with the intelligence community, to meet present and future defense intelligence requirements; and

(B) conduct a survey of each geographic combatant command to assess—

(i) the current state of intelligence support to military operations;

(ii) the prioritization and allocation of intelligence resources within each combatant command; and

(iii) whether intelligence resources are balanced between support to theater commanders and support to operational commanders.

(2) ELEMENTS.—The review and survey required by paragraph (1) shall include the following:

(A) A comprehensive assessment of the Defense Intelligence Enterprise and whether such Enterprise—

(i) is organized and has resources to meet current and future defense intelligence requirements;

(ii) is balancing resources appropriately between operational and strategic defense intelligence requirements;

(iii) is responding with sufficient agility to emerging or unexpected requirements; and

(iv) is sufficiently integrated with combatant commands, subordinate commands, and joint task forces.

(B) With respect to each geographic combatant command surveyed—

(i) information on the total intelligence workforce assigned to the combatant command, including civilians, military, and contract personnel;

(ii) detailed information on the allocation of intelligence resources to meet combatant commander priorities;

(iii) detailed information on the intelligence priorities of the commander of the combatant command and intelligence resources allocated to each priority; and

(iv) detailed information on the intelligence resources, including personnel and assets, dedicated to each of the following:

(I) Direct support to the combatant commander.

(II) Contingency planning.

(III) Ongoing operations.

(IV) Crisis response.

(b) REPORT.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees and the Under Secretary of Defense for Intelligence a report on the findings of the Chairman with respect to the review and survey required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a detailed analysis of how each combatant command uses the intelligence resources available to such command; and

(B) the recommendations of the Chairman, if any, to improve the Defense Intelligence Enterprise to fulfill operational military requirements.

(c) DEFENSE INTELLIGENCE ENTERPRISE DEFINED.—In this section, the term ''Defense Intelligence Enterprise'' means the organizations, infrastructure, and measures, including policies, processes, procedures, and products, of the intelligence, counterintelligence, and security components of each of the following:

(1) The Department of Defense.

(2) The Joint Staff.

(3) The combatant commands.

(4) The military departments.

(5) Other elements of the Department of Defense that perform national intelligence, defense intelligence, intelligence-related, counterintelligence, or security functions.

SEC. 1672. MILESTONE A DECISION FOR THE CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.

The Secretary of Defense shall make a Milestone A decision for the Conventional Prompt Global Strike Weapons System not later than the earlier of—

(1) September 30, 2020; or

(2) the date that is 8 months after the successful completion of Intermediate Range Flight 2 of that System.

SEC. 1673. CYBER CENTER FOR EDUCATION AND INNOVATION AND NATIONAL CRYPTOLOGIC MUSEUM.

(a) IN GENERAL.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4781. Cyber Center for Education and Innovation and National Cryptologic Museum

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish at Fort George G. Meade, Maryland, a center to be known as the 'Cyber Center for Education and Innovation and the National Cryptologic Museum' (in this section referred to as the 'Center'). The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency and the Central Security Service, any predecessor or successor organizations, and the history of cryptology. The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

''(b) DESIGN, CONSTRUCTION, AND OPERATION.—The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the 'Foundation'), a non-profit organization, for the design, construction, and operation of the Center.

''(c) ACCEPTANCE AUTHORITY.—

''(1) ACCEPTANCE OF FACILITY.—If the Foundation constructs the Center pursuant to an agreement under subsection (b), upon satisfactory completion of the Center's construction or any phase thereof, as determined by the Secretary, and upon full satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center or such phase from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

''(2) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation. For purposes of this section and any other provision of law, employees or personnel of the Foundation may not be considered to be employees of the United States.

''(d) USE OF CERTAIN GIFTS.—

''(1) MANAGEMENT OF SMALLER GIFTS.—Under regulations prescribed by the Secretary, the Director of the National Security Agency may, without regard to section 2601 of this title, accept, hold, administer, invest, and spend for the benefit of the Center any gift, devise, or bequest of personal property, or of money of a value of $500,000 or less, made for the benefit of the Center.

''(2) PAYMENT OF EXPENSES.—The Director may pay or authorize the payment of any reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

''(e) AUTHORITY TO ASSESS FEES AND USE OF FUNDS.—

''(1) FEES AND USER CHARGES.—Under regulations prescribed by the Secretary, the Director may assess fees and user charges for the use of Center facilities and property, including rental, user, conference, and concession fees.

''(2) USE OF FUNDS.—Amounts received by the Secretary under paragraph (1) shall be used for the benefit of the Center.

''(f) FUND.—If the Center is established pursuant to subsection (a), there shall be established on the books of the Treasury a fund to be known as the 'Cyber Center for Education and Innovation and National Cryptologic Museum Fund'. Gifts of money under subsection (d), and fees and user charges received under subsection (e), shall be deposited in the fund and be available

until expended for the benefit of the Center, including costs of operation and of the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 is amended by adding at the end the following new item:

''4781. Cyber Center for Education and Innovation and National Cryptologic Museum.''.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2017''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2020 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2016; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$47,000,000
California	Concord	$12,600,000
Colorado	Fort Carson	$13,100,000
Georgia	Fort Gordon	$100,600,000
	Fort Stewart	$14,800,000
Texas	Fort Hood	$7,600,000
Utah	Camp Williams	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	East Camp Grafenwoehr	$22,000,000
	Garmisch	$9,600,000
	Wiesbaden Army Airfield	$19,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation or Location	Units	Amount
Korea	Camp Humphreys	Family Housing New Construction	$143,563,000
	Camp Walker	Family Housing New Construction	$54,554,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,618,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an aircraft maintenance hangar at the installation, the Secretary of the Army may construct an aircraft washing apron.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126 Stat. 2119) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1148), shall remain in effect until October 1, 2017, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2013 Project Authorizations

State	Installation or Location	Project	Amount
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex	$12,200,000
Japan	Sagami	Vehicle Maintenance Shop	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986) shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Maryland	Fort Detrick	Entry Control Point	$2,500,000
Marshall Islands	Kwajalein Atoll	Pier	$63,000,000
Japan	Kyotango City	Company Operations Complex	$33,000,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$48,355,000
California	Coronado	$104,501,000
	Lemoore	$26,723,000
	Miramar	$74,700,000
	Seal Beach	$21,007,000
Florida	Eglin Air Force Base	$20,489,000
Hawaii	Barking Sands	$43,384,000
	Kaneohe Bay	$72,565,000
Maine	Kittery	$47,892,000
Maryland	Patuxent River	$40,576,000
Nevada	Fallon	$13,523,000
North Carolina	Camp Lejeune	$18,482,000
	Cherry Point Marine Corps Air Station	$12,515,000
South Carolina	Beaufort	$83,490,000
	Parris Island	$29,882,000
Virginia	Norfolk Naval Station	$27,000,000
Washington	Bangor	$40,415,000
	Bremerton	$6,704,000
	Whidbey Island	$75,976,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Joint Region Marianas	$89,185,000
Japan	Kadena Air Base	$26,489,000
	Sasebo	$16,420,000
Spain	Rota	$23,607,000
Worldwide Unspecified	Unspecified Worldwide Locations	$41,380,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Mariana Islands	Guam	Replace Andersen Housing PH 1	$78,815,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,149,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $11,047,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1151), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2013 Project Authorizations

State	Installation or Location	Project	Amount
Greece	Souda Bay	Intermodal Access Road	$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility	$3,743,000
Worldwide Unspecified	Various Worldwide	BAMS Operation Facilities	$34,048,000

SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Kaneohe	Aircraft Maintenance Hangar Upgrades	$31,820,000
	Pearl City	Water Transmission Line	$30,100,000
Illinois	Great Lakes	Unaccompanied Housing	$35,851,000
Maine	Bangor	NCTAMS VLF Commercial Power Connection	$13,800,000
Nevada	Fallon	Wastewater Treatment Plant	$11,334,000
Virginia	Quantico	Academic Instruction Facility TECOM Schools	$25,731,000
	Quantico	Fuller Road Improvements	$9,013,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$20,000,000
	Eielson Air Force Base	$295,600,000
	Joint Base Elmendorf-Richardson	$29,000,000
Arizona	Luke Air Force Base	$20,000,000
California	Edwards Air Force Base	$24,000,000
Colorado	Buckley Air Force Base	$13,500,000
Delaware	Dover Air Force Base	$39,000,000
Florida	Eglin Air Force Base	$88,600,000
	Patrick Air Force Base	$13,500,000
Georgia	Moody Air Force Base	$30,900,000
Kansas	McConnell Air Force Base	$19,800,000
Louisiana	Barksdale Air Force Base	$21,000,000
Maryland	Joint Base Andrews	$66,500,000
Massachusetts	Hanscom Air Force Base	$20,000,000
Montana	Malmstrom Air Force Base	$14,600,000
Nevada	Nellis Air Force Base	$10,600,000
New Mexico	Cannon Air Force Base	$21,000,000
	Holloman Air Force Base	$10,600,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	Kirtland Air Force Base	$7,300,000
Ohio	Wright-Patterson Air Force Base	$12,600,000
Oklahoma	Altus Air Force Base	$11,600,000
	Tinker Air Force Base	$43,000,000
Texas	Joint Base San Antonio	$67,300,000
Utah	Hill Air Force Base	$44,500,000
Virginia	Joint Base Langley-Eustis	$59,200,000
Washington	Fairchild Air Force Base	$27,000,000
Wyoming	F. E. Warren Air Force Base	$5,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	$30,400,000
Germany	Ramstein Air Base	$43,465,000
	Spangdahlem Air Base	$13,437,000
Guam	Joint Region Marianas	$80,658,000
Japan	Kadena Air Base	$19,815,000
	Yokota Air Base	$32,020,000
Mariana Islands	Unspecified Location	$9,000,000
Turkey	Incirlik Air Base	$13,449,000
United Arab Emirates	Al Dhafra	$35,400,000
United Kingdom	Royal Air Force Croughton	$69,582,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,368,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $56,984,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1153) for Malmstrom Air Force Base, Montana, for construction of a Tactical Response Force Alert Facility at the installation, the Secretary of the Air Force may construct an emergency power generator system consistent with the Air Force's construction guidelines.

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (127 Stat. 992), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Mariana Islands	Saipan	PAR—Airport Pol/Bulk Storage AST	$18,500,000
	Saipan	PAR—Hazardous Cargo Pad	$8,000,000
	Saipan	PAR—Maintenance Facility	$2,800,000
Worldwide Unspecified (Italy)	Aviano Air Base	Guardian Angel Operations Facility	$22,047,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$155,000,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Fort Greely	$9,560,000
	Joint Base Elmendorf-Richardson	$4,900,000
Arizona	Fort Huachuca	$4,493,000
California	Coronado	$175,412,000
	Travis Air Force Base	$26,500,000
Delaware	Dover Air Force Base	$44,115,000
Florida	Patrick Air Force Base	$10,100,000
Georgia	Fort Benning	$4,820,000
	Fort Gordon	$25,000,000
Maine	Portsmouth	$27,100,000
Maryland	Bethesda Naval Hospital	$510,000,000
	Fort Meade	$38,000,000
Missouri	St. Louis	$801,000
North Carolina	Camp Lejeune	$31,000,000
	Fort Bragg	$86,593,000
South Carolina	Joint Base Charleston	$17,000,000
Texas	Red River Army Depot	$44,700,000
	Sheppard Air Force Base	$91,910,000
Virginia	Pentagon	$8,105,000
CONUS Classified	Battalion Complex	$179,924,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$30,000,000
Germany	Kaiserslautern	$45,221,000
Japan	Iwakuni	$6,664,000
	Kadena Air Base	$161,224,000
	Yokata Air Base	$113,731,000
Marshall Islands	Kwajalein Atoll	$85,500,000
United Kingdom	Royal Air Force Croughton	$71,424,000
	Royal Air Force Lakenheath	$13,500,000
Wake Island	Wake Island	$11,670,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
American Samoa	American Samoa	$2,100,000
Alaska	Joint Base Elmendorf Richardson	$1,107,000
California	Edwards Air Force Base	$8,400,000
	Fort Hunter Liggett	$5,400,000
	Naval Base San Diego	$4,230,000
Colorado	Fort Carson	$5,000,000
	Schriever Air Force Base	$3,295,000
Georgia	Fort Benning	$2,200,000
	Naval Submarine Base Kings Bay	$3,230,000
Guam	Naval Base Guam	$9,780,000
Louisiana	Fort Polk	$1,900,000
Maryland	Naval Support Activity South Potomac	$1,410,000
Michigan	Detroit Arsenal	$2,050,000
New Mexico	Kirtland Air Force Base	$1,350,000
New York	Fort Drum	$4,500,000
Ohio	Wright Patterson Air Force Base	$14,400,000
Pennsylvania	Tobyhanna Army Dept	$850,000
South Carolina	Marine Corps Air Station Beaufort	$1,395,000
Tennessee	Arnold Air Force Base	$1,215,000
Texas	Fort Hood	$1,300,000
Utah	Dugway Proving Ground	$7,500,000
	Hill Air Force Base	$1,638,000
	Tooele Army Depot	$8,200,000
Virginia	Fort Lee	$1,250,000
Various Locations	Various Locations	$17,473,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the

United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Bahamas	Andros Island Naval Air Station Key West	$980,000
Diego Garcia	Naval Support Facility Diego Garcia	$17,010,000
Guantanamo Bay	Naval Station Guantanamo Bay	$6,080,000
Japan	Kadena Air Base	$4,007,000
	Misawa Air Base	$5,315,000
	Yokota Air Base	$1,725,000
Various Locations	Various Locations	$3,710,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 996), for Royal Air Force Lakenheath, United Kingdom, for construction of a high school, the Secretary of Defense may construct a combined middle/high school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127) and amended by section 2406(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1160), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Camp Zama	Renovate Zama High School	$13,273,000
Pennsylvania	New Cumberland	Replace reservoir	$4,300,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Brawley	SOF Desert Warfare Training Center	$23,095,000
Germany	Kaiserslautern	Replace Kaiserslautern Elementary School	$49,907,000
	Ramstein Air Base	Replace Ramstein High School	$98,762,000
Hawaii	Joint Base Pearl Harbor-Hickam	DISA Pacific Facility Upgrade	$2,615,000
Massachusetts	Hanscom Air Force Base	Replace Hanscom Primary School	$36,213,000
United Kingdom	RAF Lakenheath	Replace Lakenheath High School	$69,638,000
Virginia	Marine Corps Base Quantico	Replace Quantico Middle/High School	$40,586,000
	Pentagon	PFPA Support Operations Center	$14,800,000
	Pentagon	Raven Rock Administrative Facility Upgrade	$32,000,000
	Pentagon	Boundary Channel Access Control Point	$6,700,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	CP Tango	Repair Collective Protection System (CPS)	$11,600,000
	Army	Camp Humphreys	Duplex Company Operations, Zoeckler Station	$10,200,00
	Army	Camp Humphreys	Doppler Very High Frequency Omnidirectional Radio Range (VOR) Infrastructure	$4,100,000
	Army	Camp Humphreys	Vehicle Maintenance Facility & Company Ops Complex (3rd CAB)	$49,500,000
	Army	Camp Humphreys	8th Army Correctional Facility	$14,600,000
	Navy	Chinhae	Upgrade Electrical System, Pier 11	$4,600,000
	Navy	Chinhae	Indoor Training Pool	$2,800,000
	Navy	Camp Mujuk	Marine Air Ground Task Force Operations Center	$68,000,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #2	$14,100,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #3	$14,100,000
	Air Force	Kunsan Air Base	3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6	$132,500,000
	Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	$13,000,000
	Air Force	Osan Air Base	Construct Korea Air Operations Center	$160,000,000
	Air Force	Osan Air Base	Air Freight Terminal Facility	$40,000,000
	Air Force	Osan Air Base	Construct F-16 Quick Turn Pad	$7,500,000
	Defense-Wide	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse	$74,600,000
	Defense-Wide	USAG Humphreys	Elementary School	$42,000,000
	Defense-Wide	Icheon Special Warfare Command	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks	$9,900,000
	Defense-Wide	K–16 Air Base	Special Operations Forces (SOF) Operations Facility, B-606	$11,000,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Hawaii	Hilo	$31,000,000
Colorado	Fort Carson	$16,500,000
Iowa	Davenport	$23,000,000
Kansas	Fort Leavenworth	$29,000,000
New Hampshire	Hooksett	$11,000,000
	Rochester	$8,900,000
Oklahoma	Ardmore	$22,000,000
Pennsylvania	York	$9,300,000
Rhode Island	East Greenwich	$20,000,000
Utah	Camp Williams	$37,000,000
Wyoming	Laramie	$21,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
Arizona	Phoenix	$30,000,000
California	Camp Parks	$19,000,000
	Fort Hunter Liggett	$21,500,000
Virginia	Dublin	$6,000,000
Wisconsin	Fort McCoy	$6,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	$11,207,000
New York	Brooklyn	$1,964,000
	Syracuse	$13,229,000
Texas	Galveston	$8,414,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Connecticut	Bradley International Airport	$6,300,000
Florida	Jacksonville International Airport	$9,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$11,000,000
Iowa	Sioux Gateway Airport	$12,600,000
Minnesota	Duluth International Airport	$7,600,000
New Hampshire	Pease International Trade Port	$1,500,000
North Carolina	Charlotte/Douglas International Airport	$50,600,000
South Carolina	McEntire Air National Guard Station	$8,400,000
Texas	Ellington Field	$4,500,000
Vermont	Burlington International Airport	$4,500,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
North Carolina	Seymour Johnson Air Force Base	$97,950,000
Pennsylvania	Pittsburgh International Airport	$85,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1001) for Bullville, New York, for construction of a new Army Reserve Center at that location, the Secretary of the Army may add to or alter the existing Army Reserve Center at Bullville, New York.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for construction of a Reserve Training Center at that location, the Secretary of the Navy may acquire approximately 8.5 acres (370,260 square feet) of adjacent land, obtain necessary interest in land, and construct road improvements and associated supporting facilities to provide required access to the Reserve Training Center.

SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2603 of that Act (126 Stat. 2135) and extended by section 2614 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1166), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2013 Project Authorization

State	Installation or Location	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	$19,162,000

SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Location	Project	Amount
California	Camp Parks	Army Reserve Center	$17,500,000

National Guard and Reserve: Extension of 2014 Project Authorizations—Continued

State	Location	Project	Amount
	March Air Force Base	NOSC Moreno Valley Reserve Training Center	$11,086,000
Florida	Homestead Air Reserve Base	Entry Control Complex	$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility	$4,000,000
	Martin State Airport	Cyber/ISR Facility	$8,000,000
New York	Bullville	Army Reserve Center	$14,500,000

SEC. 2615. REPORT ON REPLACEMENT OF SECURITY FORCES AND COMMUNICATIONS TRAINING FACILITY AT FRANCES S. GABRESKI AIR NATIONAL GUARD BASE, NEW YORK.

(a) FINDINGS.—Congress makes the following findings:

(1) The 106th Rescue Wing at Francis S. Gabreski Air National Guard Base, New York, provides combat search and rescue coverage for United States and allied forces.

(2) The mission of 106th Rescue Wing is to provide worldwide Personnel Recovery, Combat Search and Rescue Capability, Expeditionary Combat Support, and Civil Search and Rescue Support to Federal and State entities.

(3) The current security forces and communications facility at Frances S. Gabreski Air National Guard Base, specifically building 250, has fire safety deficiencies and does not comply with anti-terrorism/force protection standards, creating hazardous conditions for members of the Armed Forces and requiring expeditious abatement.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth an assessment of the need to replace the security forces and communications training facility at Frances S. Gabreski Air National Guard Base.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

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

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

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

Section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2802 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169), is further amended—

(1) in subsection (c)(1)—

(A) by striking ''October 1, 2015'' and inserting ''October 1, 2016'';

(B) by striking ''December 31, 2016'' and inserting ''December 31, 2017''; and

(C) by striking ''fiscal year 2017'' and inserting ''fiscal year 2018''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''December 31, 2016'' and inserting ''December 31, 2017''; and

(B) in paragraph (2), by striking ''fiscal year 2017'' and inserting ''fiscal year 2018''.

SEC. 2802. LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.

(a) IN GENERAL.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking ''The scope of work'' and inserting ''Except as provided in subsection (d), the scope of work'';

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

(3) by inserting after subsection (c) the following new subsection (d):

''(d) The limitation in subsection (b)(2) on an increase in the scope of work does not apply if—

''(1) the increase in the scope of work is not more than 10 percent of the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition;

''(2) the increase is approved by the Secretary concerned;

''(3) the Secretary concerned notifies the congressional defense committees in writing of the increase in scope and the reasons therefor; and

''(4) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.''.

(b) CROSS-REFERENCE AMENDMENTS.—(1) Subsection (a) of such section is amended by striking ''subsection (c) or (d)'' and inserting ''subsection (c), (d), or (e)''.

(2) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking ''through (d)'' and inserting ''through (e)''.

(c) ADDITIONAL TECHNICAL AMENDMENT.—Subsection (a) of such section is further amended by inserting ''of this title'' after ''section 2805(a)''.

SEC. 2803. PERMANENT AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) PERMANENT AUTHORITY.—Section 2804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2350j note) is amended by striking subsection (f).

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**TEMPORARY**''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCY AND SECURITY PROJECTS NOT PREVIOUSLY AUTHORIZED.

(a) IN GENERAL.—Section 2914 of title 10, United States Code, is amended—

(1) in the section heading, by inserting ''**RESILIENCY AND**'' before ''**CONSERVATION CONSTRUCTION PROJECTS**''; and

(2) in subsection (a), by striking ''military construction project for energy conservation'' and inserting ''military construction project for energy resiliency and security, in addition to energy conservation''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2914 and inserting the following new item:

''2914. Energy resiliency and conservation construction projects.''.

SEC. 2812. AUTHORITY OF THE SECRETARY CONCERNED TO ACCEPT LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUSTRIAL PLANTS OR FACILITIES.

Section 2535 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (b) the following new subsection:

''(c) ACCEPTANCE OF LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUSTRIAL PLANTS.—(1) A lease of a Government-owned/contractor-operated industrial plant or facility may permit the lessee, with the approval of the Secretary concerned, to alter, expand, or otherwise improve the plant or facility as necessary for the development or production of military weapons systems, munitions, components, or supplies. Such lease may provide, notwithstanding section 2802 of this title, that such alteration, expansion or other improvement shall, upon completion, become the property of the Government, regardless of whether such alteration, expansion, or other improvement constitutes all or part of the consideration for the lease pursuant to section 2667(b)(5) of this title or represents a reimbursable cost allocable to any contract, cooperative agreement, grant, or other instrument with respect to activity undertaken at such industrial plant or facility.

''(2) When a decision is made to approve a project to which paragraph (1) applies costing more than the threshold specified under section 2805(c) of this title, the Secretary concerned shall notify the congressional defense committees in writing of that decision, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.''.

SEC. 2813. TREATMENT OF INSURED DEPOSITORY INSTITUTIONS OPERATING ON LAND LEASED FROM MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l) TREATMENT OF INSURED DEPOSITORY INSTITUTIONS.—All Federal or State chartered insured depository institutions operating on a military installation may be treated equally with respect to the financial terms of leases, services, and utilities.''.

Subtitle C—Land Conveyances

SEC. 2821. LAND ACQUISITIONS, ARLINGTON COUNTY, VIRGINIA.

(a) ACQUISITION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Army may acquire by purchase, exchange, donation or by other means, including condemnation, which the Secretary determines is sufficient for the expansion of Arlington National Cemetery for purposes of ensuring maximization of interment sites and compatible use of adjacent properties, including any appropriate cemetery or memorial parking, all right, title and interest in and to land—

(A) from Arlington County (in this section referred to as the ''County''), one or more parcels of real property in the area known as the Southgate Road right-of-way, Columbia Pike right-of-way, and South Joyce Street right-of-way located in Arlington County, Virginia; and

(B) from the Commonwealth– of Virginia (in this section referred to as the ''Commonwealth''), one or more parcels of property in the area known as the Columbia Pike right-of-way, including the Virginia Transportation Maintenance Yard, and the Washington Boulevard-Columbia Pike interchange.

(2) SELECTION OF PROPERTY FOR ACQUISITION.—The Memorandum of Understanding between the Department of the Army and Arlington County signed in January 2013 shall be used as a guide in determining the properties to be acquired under this section to expand Arlington National Cemetery to the maximum extent practicable. After consultation with the Commonwealth and the County, the Secretary shall determine the exact parcels to be acquired, and such determination shall be final. In selecting the properties to be acquired under paragraph (1), the Secretary shall seek—

(A) to remove existing barriers to the expansion of Arlington National Cemetery north of Columbia Pike through a realignment of Southgate Road to the western boundary of the former Navy Annex site; and

(B) to support the realignment and straightening of Columbia Pike and redesign of the Washington Boulevard-Columbia Pike interchange.

(3) CONSIDERATION.—The Secretary is authorized to expend amounts up to fair market value consideration for the interests in land acquired under this subsection.

(b) EXCHANGE AUTHORIZED.—

(1) In carrying out the acquisition authorized in subsection (a), in lieu of the consideration authorized under subsection (a)(3), the Secretary may convey through land exchange—

(A) to the County, all right, title, and interest of the United States in and to one or more parcels of real property, together with any improvements thereon, located south of current Columbia Pike and west of South Joyce Street in Arlington County, Virginia;

(B) to the Commonwealth, all right, title, and interest of the United States in and to one or more parcels of property east of Joyce Street in Arlington County, Virginia, necessary for the realignment of Columbia Pike and the Washington Boulevard-Columbia Pike interchange, as well as for future improvements to Interstate 395 ramps; and

(C) to either the County or the Commonwealth, other real property under control of the Secretary determined by the Secretary to be excess to the needs of the Army.

(2) EXCHANGE VALUE.—

(A) MINIMUM VALUE.—The Secretary shall obtain no less than fair market value consideration for any property conveyed under this subsection.

(B) CASH EQUALIZATION.—Where the value of property to be exchanged is greater than the value of property to be acquired by the Secretary, the Secretary may accept cash equalization payments.

(C) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance under subparagraph (B) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection or, in the case of conveyance of excess property located on a military installation closed under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), shall be deposited in the special account established under section 2906 of such Act.

(c) APPRAISALS.—The value of property to be acquired or conveyed under this section shall be determined by appraisals acceptable to the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be acquired or conveyed under this section shall be determined by surveys satisfactory to the Secretary, in consultation with the Commonwealth and the County where practicable.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with transactions authorized under this section as is considered appropriate to protect the interests of the United States.

(f) REPEAL OF AUTHORITY.—Section 2841 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3712) is repealed.

SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the former Campion Air Force Station, Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes. The conveyance under this subsection is subject to valid existing rights.

(b) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) consists of up to approximately 1,300 acres of the remaining land withdrawn under Public Land Order No. 843 of June 24, 1952, and Public Land Order No. 1405 of April 4, 1957, for use by the Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are undergoing environmental remediation by the Secretary of the Air Force as of the date of such conveyance.

(c) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) CONVEYANCE AGREEMENT.—The conveyance of land under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Town to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary of the Air Force and by the Secretary of the Interior, or to reimburse the appropriate Secretary for such costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary of the Air Force or by the Secretary of the Interior to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the appropriate Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the appropriate Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Interior, shall finalize a map and the legal description of the real property to be conveyed under subsection (a). The Secretary of the Air Force may correct any minor errors in the map or the legal description. The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(g) SUPERSEDENCE OF PUBLIC LAND ORDERS.—Public Land Order Nos. 843 and 1405 are hereby superseded, but only insofar as the orders affect the lands conveyed to the Town under subsection (a).

SEC. 2823. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE AURORAL RESEARCH PROGRAM FACILITY AND ADJACENT PROPERTY, GAKONA, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) CONVEYANCE TO UNIVERSITY OF ALASKA.—The Secretary of the Air Force may convey to the University of Alaska (in this section referred to as the ''University'') all right, title, and interest of the United States

in and to a parcel of real property, including improvements thereon, consisting of approximately 1,158 acres near the Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989, contain a High Frequency Active Auroral Research Program facility, and comprise a portion of the property more particularly described in subsection (b), for the purpose of permitting the University to use the conveyed property for public purposes.

(2) CONVEYANCE TO ALASKA NATIVE CORPORATION.—The Secretary of the Air Force may convey to Ahtna, Incorporated, (in this section referred to as ''Ahtna''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4,259 acres near Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989 and comprise the portion of the property more particularly described in subsection (b) that does not contain the High Frequency Active Auroral Research Program facility. The property to be conveyed under this paragraph does not include any of the property authorized for conveyance to the University under paragraph (1).

(b) PROPERTY DESCRIBED.—Subject to the property exclusions specified in subsection (c), the real property authorized for conveyance under subsection (a) consists of portions of sections within township 7 north, range 1 east; township 7 north, range 2 east; township 8 north, range 1 east; and township 8 north, range 2 east; Copper River Meridian, Chitina Recording District, Third Judicial District, State of Alaska, as follows:

(1) Township 7 north, range 1 east:

(A) Section 1.

(B) E½, S½NW¼, SW¼ of section 2.

(C) S½SE¼, NE¼SE¼ of section 3.

(D) E½ of section 10.

(E) Sections 11 and 12.

(F) That portion of N½, N½S½ of section 13, excluding all lands lying southerly and easterly of the Glenn Highway right-of-way.

(G) N½, N½S½ of section 14.

(H) NE¼, NE¼SE¼ of section 15.

(2) Township 7 north, range 2 east:

(A) W½ of section 6.

(B) NW¼ of section 7, and the portion of N½SW¼ and NW¼SE¼ of such section lying northerly of the Glenn Highway right-of-way.

(3) Township 8 north, range 1 east:

(A) SE¼SE¼ of section 35.

(B) E½, SW¼, SE¼NW¼ of section 36.

(4) Township 8 north, range 2 east:

(A) W½ of section 31.

(c) EXCLUSION OF CERTAIN PROPERTY.—The real property authorized for conveyance under subsection (a) may not include the following:

(1) Public easements reserved pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)), as described in the Warranty Deed from Ahtna, Incorporated, to the United States, dated March 1, 1990, recorded in Book 31, pages 665 through 668 in the Chitina Recording District, Third Judicial District, Alaska.

(2) Easement for an existing trail as described in the such Warranty Deed from Ahtna, Incorporated, to the United States.

(3) The subsurface estate.

(d) CONSIDERATION.—

(1) CONVEYANCE TO UNIVERSITY.—As consideration for the conveyance of property under subsection (a)(1), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary of the Air Force, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) CONVEYANCE TO AHTNA.—As consideration for the conveyance of property under subsection (a)(2), Ahtna shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, a land exchange under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq), or a combination thereof.

(3) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the Secretary as consideration for a conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a)(1) is not being used by the University in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the recipient of real property under this section to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance of that property, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under this section shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(g) CONVEYANCE AGREEMENT.—The conveyance of property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force and the recipient of the property, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO THE PENTAGON RESERVATION.

(a) INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION AUTHORITIES.—

(1) DEFINITION OF PENTAGON RESERVATION.—Paragraph (1) of subsection (f) of section 2674 of title 10, United States Code, is amended to read as follows:

''(1) The term 'Pentagon Reservation' means the Pentagon, the Mark Center Campus, and the Raven Rock Mountain Complex.''.

(2) OTHER DEFINITIONS.—Such subsection is further amended by adding at the end the following new paragraphs:

''(3) The term 'Pentagon' means that area of land (consisting of approximately 227 acres) and improvements thereon, including parking areas, located in Arlington County, Virginia, containing the Pentagon Office Building and its supporting facilities.

''(4) The term 'Mark Center Campus' means that area of land (consisting of approximately 16 acres) and improvements thereon, including parking areas, located in Alexandria, Virginia, and known on the day before the date of the enactment of this paragraph as the Fort Belvoir Mark Center Campus.

''(5) The term 'Raven Rock Mountain Complex' means that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.''.

(3) CONFORMING AMENDMENT RELATING TO LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1) of such section is amended by inserting ''for the Pentagon Reservation and'' after ''law enforcement and security functions''.

(4) CONFORMING AMENDMENT RELATING TO DEFINITIONS.—Subsection (g) of such section is repealed.

(b) UPDATE TO REFERENCE TO SECRETARY OF DEFENSE AUTHORITY.—Subsection (a) of such section is amended—

(1) by striking ''Jurisdiction'' and inserting ''The Secretary of Defense has jurisdiction''; and

(2) by striking ''is transferred to the Secretary of Defense''.

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Such subsection is further amended—

(1) by striking ''(1)'' after ''(a)''; and

(2) by striking paragraphs (2) and (3).

(d) SUBSECTION CAPTIONS.—Such section is further amended—

(1) in subsection (a), as amended by subsection (c) of this section, by inserting ''PENTAGON RESERVATION.—'' after ''(a)'';

(2) in subsection (b), by striking ''(b)(1)'' and inserting ''(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1)'';

(3) in subsection (c), by striking ''(c)(1)'' and inserting ''(c) REGULATIONS AND ENFORCEMENT.—(1)'';

(4) in subsection (d), by inserting ''AUTHORITY TO CHARGE FOR PROVISION OF CERTAIN SERVICES AND FACILITIES.—'' after ''(d)'';

(5) in subsection (e), by striking ''(e)(1)'' and inserting ''(e) PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.—(1)''; and

(6) in subsection (f), by inserting ''DEFINITIONS.—'' after ''(f)''.

SEC. 2825. TRANSFER OF ADMINISTRATIVE JURISDICTIONS, NAVAJO ARMY DEPOT, ARIZONA.

(a) IN GENERAL.—Except as provided under subsection (b), all administrative jurisdiction of the Secretary of Agriculture over 23,682 acres of National Forest System land located within the Kaibab National Forest and the Coconino National Forest shown on the map entitled ''Navajo Army Depot Jurisdiction'' and dated May 9, 2016, is hereby transferred to the Secretary of the Army.

(b) VOLUNTEER MOUNTAIN LOOKOUT.—The Secretary of Agriculture shall retain road access to the Volunteer Lookout Mountain as depicted on the map referred to in subsection (a).

(c) RESTORATION OR REMEDIATION.—

(1) JURISDICTION TRANSFERRED TO THE SECRETARY OF THE ARMY.—The Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the land referenced in subsection (a), and shall hold harmless the Secretary of Agriculture

from any financial obligation to contribute to any such restoration or remediation.

(2) JURISDICTION RETAINED BY SECRETARY OF AGRICULTURE.—With respect to the approximately 4,741 acres of land that were withdrawn and reserved for use by the Secretary of the Army pursuant to the Public Land Orders referenced in subsection (d) for which the Secretary of Agriculture will retain administrative jurisdiction, the Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the lands that occurred prior to the date of the enactment of this section.

(d) REVOCATION.—Public Land Order 59 (dated November 12, 1942) and Public Land Order 176 (dated September 29, 1943) are hereby revoked.

(e) REVERSIONARY INTEREST.—On the request of the owners of the Camp Navajo railroad 1 parcel and the Camp Navajo railroad 2 parcel, any reversionary interest of the United States pursuant to the Act of July 27, 1866 (14 Stat. 292, chapter 278), in and to the Camp Navajo railroad 1 parcel shall be transferred to the Camp Navajo railroad 2 parcel.

(f) RELEASE.—On transfer of the reversionary interest under subsection (e), the Camp Navajo railroad 1 parcel shall no longer be subject to the reversionary interest described in that subsection.

(g) DEFINITIONS.—In this section:

(1) CAMP NAVAJO RAILROAD 1 PARCEL.—The term ''Camp Navajo railroad 1 parcel'' means the land described in the deed recorded in Coconino County, Arizona, on October 6, 2014, as document number 3703647.

(2) CAMP NAVAJO RAILROAD 2 PARCEL.—The term ''Camp Navajo railroad 2 parcel'' means the parcel of land as described in the deed recorded in Coconino County, Arizona, on June 2, 2006, as document number 3386576.

SEC. 2826. LEASE, JOINT BASE ELMENDORF-RICHARDSON, ALASKA.

(a) LEASES AUTHORIZED.—

(1) LEASE TO MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may lease to the Municipality of Anchorage, Alaska, certain real property, to include improvements thereon, at Joint Base Elmendorf-Richardson (''JBER''), Alaska, as more particularly described in subsection (b) for the purpose of permitting the Municipality to use the leased property for recreational purposes.

(2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—The Secretary of the Air Force may lease to the Mountain View Lions Club certain real property, to include improvements thereon, at JBER, as more particularly described in subsection (b) for the purpose of the installation, operation, maintenance, protection, repair and removal of recreational equipment.

(b) DESCRIPTION OF PROPERTY.—

(1) The real property to be leased under subsection (a)(1) consists of the real property described in Department of the Air Force Lease No. DACA85–1–99–14.

(2) The real property to be leased under subsection (a)(2) consists of real property described in Department of the Air Force Lease No. DACA85–1–97–36.

(c) TERM AND CONDITIONS OF LEASES.—

(1) TERM OF LEASES.—The term of the leases authorized under subsection (a) shall not exceed 25 years.

(2) OTHER TERMS AND CONDITIONS.—Except as otherwise provided in this section—

(A) the remaining terms and conditions of the lease under subsection (a)(1) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–99–14; and

(B) the remaining terms and conditions of the lease under subsection (a)(2) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–97–36.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Utah Land Withdrawals and Exchanges.

PART I—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE

SEC. 2831. SHORT TITLE.

This part may be cited as the ''Utah Test and Training Range Encroachment Prevention and Temporary Closure Act''.

SEC. 2832. DEFINITIONS.

In this part:

(1) BLM LAND.—The term ''BLM land'' means certain public land administered by the Bureau of Land Management land in the State comprising approximately 703,621 acres, as generally depicted on the map entitled ''Utah Test and Training Range Enhancement/West Desert Land Exchange'' and dated May 7, 2016.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Utah.

(4) UTAH TEST AND TRAINING RANGE.—The term ''Utah Test and Training Range'' means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State, including the Dugway Proving Ground.

SEC. 2833. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement to authorize the Secretary of the Air Force, in consultation with the Secretary, to impose limited closures of the BLM land for military operations and national security and public safety purposes, as provided in this part.

(2) DRAFT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (1).

(B) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Advisory Group established under section 2836 to provide comments on the draft memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement entered into under paragraph (1) shall provide that the Secretary shall continue to manage the BLM land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans, while allowing for the temporary closure of the BLM land in accordance with this part.

(4) PERMITS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The Secretary shall consult with the Secretary of the Air Force regarding Utah Test and Training Range mission requirements before issuing new use permits or rights-of-way on the BLM land.

(B) FRAMEWORK.—The Secretary and the Secretary of the Air Force shall establish within the memorandum of agreement entered into under paragraph (1) a framework agreed to by the Secretary and the Secretary of the Air Force for resolving any disagreement on the issuance of permits or rights-of-way on the BLM land.

(5) TERMINATION.—

(A) IN GENERAL.—The memorandum of agreement entered into under paragraph (1) shall be for a term to be determined by the Secretary and the Secretary of the Air Force, not to exceed 25 years.

(B) EARLY TERMINATION.—The memorandum of agreement may be terminated before the date determined under subparagraph (A) if the Secretary of the Air Force determines that the temporary closure of the BLM land is no longer necessary to fulfill Utah Test and Training Range mission requirements.

(b) MAP.—The Secretary may correct any minor errors in the map described in section 2832(1).

(c) LAND SAFETY.—If corrective action is necessary on the BLM land due to an action of the Air Force, the Secretary of the Air Force shall—

(1) render the BLM land safe for public use; and

(2) appropriately communicate the safety of the land to the Secretary on the date on which the BLM land is rendered safe for public use under paragraph (1).

(d) CONSULTATION.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before entering into any agreement under this part.

(e) GRAZING.—

(1) EFFECT.—Nothing in this part impacts the management of grazing on the BLM land.

(2) CONTINUATION OF GRAZING MANAGEMENT.—The Secretary shall continue grazing management on the BLM land pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable resource management plans.

(f) MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.—Nothing in this section precludes the continuation of the memorandum of understanding between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence on the date of enactment of this Act.

(g) WITHDRAWAL.—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

SEC. 2834. TEMPORARY CLOSURES.

(a) IN GENERAL.—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force, in consultation with the Secretary, determines necessary to carry out the temporary closure.

(b) LIMITATIONS.—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods during which the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year; and

(C) shall in no case be for longer than a 6-hour period per day.

(c) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) SPECIAL NOTIFICATION PROCEDURES.—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) MAXIMUM ANNUAL CLOSURES.—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) PROHIBITION ON CERTAIN TEMPORARY CLOSURES.—The northernmost area identified as ''Newfoundland's'' on the map described in section 2832(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting seasons of the State of Utah.

(f) EMERGENCY GROUND RESPONSE.—A temporary closure of a portion of the BLM land shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) LIVESTOCK.—Livestock authorized by a Federal grazing permit shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

(h) LAW ENFORCEMENT AND SECURITY.—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

SEC. 2835. LIABILITY.

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.

SEC. 2836. COMMUNITY RESOURCE ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Resource Advisory Group (referred to in this section as the ''Community Group'') to provide regular and continuing input to the Secretary and the Secretary of the Air Force on matters involving public access to, use of, and overall management of the BLM land.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall appoint members to the Community Group, including—

(A) 1 representative of Indian tribes in the vicinity of the BLM land, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;

(B) not more than 1 county commissioner from each of Box Elder, Tooele, and Juab Counties, Utah;

(C) 2 representatives of off-road and highway use, hunting, or other recreational users of the BLM land;

(D) 2 representatives of livestock permittees on public land located within the BLM land;

(E) 1 representative of the Utah Department of Agriculture and Food; and

(F) not more than 3 representatives of State or Federal offices or agencies, or private groups or individuals, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) CHAIRPERSON.—The members described in paragraph (1) shall elect from among the members of the Community Group—

(A) 1 member to serve as Chairperson of the Community Group; and

(B) 1 member to serve as Vice-Chairperson of the Community Group.

(3) AIR FORCE PERSONNEL.—The Secretary of the Air Force shall appoint appropriate operational and land management personnel of the Air Force to serve as a liaison to the Community Group.

(c) CONDITIONS AND TERMS OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Community Group shall serve voluntarily and without compensation.

(2) TERM OF APPOINTMENT.—

(A) IN GENERAL.—Each member of the Community Group shall be appointed for a term of 4 years.

(B) ORIGINAL MEMBERS.—Notwithstanding subparagraph (A), the Secretary shall select ½ of the original members of the Community Group to serve for a term of 4 years and the ½ to serve for a term of 2 years to ensure the replacement of members shall be staggered from year to year.

(C) REAPPOINTMENT AND REPLACEMENT.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

(i) the term of the member has expired;

(ii) the member has retired; or

(iii) the position held by the member described in subparagraph (A) through (F) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) MEETINGS.—

(1) IN GENERAL.—The Community Group shall meet not less than once per year, and at such other frequencies as determined by 5 or more of the members of the Community Group.

(2) RESPONSIBILITIES OF COMMUNITY GROUP.—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) NOTICE.—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) RECOMMENDATIONS OF COMMUNITY GROUP.—The Secretary and Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) TERMINATION OF AUTHORITY.—The Community Group shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 2837. SAVINGS CLAUSES.

(a) EFFECT ON WEAPON IMPACT AREA.—Nothing in this part expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) EFFECT ON SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this part precludes—

(1) the designation of new units of special use airspace; or

(2) the expansion of existing units of special use airspace.

(c) EFFECT ON EXISTING MILITARY SPECIAL USE AIRSPACE AGREEMENT.—Nothing in this part limits or alters the Military Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) EFFECT ON EXISTING RIGHTS AND AGREEMENTS.—

(1) KNOLLS SPECIAL RECREATION MANAGEMENT AREA; BLM COMMUNITY PITS.—Except as otherwise provided in section 2834, nothing in this part limits or alters any existing right or right of access to—

(A) the Knolls Special Recreation Management Area; or

(B)(i) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and

(ii) any other county or community pit located within close proximity to the BLM land.

(e) INTERSTATE 80.—Nothing in this part authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(f) EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.—Nothing in this part affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(g) EFFECT ON PREVIOUS MEMORANDUM OF UNDERSTANDING.—Nothing in this part affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(h) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this part alters any right reserved by treaty or Federal law for a Federally recognized Indian tribe for tribal use.

(i) PAYMENTS IN LIEU OF TAXES.—Nothing in this part diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(j) WILDLIFE IMPROVEMENTS.—The Secretary and the Utah Division of Wildlife Resources shall continue the management of wildlife improvements, including guzzlers, in existence as of the date of enactment of this Act on the BLM land.

PART II—BUREAU OF LAND MANAGEMENT LAND EXCHANGE WITH STATE OF UTAH

SEC. 2841. DEFINITIONS.

In this part:

(1) EXCHANGE MAP.—The term ''Exchange Map'' means the map prepared by the Bureau of Land Management entitled ''Utah Test and Training Range Enhancement/West Desert Land Exchange'' and dated May 7, 2016.

(2) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as ''BLM Lands Proposed for Transfer to State Trust Lands''.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land owned by the State in Box Elder, Tooele, and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) ''State Trust Land Proposed for Transfer to BLM''; and

(B) ''State Trust Minerals Proposed for Transfer to BLM''.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Utah, acting through the School and Institutional Trust Lands Administration.

SEC. 2842. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The land exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable law.

(2) EFFECT OF STUDY.—The Secretary shall carry out the land exchange under this title notwithstanding section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(3) LAND USE PLANNING.—The Secretary shall not be required to undertake any additional land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) before the conveyance of the Federal land under this part.

(c) VALID EXISTING RIGHTS.—The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this part shall be in a format acceptable to the Secretary and the State.

(e) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under this part shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser retained by the State, with the consent of the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of minerals in the Federal land and non-Federal land.

(B) MINING CLAIMS.—Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) VALIDITY EXAMINATION.—Nothing in this part requires the Secretary to conduct a mineral examination for any mining claim on the Federal land.

(5) APPROVAL.—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) DURATION.—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) COST OF APPRAISAL.—

(A) IN GENERAL.—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) REIMBURSEMENT BY SECRETARY.—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State.

(f) CONVEYANCE OF TITLE.—It is the intent of Congress that the land exchange authorized under this part shall be completed not later than 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (e).

(g) PUBLIC INSPECTION AND NOTICE.—

(1) PUBLIC INSPECTION.—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for the Federal land and non-Federal land to be exchanged under this part shall be available for public review at the office of the State Director of the Bureau of Land Management in the State.

(2) NOTICE.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (e) are available for public inspection.

(h) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the Federal land and non-Federal land to be exchanged under this part before the completion of the land exchange.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this part—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—

(i) IN GENERAL.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the Secretary, as necessary to equalize the value of the Federal land and non-Federal land—

(I) State trust land parcel 1, as described in the assessment entitled ''Bureau of Land Management Environmental Assessment UT–100–06–EA'', numbered UTU–82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1075).

(ii) ORDER OF CONVEYANCES.—Any non-Federal land required to be conveyed to the Secretary under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized—

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(j) GRAZING PERMITS.—

(1) IN GENERAL.—If the Federal land or non-Federal land exchanged under this part is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this part prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.—If non-Federal land conveyed by the State under this part is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for—

(A) the remaining term of the lease or permit; and

(B) the term of any renewal or extension of the lease or permit.

(k) WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid existing rights, the Federal land to be conveyed to the State under this part is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

SEC. 2843. STATUS AND MANAGEMENT OF NON-FEDERAL LAND ACQUIRED BY THE UNITED STATES.

(a) IN GENERAL.—On conveyance to the United States under this part, the non-Federal land shall be managed by the Secretary in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(b) NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS WILDERNESS.—On conveyance to the Secretary under this part, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

(c) NON-FEDERAL LAND WITHIN WILDERNESS AREAS OR NATIONAL CONSERVATION AREAS.—On conveyance to the Secretary under this part, non-Federal land located in a national wilderness area or national conservation area shall be managed in accordance with the applicable provisions of subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

SEC. 2844. HAZARDOUS MATERIALS.

(a) COSTS.—Except as provided in subsection (b), the costs of remedial actions relating to hazardous materials on land acquired under this part shall be paid by those entities responsible for the costs under applicable law.

(b) REMEDIATION OF PRIOR TESTING AND TRAINING ACTIVITY.—The Secretary of the Air Force shall bear all costs of evaluation, management, and remediation caused by the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this part.

Subtitle E—Other Matters

SEC. 2851. CERTIFICATION OF OPTIMAL LOCATION FOR 4TH AND 5TH GENERATION COMBAT AIRCRAFT BASING AND FOR ROTATION OF FORCES AT NAVAL AIR STATION EL CENTRO OR MARINE CORPS AIR STATION KANEOHE BAY.

(a) NEXT GENERATION FACILITY CERTIFICATION.—No amounts may be expended for the construction of hangars, housing, maintenance or related facilities to support any current or future F/A–18 or F–35 squadrons at Naval Air Station Lemoore, California, as authorized by section 2201, until the Secretary of Defense certifies to the congressional defense committees that the Secretary has determined, based on an analysis of United States operational requirements, that Naval Air Station Lemoore remains the optimal location for F/A–18 or F–35 squadrons. The certification shall include an explanation of the basis for the certification.

(b) EL CENTRO AND KANEOHE BAY UTILIZATION.—

(1) DETERMINATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a determination of the operational viability of the use of Naval Air Facility El Centro, California, or Marine Corps Air Station Kaneohe Bay, Hawaii, for the rotational presence of—

(A) fighter aircraft for air-to-air training; or

(B) naval forces.

(2) BASIS OF DETERMINATION.—The submission to the congressional defense committees under paragraph (1) shall include an explanation of the basis for the determination.

(3) PLAN.—If the Secretary of Defense determines that Naval Air Facility El Centro or Marine Corps Air Station Kaneohe Bay is a viable option for one or more of the uses specified in paragraph (1), the Secretary shall, not later than April 1, 2018, submit to the congressional defense committees a plan for such uses that includes the following elements:

(A) The types and number of naval forces or air-to-air training fighter aircraft considered for rotational purposes.

(B) The duration and frequency of such assignment.

(C) A description of any additional infrastructure investment required to support such assignment.

(D) An assessment of the impact to permanent manpower levels necessary to support such assignment.

SEC. 2852. REPLENISHMENT OF SIERRA VISTA SUBWATERSHED REGIONAL AQUIFER, ARIZONA.

The Secretary of the Army or the Secretary of the Interior may enter into agreements with the Cochise Conservation Recharge Network, Arizona, in support of water conservation, recharge, and reuse efforts for the regional aquifer identified under Section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1439).

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	$37,409,000
Iceland	Keflavik	$19,600,000

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Bulgaria	Graf Ignatievo	$13,400,000
Djibouti	Chabelley Airfield	$10,500,000
Estonia	Amari Air Base	$6,500,000
Germany	Spangdahlem Air Base	$18,700,000
Lithuania	Siauliai	$3,000,000
Poland	Powidz Air Base	$4,100,000
	Lask Air Base	$4,100,000
Romania	Campia Turzii	$18,500,000

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 17–D–401, Saltstone Disposal Unit Number 7, Savannah River Site, Aiken, South Carolina, $125,443,000.

Project 17–D–630, Expand Electrical Distribution System, Lawrence Livermore National Laboratory, Livermore, California, $25,000,000.

Project 17–D–640, U1a Complex Enhancements Project, Nevada National Security Site, Mercury, Nevada, $11,500,000.

Project 17–D–911, BL Fire System Upgrade, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,400,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. COMMON FINANCIAL SYSTEMS FOR THE NUCLEAR SECURITY ENTERPRISE.

(a) IN GENERAL.—By not later than three years after the date of the enactment of this Act, the Administrator for Nuclear Security shall complete the implementation of a common financial system for the nuclear security enterprise.

(b) ELEMENTS.—The common financial system implemented pursuant to subsection (a) shall include the following:

(1) Common data reporting requirements for work performed using funds for the National Nuclear Security Administration, including reporting of financial data by standardized labor categories, labor hours, functional elements, and cost elements.

(2) A common work breakdown structure for the Administration that aligns contractor work breakdown structures with the budget structure of the Administration.

(3) Definitions and methodologies for identifying costs for programs of records and base capabilities within the Administration.

(4) A capability to use the Defense Cost Analysis Resource Center of the Office of Cost Assessment and Program Evaluation of the Department of Defense using historical costing data by the Administration.

(c) REPORTS.—

(1) IN GENERAL.—Not later than March 1, 2017, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on progress of the Administration toward implementing a common financial system for the nuclear security enterprise as required by subsection (a).

(2) REPORT.—Each report under this subsection shall include the following:

(A) A summary of activities, accomplishments, and challenges in connection with the implementation of a common financial system for the nuclear security enterprise during the year preceding the year in which such report is submitted.

(B) A summary of planned activities in connection with the implementation of a common financial system for the nuclear security enterprise in the year in which such report is submitted.

(C) A description of any anticipated modifications to the schedule for implementing a common financial system for the nuclear security enterprise, including an update on possible risks or challenges in connection with the implementation.

(3) TERMINATION.—No report is required under this subsection after the completion of the implementation of a common financial system for the nuclear security enterprise.

(d) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term ''nuclear security enterprise'' has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3112. INDUSTRY BEST PRACTICES IN OPERATIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES AND SITES.

(a) COMMITTEE ON INDUSTRY BEST PRACTICES IN OPERATIONS.—The Administrator for Nuclear Security shall establish within the National Nuclear Security Administration a committee (in this section referred to as the ''committee'') to identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purpose of—

(1) lowering costs and administrative burdens; while

(2) also both—

(A) maintaining or reducing risks; and

(B) preserving and protecting health, safety, and security.

(b) MEMBERSHIP.—The committee shall be composed of personnel of the Administration assigned by the Administrator to the committee as follows:

(1) The Principal Deputy Administrator for Nuclear Security, who shall serve as chair of the committee.

(2) Government personnel representing the headquarters of the Administration.

(3) Government personnel representing offices of facilities and sites of the Administration.

(4) Contractor personnel representing facilities and sites of the Administration, including the following:

(A) Laboratories.

(B) Production plants.

(C) Such other facilities and sites as the Administrator considers appropriate.

(5) Such other personnel as the Administrator considers appropriate.

(c) DUTIES.—The duties of the committee shall include the following:

(1) To identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purpose described in subsection (a).

(2) To conduct surveys of the facilities and sites of the Administration in order to assess the adoption, implementation, and use by such facilities and sites of best practices of industry described in subsection (a).

(3) To carry out such other activities consistent with the duties of the committee under this subsection as the Administration may specify for purposes of this section.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President for a fiscal year after fiscal year 2017 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the congressional defense committees a report on the activities of the committee under this section during the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall include, for the calendar year covered by such report, the following:

(A) A description of the activities of the committee.

(B) The results of the surveys undertaken pursuant to subsection (c)(2).

(C) As a result of the surveys, recommendations for modifications to the scope or applicability of regulations and orders of the Department of Energy to particular facilities and sites of the Administration in order to implement best practices of industry in the operation of such facilities and sites, including—

(i) a list of the facilities and sites at which such regulations and orders could be so modified; and

(ii) for each such facility and site, the manner in which such the scope or applicability of such regulations and orders could be so modified.

(D) An assessment of the progress of the Administration in implementing best practices of industry in the operations of the facilities and sites of the Administration.

(E) An estimate of the costs to be saved as a result of the best practices of industry implemented by the Administration at the facilities and sites of the Administration, set forth by fiscal year.

(e) TERMINATION.—The committee shall terminate after the submittal under subsection (d) of the report required by that subsection that covers 2026.

SEC. 3113. LIMITATION ON ACCELERATION OF DISMANTLEMENT OF RETIRED NUCLEAR WEAPONS.

(a) LIMITATION.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration may be obligated or expended to accelerate the dismantlement of the nuclear weapons of the United States to a rate faster than the rate mandated by the total projected dismantlement schedule included in table 2–7 of the annex to the stockpile stewardship and management plan for fiscal year 2016 submitted to Congress in March 2015 under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

(b) EXCEPTION FOR COMPLIANCE WITH CERTAIN COMMITMENTS.—

(1) CERTIFICATION.—The limitation under subsection (a) shall not apply with respect to a fiscal year if the President submits to the appropriate congressional committees a certification that the President has—

(A) requested, in the budget of the President for that fiscal year submitted to Congress under section 1105(a) of title 31, United States Code, sufficient amounts to fulfill for that fiscal year all commitments related to nuclear modernization funding, capabilities, and schedules that the President made to the Senate during the consideration by the Senate of the resolution of advice and consent to ratification of the New START Treaty, as described in—

(i) the document entitled, ''Message from the President on the New START Treaty'', dated February 2, 2011; and

(ii) the fiscal year 2012 update to the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), submitted to Congress in February 2011; and

(B) except as provided in paragraph (2), fulfilled all such commitments.

(2) EXCEPTION.—If, for any fiscal year covered by the limitation under subsection (a), an appropriations Act is enacted that appropriates amounts that are insufficient for the President to fulfill the commitments described in paragraph (1)(A), the President may certify under paragraph (1)(B) that the President has fulfilled such commitments to the extent possible with available funds.

(c) EXCEPTION FOR CERTAIN STOCKPILE MANAGEMENT AND LIFE EXTENSION COMPONENTS.—The limitation under subsection (a) shall not apply if the President submits to the appropriate congressional committees a written certification that the funds described in subsection (a) are required for activities necessary to obtain critical components that could not reasonably be acquired elsewhere for use in life extension, weapon alteration, or weapon modification programs as described in the stockpile stewardship and management plan for fiscal year 2016 submitted to Congress in March 2015 under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NEW START TREATY.—The term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 3114. CONTRACT FOR MIXED-OXIDE FUEL FABRICATION FACILITY CONSTRUCTION PROJECT.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement pursuant to sections 1535 and 1536 of title 31, United States Code, with the Chief of Engineers to act as an owner's agent with respect to the following:

(1) Assessing the contractual, technical, and managerial risks for the Department of Energy and the contractor responsible for the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina, as of such date of enactment.

(2) Assessing what elements of the contract in effect on such date of enactment between the Department of Energy and that contractor can be changed to—

(A) a fixed price provision;

(B) a fixed price incentive fee provision; or

(C) another contractual mechanism designed to minimize risk to the Department of Energy while reducing cost.

(3) Assessing the options under paragraph (2), including milestones, cost, schedules, and any damage fees for those options.

(4) Making recommendations on changes to the contract, based on the assessments described in paragraphs (1), (2), and (3), to reduce risk and cost to the Department of Energy while preserving a fair and reasonable contract.

(5) For each element of the contract that the Chief of Engineers does not recommend be changed pursuant to paragraph (4), an assessment of the risks and costs associated with that element and a description of why that element is not appropriate for the provision types described in paragraph (2).

(b) CONSULTATIONS.—In acting as an owner's agent under subsection (a), the Chief of Engineers shall consult with the Secretary of Energy, the contractor described in subsection (a)(1), and other knowledgeable parties, as appropriate.

(c) REPORT OF OWNER'S AGENT.—Not later than 30 days after entering into the arrangement under subsection (a), the Chief of Engineers shall submit to the Secretary of Energy a report on the matters assessed under that subsection.

(d) SUBMISSIONS BY DEPARTMENT OF ENERGY.—Not later than 60 days after receiving the report required by subsection (c), the Secretary of Energy shall transmit to the congressional defense committees and the Comptroller General of the United States—

(1) the report;

(2) any comments of the Secretary with respect to the report;

(3) a determination of whether the contractor described in subsection (a)(1) will or will not agree to the revisions to the contract recommended by the Chief of Engineers and offered by the Secretary to the contractor; and

(4) if the contractor will not agree to such revisions, a description of the reasons given for not agreeing to such revisions.

(e) ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 30 days after receiving the report and other matters under subsection (d), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the actions taken by the Secretary of Energy under this section.

SEC. 3115. UNAVAILABILITY FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR CERTAIN LABORATORIES FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) is amended—

(1) by striking ''(c) FUNDING.—Of the funds'' and inserting the following:

''(c) FUNDING.—

''(1) IN GENERAL.—Of the funds''; and

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

''(2) UNAVAILABILITY FOR CERTAIN COSTS.—The amount specified for such laboratories pursuant to paragraph (1) may not be used to cover the costs of such laboratories for general and administrative overhead.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 3116. INCREASE IN CERTAIN LIMITATIONS APPLICABLE TO FUNDS FOR CONCEPTUAL AND CONSTRUCTION DESIGN OF THE DEPARTMENT OF ENERGY.

(a) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—Subsection (a)(2) of section 4706 of the Atomic Energy Defense Act (50 U.S.C. 2746) is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

(b) CONSTRUCTION DESIGN.—Subsection (b) of such section is amended by striking ''$1,000,000'' each place it appears and inserting ''$2,000,000''.

Subtitle C—Plans and Reports

SEC. 3121. ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK WASTE CLEANUP AT HANFORD RESERVATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a rough estimate of the total life cycle cost of the cleanup of tank waste at Hanford Reservation, Richland, Washington.

(b) ELEMENTS.—The total life cycle cost estimate required by subsection (a) shall include the following:

(1) Cost estimates for the following:

(A) The Waste Treatment and Immobilization Plant, assuming full startup and commissioning in 2036.

(B) Operations of the Waste Treatment and Immobilization Plant, for two scenarios, assuming operations continue to 2047 and assuming operations continue to 2057.

(C) Tank waste management and treatment operations for two scenarios, assuming operations continue through 2047 and assuming operations continue through 2057.

(2) Cost estimates associated with the following:

(A) Anticipated increases in the volume of tank waste.

(B) A second, supplemental low-activity waste treatment facility.

(C) The effects of extending the schedule for cleanup of tank waste at Hanford Reservation from 2047 to 2057.

(D) High-level waste canister temporary storage, transportation, and permanent disposal.

(E) Any additional facilities that may be needed to treat tank waste at Hanford Reservation.

(c) COST ESTIMATING BEST PRACTICES.—The total life cycle cost estimate required by subsection (a) shall be developed in accordance with the cost estimating best practices of the Government Accountability Office.

(d) SUBMISSION OF ADDITIONAL INDEPENDENT COST ESTIMATES.—The Secretary shall submit to the congressional defense committees, with the total life cycle cost estimate required by subsection (a), any other independent cost estimates for the Waste Treatment and Immobilization Plant or related facilities conducted before the date on which the total life cycle cost estimate is required to be submitted under subsection (a).

SEC. 3122. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct an analysis of approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, that, as of such date of enactment, is intended for supplemental treatment.

(b) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following approaches for treating the low-activity waste described in subsection (a):

(A) Further processing of the low-activity waste to remove long-lived radioactive constituents, particularly technetium-99 and iodine-129, for immobilization with high-level waste.

(B) Vitrification, grouting, and steam reforming, and other alternative approaches identified by the Department of Energy for immobilizing the low-activity waste, in whole or after further processing or reclassification.

(2) An analysis of the following:

(A) The risks of the approaches described in paragraph (1) relating to treatment and final disposition.

(B) The benefits and costs of such approaches.

(C) Anticipated schedules for such approaches, including the time needed to complete necessary construction and to begin treatment operations.

(D) The compliance of such approaches with applicable technical standards associated with and contained in regulations prescribed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the ''Resource Conservation and Recovery Act''), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''), and the Clean Air Act (42 U.S.C. 7401 et seq.).

(E) Any obstacles that would inhibit the ability of the Department of Energy to pursue such approaches.

(c) ANALYTICAL APPROACH.—The analysis required by subsection (a) shall be conducted using state-of-the art risk assessment practices such as probabilistic risk assessment.

(d) REVIEW OF ANALYSIS.—

(1) IN GENERAL.—Concurrent with entering into an arrangement with a federally funded research and development center under subsection (a), the Secretary shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the analysis conducted by the federally funded research and development center.

(2) METHOD OF REVIEW.—The review required by paragraph (1) shall be conducted concurrent with the analysis required by subsection (a), and in a manner that is parallel to that analysis, so that the results of the review may be used to improve the quality of the analysis.

(e) SUBMISSION TO CONGRESS.—

(1) BRIEFINGS ON PROGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall provide to the congressional defense committees a briefing on the progress being made on the analysis required by subsection (a) and the review required by subsection (d).

(2) COMPLETED ANALYSIS AND REVIEW.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the analysis required by subsection (a), the review of the analysis required by subsection (d), and any comments of the Secretary on the analysis or review.

SEC. 3123. ANALYSES OF OPTIONS FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct comprehensive analyses of the costs, schedules, benefits, and risks of the options for the disposal of high-level radioactive waste managed by the Department of Energy referenced in the report of the Department, dated October 2014, on the disposal of high-level radioactive waste and spent nuclear fuel managed by the Department.

(b) ELEMENTS.—The analyses required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following options for the disposal of high-level radioactive waste managed by the Department of Energy:

(A) A single common repository for commercial and defense high-level radioactive waste.

(B) Various options for separate repositories for commercial and defense high-level radioactive waste.

(2) An estimate of the total system life cycle cost and schedule for each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) includes estimates for each phase of work on each such option, including site selection and characterization, licensing activities, design and construction of the repositories, operation of the repositories, transportation of waste, and closure and monitoring; and

(B) is developed in accordance with the cost and schedule best practices of the Government Accountability Office.

(3) An assessment of the benefits and risks associated with each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) uses sensitivity analysis and other techniques, as appropriate, to determine the potential effects of those benefit and risks on the cost and schedule estimates required by paragraph (2); and

(B) includes benefit-cost or cost-effectiveness analyses following the guidelines established by the Office of Management and Budget in Circular A–94.

(c) SUBMISSION OF ANALYSES.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees and the Comptroller General of the United States the analyses required by subsection (a).

(d) REVIEW BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 60 days after receiving the analyses pursuant to subsection (c), the Comptroller General shall submit to the congressional defense committees a review of the design, methodology, and conclusions of the analyses.

(e) LIMITATION ON USE OF FUNDS.—Except to the extent necessary to execute the arrangement required by subsection (a), the Secretary may not obligate or expend any amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Energy for the development of a repository for only defense waste until the Comptroller General submits the review required by subsection (d) to the congressional defense committees.

SEC. 3124. ELIMINATION OF DUPLICATION IN REVIEWS BY COMPTROLLER GENERAL OF THE UNITED STATES.

Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) TEMPORARY SUSPENSION.—The requirements of subsection (a) shall not apply with respect to the nuclear security budget materials submitted for fiscal year 2018 or 2019.''.

SEC. 3125. REPEAL OF REQUIREMENT FOR COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

Section 3122 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2176), as amended by section 3125 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1063), is further amended—

(1) in subsection (b)(1), by striking '', and to the Comptroller General of the United States,''; and

(2) by striking subsection (e).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2017, $31,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—FEDERAL AVIATION ADMINISTRATION THIRD CLASS MEDICAL REFORM AND GENERAL AVIATION PILOT PROTECTIONS

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the ''Pilot's Bill of Rights 2''.

SEC. 3302. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of the enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of the enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99);

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G–U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: ''I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.''; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: ''I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.''.

(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR THE CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under

section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of the enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term ''covered aircraft'' means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 3303. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended by striking ''or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title'' and inserting ''suspending or revoking an airman certificate under section 44709(d) of such title, or imposing an emergency order of revocation under subsections (d) and (e) of section 44709 of such title''.

(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN OF PROOF.—Section 2(e) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

''(A) the district court shall review the denial, suspension, or revocation de novo, including by—

''(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

''(ii) permitting additional discovery and the taking of additional evidence; and

''(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of the Administrator or the National Transportation Safety Board.'';

(2) by redesignating paragraph (2) as paragraph (3); and

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

''(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court after an exhaustion of administrative remedies, the burden of proof shall be as follows:

''(A) In an appeal of the denial of an application for the issuance or renewal of an airman certificate under section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied an airman certificate by the Administrator.

''(B) In an appeal of an order issued by the Administrator under section 44709 of title 49, United States Code, the burden of proof shall be upon the Administrator.''; and

(4) by adding at the end the following:

''(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) of this subsection or subsection (a)(1) of section 554 of title 5, United States Code, section 554 of such title shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of the enactment of the Pilot's Bill of Rights 2.''.

(c) NOTIFICATION OF INVESTIGATION.—Subsection (b) of section 2 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting ''and the specific activity on which the investigation is based'' after ''nature of the investigation'';

(2) in paragraph (3), by striking ''timely''; and

(3) in paragraph (5), by striking ''section 44709(c)(2)'' and inserting ''section 44709(e)(2)''.

(d) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is further amended by inserting after subsection (e) the following:

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

''(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

''(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

''(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

''(A) Information that is privileged.

''(B) Information that constitutes work product or reflects internal deliberative process.

''(C) Information that would disclose the identity of a confidential source.

''(D) Information the disclosure of which is prohibited by any other provision of law.

''(E) Information that is not relevant to the subject matter of the proceeding.

''(F) Information the Administrator can demonstrate is withheld for good cause.

''(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

''(A) information in addition to the information included in the releasable portion of the investigative report; or

''(B) a copy of the investigative report before the Administrator issues a complaint.''.

SEC. 3304. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) of title 49, United States Code, is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator'';

(2) by striking ''reexamine'' and inserting '', except as provided in paragraph (2), reexamine''; and

(3) by adding at the end the following:

''(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

''(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if

the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

''(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

''(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

''(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman under subparagraph (A), the Administrator shall provide to the airman—

''(i) a reasonable basis, described in detail, for requesting the reexamination; and

''(ii) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.''.

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) in the matter preceding subparagraph (A), as redesignated, by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator''; and

(4) by adding at the end the following:

''(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

''(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

''(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

''(ii) materially contributed to the issuance of the certificate by fraudulent means.

''(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot's Bill of Rights (49 U.S.C. 44703 note).''.

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(B)'' and inserting ''subsection (b)(1)(A)(ii)''.

SEC. 3305. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note)) until the Administrator submits a certification that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

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

(i) by striking ''this Act'' and inserting ''the Pilot's Bill of Rights 2''; and

(ii) by striking ''begin'' and inserting ''complete the implementation of'';

(B) by amending subparagraph (B) to read as follows:

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;'';

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.''; and

(2) by amending subsection (d) to read as follows:

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

''(i) that NOTAM is not available through the repository before the commencement of the flight; and

''(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

''(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.''.

SEC. 3306. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

''§ 47124a. Accessibility of certain flight data

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(3) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

''(4) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

''(5) COVERED FLIGHT RECORD.—The term 'covered flight record' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

''(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

''(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

''(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

''(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

''(c) IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Pilot's Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

''(2) COMPLIANCE BY CONTRACTORS.—

''(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of the enactment of the Pilot's Bill of Rights 2.

''(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of the enactment of the Pilot's Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47124 the following:

''47124a. Accessibility of certain flight data.''.

SEC. 3307. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by

that section with a warning notice, letter of correction, or other administrative action.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

"§ 109. Maritime Administration

''(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

''(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

''(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

''(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

''(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

''(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

''(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, makes the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

''(A) carry out the Secretary's duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

''(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

''(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

''(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

''(A) acquisition, construction, or reconstruction of vessels;

''(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

''(C) costs of national defense features;

''(D) payments of obligations incurred for operating-differential subsidies;

''(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

''(F) the Vessel Operations Revolving Fund;

''(G) National Defense Reserve Fleet expenses;

''(H) expenses necessary to carry out part B of subtitle V of title 46; and

''(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

''(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.''.

SEC. 3502. NATIONAL SECURITY FLOATING DRY DOCKS.

Section 55122(a)(1)(C) of title 46, United States Code, is amended by striking ''the date of the enactment of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015'' and inserting ''December 19, 2017''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

(a) PROCUREMENT.—

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
1	UTILITY F/W AIRCRAFT	57,529	57,529
3	MQ–1 UAV	55,388	55,388
	ROTARY		
6	AH–64 APACHE BLOCK IIIA REMAN	803,084	803,084
7	AH–64 APACHE BLOCK IIIA REMAN (AP)	185,160	185,160
8	UH–60 BLACKHAWK M MODEL (MYP)	755,146	755,146
9	UH–60 BLACKHAWK M MODEL (MYP) (AP)	174,107	174,107
10	UH–60 BLACK HAWK A AND L MODELS	46,173	46,173
11	CH–47 HELICOPTER	556,257	556,257

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
12	CH–47 HELICOPTER (AP)	8,707	8,707
	MODIFICATION OF AIRCRAFT		
13	MQ–1 PAYLOAD (MIP)	43,735	43,735
15	MULTI SENSOR ABN RECON (MIP)	94,527	94,527
16	AH–64 MODS	137,883	137,883
17	CH–47 CARGO HELICOPTER MODS (MYP)	102,943	102,943
18	GRCS SEMA MODS (MIP)	4,055	4,055
19	ARL SEMA MODS (MIP)	6,793	6,793
20	EMARSS SEMA MODS (MIP)	13,197	13,197
21	UTILITY/CARGO AIRPLANE MODS	17,526	17,526
22	UTILITY HELICOPTER MODS	10,807	10,807
23	NETWORK AND MISSION PLAN	74,752	74,752
24	COMMS, NAV SURVEILLANCE	69,960	69,960
25	GATM ROLLUP	45,302	45,302
26	RQ–7 UAV MODS	71,169	71,169
27	UAS MODS	21,804	21,804
	GROUND SUPPORT AVIONICS		
28	AIRCRAFT SURVIVABILITY EQUIPMENT	67,377	67,377
29	SURVIVABILITY CM	9,565	35,565
	ASE PNT unfunded requirement		[26,000]
30	CMWS	41,626	41,626
	OTHER SUPPORT		
32	AVIONICS SUPPORT EQUIPMENT	7,007	7,007
33	COMMON GROUND EQUIPMENT	48,234	48,234
34	AIRCREW INTEGRATED SYSTEMS	30,297	30,297
35	AIR TRAFFIC CONTROL	50,405	50,405
36	INDUSTRIAL FACILITIES	1,217	1,217
37	LAUNCHER, 2.75 ROCKET	3,055	3,055
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,614,787**	**3,640,787**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
1	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	126,470	126,470
2	MSE MISSILE	423,201	423,201
3	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I (AP)	19,319	19,319
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	42,013	42,013
5	JOINT AIR-TO-GROUND MSLS (JAGM)	64,751	64,751
6	JOINT AIR-TO-GROUND MSLS (JAGM) (AP)	37,100	37,100
	ANTI-TANK/ASSAULT MISSILE SYS		
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	73,508	73,508
8	TOW 2 SYSTEM SUMMARY	64,922	64,922
9	TOW 2 SYSTEM SUMMARY (AP)	19,949	19,949
10	GUIDED MLRS ROCKET (GMLRS)	172,088	172,088
11	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,004	18,004
	MODIFICATIONS		
13	PATRIOT MODS	197,107	197,107
14	ATACMS MODS	150,043	150,043
15	GMLRS MOD	395	395
17	AVENGER MODS	33,606	33,606
18	ITAS/TOW MODS	383	383
19	MLRS MODS	34,704	34,704
20	HIMARS MODIFICATIONS	1,847	1,847
	SPARES AND REPAIR PARTS		
21	SPARES AND REPAIR PARTS	34,487	34,487
	SUPPORT EQUIPMENT & FACILITIES		
22	AIR DEFENSE TARGETS	4,915	4,915
24	PRODUCTION BASE SUPPORT	1,154	1,154
	TOTAL MISSILE PROCUREMENT, ARMY	**1,519,966**	**1,519,966**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
1	STRYKER VEHICLE	71,680	71,680
	MODIFICATION OF TRACKED COMBAT VEHICLES		
2	STRYKER (MOD)	74,348	74,348
3	STRYKER UPGRADE	444,561	433,561
	Early to need		[–11,000]
5	BRADLEY PROGRAM (MOD)	276,433	276,433
6	HOWITZER, MED SP FT 155MM M109A6 (MOD)	63,138	63,138
7	PALADIN INTEGRATED MANAGEMENT (PIM)	469,305	469,305
8	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
9	ASSAULT BRIDGE (MOD)	3,465	3,465
10	ASSAULT BREACHER VEHICLE	2,928	2,928
11	M88 FOV MODS	8,685	8,685
12	JOINT ASSAULT BRIDGE	64,752	64,752
13	M1 ABRAMS TANK (MOD)	480,166	620,166
	APS Unfunded requirement		[82,000]
	M1 industrial base Unfunded requirement		[58,000]
	WEAPONS & OTHER COMBAT VEHICLES		
16	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	9,764	9,764
17	MORTAR SYSTEMS	8,332	8,332
18	XM320 GRENADE LAUNCHER MODULE (GLM)	3,062	3,062

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
19	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	992	992
20	CARBINE	40,493	40,493
21	COMMON REMOTELY OPERATED WEAPONS STATION	25,164	25,164
36	HANDGUN	0	1,000
	Program increase for Modular Handgun System		[1,000]
	MOD OF WEAPONS AND OTHER COMBAT VEH		
22	MK–19 GRENADE MACHINE GUN MODS	4,959	4,959
23	M777 MODS	11,913	11,913
24	M4 CARBINE MODS	29,752	28,752
	Program decrease		[–1,000]
25	M2 50 CAL MACHINE GUN MODS	48,582	48,582
26	M249 SAW MACHINE GUN MODS	1,179	1,179
27	M240 MEDIUM MACHINE GUN MODS	1,784	1,784
28	SNIPER RIFLES MODIFICATIONS	971	971
29	M119 MODIFICATIONS	6,045	6,045
30	MORTAR MODIFICATION	12,118	12,118
31	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	3,157	3,157
	SUPPORT EQUIPMENT & FACILITIES		
32	ITEMS LESS THAN $5.0M (WOCV-WTCV)	2,331	2,331
35	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	3,155	3,155
	TOTAL PROCUREMENT OF W&TCV, ARMY	**2,265,177**	**2,394,177**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5.56MM, ALL TYPES	40,296	37,696
	Early to need		[–2,600]
2	CTG, 7.62MM, ALL TYPES	39,237	38,937
	Early to need		[–300]
3	CTG, HANDGUN, ALL TYPES	5,193	3,893
	Early to need		[–1,300]
4	CTG, .50 CAL, ALL TYPES	46,693	41,993
	Early to need		[–4,700]
5	CTG, 20MM, ALL TYPES	7,000	7,000
6	CTG, 25MM, ALL TYPES	7,753	6,453
	Early to need		[–1,300]
7	CTG, 30MM, ALL TYPES	47,000	47,000
8	CTG, 40MM, ALL TYPES	118,178	111,878
	Early to need		[–6,300]
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	69,784	69,784
10	81MM MORTAR, ALL TYPES	36,125	36,125
11	120MM MORTAR, ALL TYPES	69,133	69,133
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	120,668	117,868
	Early to need		[–2,800]
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	60,800
	75mm blanks early to need		[–4,000]
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	109,515
15	PROJ 155MM EXTENDED RANGE M982	39,200	39,200
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	70,881
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	38,000	38,000
20	ROCKET, HYDRA 70, ALL TYPES	87,213	87,213
	OTHER AMMUNITION		
21	CAD/PAD, ALL TYPES	4,914	4,914
22	DEMOLITION MUNITIONS, ALL TYPES	6,380	6,380
23	GRENADES, ALL TYPES	22,760	22,760
24	SIGNALS, ALL TYPES	10,666	10,666
25	SIMULATORS, ALL TYPES	7,412	7,412
	MISCELLANEOUS		
26	AMMO COMPONENTS, ALL TYPES	12,726	12,726
27	NON-LETHAL AMMUNITION, ALL TYPES	6,100	5,900
	Early to need		[–200]
28	ITEMS LESS THAN $5 MILLION (AMMO)	10,006	9,506
	Early to need		[–500]
29	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	Early to need		[–3,700]
30	FIRST DESTINATION TRANSPORTATION (AMMO)	14,951	14,951
	PRODUCTION BASE SUPPORT		
32	INDUSTRIAL FACILITIES	222,269	222,269
33	CONVENTIONAL MUNITIONS DEMILITARIZATION	157,383	157,383
34	ARMS INITIATIVE	3,646	3,646
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,513,157**	**1,485,457**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
1	TACTICAL TRAILERS/DOLLY SETS	3,733	3,733
2	SEMITRAILERS, FLATBED:	3,716	3,716
3	HI MOB MULTI-PURP WHLD VEH (HMMWV)	0	21,000
	Ambulance recapitalization		[21,000]
4	GROUND MOBILITY VEHICLES (GMV)	4,907	4,907

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
6	JOINT LIGHT TACTICAL VEHICLE	587,514	587,514
7	TRUCK, DUMP, 20T (CCE)	3,927	3,927
8	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	53,293	53,293
9	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	7,460	7,460
10	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	39,564	39,564
11	PLS ESP	11,856	11,856
13	TACTICAL WHEELED VEHICLE PROTECTION KITS	49,751	49,751
14	MODIFICATION OF IN SVC EQUIP	64,000	52,000
	Higher priorities		[–12,000]
15	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	10,611	10,611
	NON-TACTICAL VEHICLES		
16	HEAVY ARMORED SEDAN	394	394
18	NONTACTICAL VEHICLES, OTHER	1,755	1,755
	COMM—JOINT COMMUNICATIONS		
19	WIN-T—GROUND FORCES TACTICAL NETWORK	427,598	327,598
	Ahead of need		[–100,000]
20	SIGNAL MODERNIZATION PROGRAM	58,250	58,250
21	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	5,749	5,749
22	JCSE EQUIPMENT (USREDCOM)	5,068	5,068
	COMM—SATELLITE COMMUNICATIONS		
23	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	143,805	143,805
24	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	36,580	36,580
25	SHF TERM	1,985	1,985
27	SMART-T (SPACE)	9,165	9,165
	COMM—C3 SYSTEM		
31	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,530	2,530
	COMM—COMBAT COMMUNICATIONS		
33	HANDHELD MANPACK SMALL FORM FIT (HMS)	273,645	273,645
34	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	25,017	25,017
35	RADIO TERMINAL SET, MIDS LVT(2)	12,326	12,326
37	TRACTOR DESK	2,034	2,034
38	TRACTOR RIDE	2,334	2,334
39	SPIDER APLA REMOTE CONTROL UNIT	1,985	1,985
40	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	10,796	10,796
42	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	3,607	3,607
43	UNIFIED COMMAND SUITE	14,295	14,295
45	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	19,893	19,893
	COMM—INTELLIGENCE COMM		
47	CI AUTOMATION ARCHITECTURE	1,388	1,388
48	ARMY CA/MISO GPF EQUIPMENT	5,494	5,494
	INFORMATION SECURITY		
49	FAMILY OF BIOMETRICS	2,978	2,978
51	COMMUNICATIONS SECURITY (COMSEC)	131,356	131,356
52	DEFENSIVE CYBER OPERATIONS	15,132	15,132
	COMM—LONG HAUL COMMUNICATIONS		
53	BASE SUPPORT COMMUNICATIONS	27,452	27,452
	COMM—BASE COMMUNICATIONS		
54	INFORMATION SYSTEMS	122,055	122,055
55	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,286	4,286
56	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	131,794	131,794
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
59	JTT/CIBS-M	5,337	5,337
62	DCGS-A (MIP)	242,514	149,514
	Changing requirement, tactical		[–93,000]
63	JOINT TACTICAL GROUND STATION (JTAGS)	4,417	4,417
64	TROJAN (MIP)	17,455	17,455
65	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	44,965	44,965
66	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,658	7,658
67	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	7,970	7,970
68	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	545	545
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
70	LIGHTWEIGHT COUNTER MORTAR RADAR	74,038	61,538
	Reduce to FY16 level		[–12,500]
71	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	3,235	3,235
72	AIR VIGILANCE (AV)	733	733
74	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	1,740	1,740
75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	455	455
76	CI MODERNIZATION	176	176
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
77	SENTINEL MODS	40,171	40,171
78	NIGHT VISION DEVICES	163,029	163,029
79	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,885	15,885
80	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	48,427	48,427
81	FAMILY OF WEAPON SIGHTS (FWS)	55,536	55,536
82	ARTILLERY ACCURACY EQUIP	4,187	4,187
85	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	137,501	137,501
86	JOINT EFFECTS TARGETING SYSTEM (JETS)	50,726	50,726
87	MOD OF IN-SVC EQUIP (LLDR)	28,058	21,558
	Reduce to FY16 levels		[–6,500]
88	COMPUTER BALLISTICS: LHMBC XM32	5,924	5,924
89	MORTAR FIRE CONTROL SYSTEM	22,331	22,331
90	COUNTERFIRE RADARS	314,509	278,509

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	Smooth production profile		[–36,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
91	FIRE SUPPORT C2 FAMILY	8,660	8,660
92	AIR & MSL DEFENSE PLANNING & CONTROL SYS	54,376	54,376
93	IAMD BATTLE COMMAND SYSTEM	204,969	204,969
94	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718
95	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063
96	MANEUVER CONTROL SYSTEM (MCS)	151,318	124,318
	Reduce to FY16 level		[–27,000]
97	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	155,660	155,660
98	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	4,214	4,214
99	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,185	16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,565	1,565
	ELECT EQUIP—AUTOMATION		
101	ARMY TRAINING MODERNIZATION	17,693	17,693
102	AUTOMATED DATA PROCESSING EQUIP	107,960	98,560
	Program reduction		[–9,400]
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	6,416	6,416
104	HIGH PERF COMPUTING MOD PGM (HPCMP)	58,614	58,614
105	CONTRACT WRITING SYSTEM	986	0
	Contract writing unjustified requirement		[–986]
106	RESERVE COMPONENT AUTOMATION SYS (RCAS)	23,828	23,828
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
107	TACTICAL DIGITAL MEDIA	1,191	1,191
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	1,995	1,995
	ELECT EQUIP—SUPPORT		
109	PRODUCTION BASE SUPPORT (C-E)	403	403
	CLASSIFIED PROGRAMS		
110	CLASSIFIED PROGRAMS	4,436	4,436
	CHEMICAL DEFENSIVE EQUIPMENT		
111	PROTECTIVE SYSTEMS	2,966	2,966
112	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,795	9,795
114	CBRN DEFENSE	17,922	17,922
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	13,553	13,553
116	TACTICAL BRIDGE, FLOAT-RIBBON	25,244	25,244
117	BRIDGE SUPPLEMENTAL SET	983	983
118	COMMON BRIDGE TRANSPORTER (CBT) RECAP	25,176	25,176
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	39,350	39,350
120	AREA MINE DETECTION SYSTEM (AMDS)	10,500	10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	274	274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,951	2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION	1,949	1,949
124	ROBOTICS AND APPLIQUE SYSTEMS	5,203	5,203
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	5,570	5,570
126	REMOTE DEMOLITION SYSTEMS	6,238	6,238
127	< $5M, COUNTERMINE EQUIPMENT	836	836
128	FAMILY OF BOATS AND MOTORS	3,171	3,171
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	18,707	18,707
130	SOLDIER ENHANCEMENT	2,112	2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	10,856	10,856
132	GROUND SOLDIER SYSTEM	32,419	32,419
133	MOBILE SOLDIER POWER	30,014	30,014
135	FIELD FEEDING EQUIPMENT	12,544	12,544
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	29,384
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,487	4,487
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	32,656
	Program decrease		[–10,000]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	59,761	59,761
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	30,694
	Reduce to FY16 level		[–5,000]
143	ITEMS LESS THAN $5.0M (MAINT EQ)	2,716	2,716
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	1,742	1,742
145	SCRAPERS, EARTHMOVING	26,233	26,233
147	HYDRAULIC EXCAVATOR	1,123	1,123
149	ALL TERRAIN CRANES	65,285	65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,743	1,743
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,779	2,779
154	CONST EQUIP ESP	26,712	22,212
	Reduce to FY16 level		[–4,500]
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	6,649	6,649
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
156	ARMY WATERCRAFT ESP	21,860	10,860
	Program decrease		[–11,000]
157	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	1,967	1,967

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	113,266	113,266
159	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,867	7,867
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	2,307	2,307
	TRAINING EQUIPMENT		
161	COMBAT TRAINING CENTERS SUPPORT	75,359	75,359
162	TRAINING DEVICES, NONSYSTEM	253,050	253,050
163	CLOSE COMBAT TACTICAL TRAINER	48,271	48,271
164	AVIATION COMBINED ARMS TACTICAL TRAINER	40,000	40,000
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,543	11,543
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
166	CALIBRATION SETS EQUIPMENT	4,963	4,963
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	29,781	29,781
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	6,342	6,342
	OTHER SUPPORT EQUIPMENT		
169	M25 STABILIZED BINOCULAR	3,149	3,149
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	18,003	18,003
171	PHYSICAL SECURITY SYSTEMS (OPA3)	44,082	44,082
172	BASE LEVEL COMMON EQUIPMENT	2,168	2,168
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	67,367	62,367
	Reduce to FY16 level		[–5,000]
174	PRODUCTION BASE SUPPORT (OTH)	1,528	1,528
175	SPECIAL EQUIPMENT FOR USER TESTING	8,289	8,289
177	TRACTOR YARD	6,888	6,888
	OPA2		
179	INITIAL SPARES—C&E	27,243	27,243
	TOTAL OTHER PROCUREMENT, ARMY	**5,873,949**	**5,562,063**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
3	JOINT STRIKE FIGHTER CV	890,650	890,650
4	JOINT STRIKE FIGHTER CV (AP)	80,908	80,908
5	JSF STOVL	2,037,768	2,037,768
6	JSF STOVL (AP)	233,648	233,648
7	CH–53K (HEAVY LIFT)	348,615	348,615
8	CH–53K (HEAVY LIFT) (AP)	88,365	88,365
9	V–22 (MEDIUM LIFT)	1,264,134	1,264,134
10	V–22 (MEDIUM LIFT) (AP)	19,674	19,674
11	H–1 UPGRADES (UH–1Y/AH–1Z)	759,778	759,778
12	H–1 UPGRADES (UH–1Y/AH–1Z) (AP)	57,232	57,232
14	MH–60R (MYP)	61,177	61,177
16	P–8A POSEIDON	1,940,238	1,940,238
17	P–8A POSEIDON (AP)	123,140	123,140
18	E–2D ADV HAWKEYE	916,483	916,483
19	E–2D ADV HAWKEYE (AP)	125,042	125,042
	TRAINER AIRCRAFT		
20	JPATS	5,849	5,849
	OTHER AIRCRAFT		
21	KC–130J	128,870	128,870
22	KC–130J (AP)	24,848	24,848
23	MQ–4 TRITON	409,005	409,005
24	MQ–4 TRITON (AP)	55,652	55,652
25	MQ–8 UAV	72,435	72,435
	MODIFICATION OF AIRCRAFT		
29	AEA SYSTEMS	51,900	51,900
30	AV–8 SERIES	60,818	60,818
31	ADVERSARY	5,191	5,191
32	F–18 SERIES	1,023,492	1,023,492
34	H–53 SERIES	46,095	46,095
35	SH–60 SERIES	108,328	108,328
36	H–1 SERIES	46,333	46,333
37	EP–3 SERIES	14,681	14,681
38	P–3 SERIES	2,781	2,781
39	E–2 SERIES	32,949	32,949
40	TRAINER A/C SERIES	13,199	13,199
41	C–2A	19,066	19,066
42	C–130 SERIES	61,788	61,788
43	FEWSG	618	618
44	CARGO/TRANSPORT A/C SERIES	9,822	9,822
45	E–6 SERIES	222,077	222,077
46	EXECUTIVE HELICOPTERS SERIES	66,835	66,835
47	SPECIAL PROJECT AIRCRAFT	16,497	16,497
48	T–45 SERIES	114,887	114,887
49	POWER PLANT CHANGES	16,893	16,893
50	JPATS SERIES	17,401	17,401
51	COMMON ECM EQUIPMENT	143,773	143,773
52	COMMON AVIONICS CHANGES	164,839	164,839
53	COMMON DEFENSIVE WEAPON SYSTEM	4,403	4,403
54	ID SYSTEMS	45,768	45,768
55	P–8 SERIES	18,836	18,836
56	MAGTF EW FOR AVIATION	5,676	5,676

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Line	Item	FY 2017 Request	Senate Authorized
57	MQ–8 SERIES	19,003	19,003
58	RQ–7 SERIES	3,534	3,534
59	V–22 (TILT/ROTOR ACFT) OSPREY	141,545	141,545
60	F–35 STOVL SERIES	34,928	34,928
61	F–35 CV SERIES	26,004	26,004
62	QRC	5,476	5,476
	AIRCRAFT SPARES AND REPAIR PARTS		
63	SPARES AND REPAIR PARTS	1,407,626	1,458,426
	F–35B spares unfunded requirement		[50,800]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
64	COMMON GROUND EQUIPMENT	390,103	390,103
65	AIRCRAFT INDUSTRIAL FACILITIES	23,194	23,194
66	WAR CONSUMABLES	40,613	40,613
67	OTHER PRODUCTION CHARGES	860	860
68	SPECIAL SUPPORT EQUIPMENT	36,282	36,282
69	FIRST DESTINATION TRANSPORTATION	1,523	1,523
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**14,109,148**	**14,159,948**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
1	TRIDENT II MODS	1,103,086	1,103,086
	SUPPORT EQUIPMENT & FACILITIES		
2	MISSILE INDUSTRIAL FACILITIES	6,776	6,776
	STRATEGIC MISSILES		
3	TOMAHAWK	186,905	271,105
	Program increase		[84,200]
	TACTICAL MISSILES		
4	AMRAAM	204,697	204,697
5	SIDEWINDER	70,912	70,912
6	JSOW	2,232	2,232
7	STANDARD MISSILE	501,212	501,212
8	RAM	71,557	71,557
9	JOINT AIR GROUND MISSILE (JAGM)	26,200	26,200
12	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	3,316	3,316
13	AERIAL TARGETS	137,484	137,484
14	OTHER MISSILE SUPPORT	3,248	3,248
15	LRASM	29,643	29,643
	MODIFICATION OF MISSILES		
16	ESSM	52,935	52,935
18	HARM MODS	178,213	148,213
	Advanced Anti-Radiation Guided Missile production issues		[–30,000]
19	STANDARD MISSILES MODS	8,164	8,164
	SUPPORT EQUIPMENT & FACILITIES		
20	WEAPONS INDUSTRIAL FACILITIES	1,964	1,964
21	FLEET SATELLITE COMM FOLLOW-ON	36,723	36,723
	ORDNANCE SUPPORT EQUIPMENT		
22	ORDNANCE SUPPORT EQUIPMENT	59,096	66,066
	Program increase		[6,970]
	TORPEDOES AND RELATED EQUIP		
23	SSTD	5,910	5,910
24	MK–48 TORPEDO	44,537	44,537
25	ASW TARGETS	9,302	9,302
	MOD OF TORPEDOES AND RELATED EQUIP		
26	MK–54 TORPEDO MODS	98,092	98,092
27	MK–48 TORPEDO ADCAP MODS	46,139	46,139
28	QUICKSTRIKE MINE	1,236	1,236
	SUPPORT EQUIPMENT		
29	TORPEDO SUPPORT EQUIPMENT	60,061	60,061
30	ASW RANGE SUPPORT	3,706	3,706
	DESTINATION TRANSPORTATION		
31	FIRST DESTINATION TRANSPORTATION	3,804	3,804
	GUNS AND GUN MOUNTS		
32	SMALL ARMS AND WEAPONS	18,002	18,002
	MODIFICATION OF GUNS AND GUN MOUNTS		
33	CIWS MODS	50,900	50,900
34	COAST GUARD WEAPONS	25,295	25,295
35	GUN MOUNT MODS	77,003	77,003
36	LCS MODULE WEAPONS	2,776	2,776
38	AIRBORNE MINE NEUTRALIZATION SYSTEMS	15,753	15,753
	SPARES AND REPAIR PARTS		
40	SPARES AND REPAIR PARTS	62,383	62,383
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,209,262**	**3,270,432**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	91,659	91,659
2	AIRBORNE ROCKETS, ALL TYPES	65,759	65,759
3	MACHINE GUN AMMUNITION	8,152	8,152
4	PRACTICE BOMBS	41,873	41,873
5	CARTRIDGES & CART ACTUATED DEVICES	54,002	54,002
6	AIR EXPENDABLE COUNTERMEASURES	57,034	57,034
7	JATOS	2,735	2,735

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Line	Item	FY 2017 Request	Senate Authorized
9	5 INCH/54 GUN AMMUNITION	19,220	19,220
10	INTERMEDIATE CALIBER GUN AMMUNITION	30,196	30,196
11	OTHER SHIP GUN AMMUNITION	39,009	39,009
12	SMALL ARMS & LANDING PARTY AMMO	46,727	46,727
13	PYROTECHNIC AND DEMOLITION	9,806	9,806
14	AMMUNITION LESS THAN $5 MILLION	2,900	2,900
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	27,958	27,958
17	40 MM, ALL TYPES	14,758	14,758
18	60MM, ALL TYPES	992	992
20	120MM, ALL TYPES	16,757	12,757
	120mm early to need		[–4,000]
21	GRENADES, ALL TYPES	972	972
22	ROCKETS, ALL TYPES	14,186	14,186
23	ARTILLERY, ALL TYPES	68,656	68,656
24	DEMOLITION MUNITIONS, ALL TYPES	1,700	1,700
25	FUZE, ALL TYPES	26,088	26,088
27	AMMO MODERNIZATION	14,660	14,660
28	ITEMS LESS THAN $5 MILLION	8,569	6,069
	early to need		[–2,500]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**664,368**	**657,868**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
1	OHIO REPLACEMENT SUBMARINE (AP)	773,138	773,138
	OTHER WARSHIPS		
2	CARRIER REPLACEMENT PROGRAM	1,291,783	1,291,783
3	CARRIER REPLACEMENT PROGRAM (AP)	1,370,784	1,370,784
4	VIRGINIA CLASS SUBMARINE	3,187,985	3,187,985
5	VIRGINIA CLASS SUBMARINE (AP)	1,767,234	1,767,234
6	CVN REFUELING OVERHAULS	1,743,220	1,743,220
7	CVN REFUELING OVERHAULS (AP)	248,599	248,599
8	DDG 1000	271,756	271,756
9	DDG–51	3,211,292	3,261,092
	Fund additional FY16 destroyer		[49,800]
11	LITTORAL COMBAT SHIP	1,125,625	1,097,625
	Unjustified growth		[–28,000]
	AMPHIBIOUS SHIPS		
13	AMPHIBIOUS SHIP REPLACEMENT LX(R) (AP)	0	50,000
	Advanced procurement for LX (R)		[50,000]
16	LHA REPLACEMENT	1,623,024	1,623,024
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
20	TAO FLEET OILER (AP)	73,079	73,079
22	MOORED TRAINING SHIP	624,527	624,527
25	OUTFITTING	666,158	666,158
26	SHIP TO SHORE CONNECTOR	128,067	128,067
27	SERVICE CRAFT	65,192	65,192
28	LCAC SLEP	1,774	1,774
29	YP CRAFT MAINTENANCE/ROH/SLEP	21,363	21,363
30	COMPLETION OF PY SHIPBUILDING PROGRAMS	160,274	160,274
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**18,354,874**	**18,426,674**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
3	SURFACE POWER EQUIPMENT	15,514	15,514
4	HYBRID ELECTRIC DRIVE (HED)	40,132	40,132
	GENERATORS		
5	SURFACE COMBATANT HM&E	29,974	29,974
	NAVIGATION EQUIPMENT		
6	OTHER NAVIGATION EQUIPMENT	63,942	63,942
	OTHER SHIPBOARD EQUIPMENT		
8	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	136,421	136,421
9	DDG MOD	367,766	432,766
	BMD upgrade unfunded requirement		[65,000]
10	FIREFIGHTING EQUIPMENT	14,743	14,743
11	COMMAND AND CONTROL SWITCHBOARD	2,140	2,140
12	LHA/LHD MIDLIFE	24,939	24,939
14	POLLUTION CONTROL EQUIPMENT	20,191	20,191
15	SUBMARINE SUPPORT EQUIPMENT	8,995	8,995
16	VIRGINIA CLASS SUPPORT EQUIPMENT	66,838	66,838
17	LCS CLASS SUPPORT EQUIPMENT	54,823	54,823
18	SUBMARINE BATTERIES	23,359	23,359
19	LPD CLASS SUPPORT EQUIPMENT	40,321	40,321
20	DDG 1000 CLASS SUPPORT EQUIPMENT	33,404	33,404
21	STRATEGIC PLATFORM SUPPORT EQUIP	15,836	15,836
22	DSSP EQUIPMENT	806	806
24	LCAC	3,090	3,090
25	UNDERWATER EOD PROGRAMS	24,350	24,350
26	ITEMS LESS THAN $5 MILLION	88,719	88,719
27	CHEMICAL WARFARE DETECTORS	2,873	2,873
28	SUBMARINE LIFE SUPPORT SYSTEM	6,043	6,043
	REACTOR PLANT EQUIPMENT		

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Line	Item	FY 2017 Request	Senate Authorized
30	REACTOR COMPONENTS	342,158	342,158
	OCEAN ENGINEERING		
31	DIVING AND SALVAGE EQUIPMENT	8,973	8,973
	SMALL BOATS		
32	STANDARD BOATS	43,684	43,684
	PRODUCTION FACILITIES EQUIPMENT		
34	OPERATING FORCES IPE	75,421	75,421
	OTHER SHIP SUPPORT		
35	NUCLEAR ALTERATIONS	172,718	172,718
36	LCS COMMON MISSION MODULES EQUIPMENT	27,840	24,140
	Cancelled program (RMS)		[–3,700]
37	LCS MCM MISSION MODULES	57,146	57,146
38	LCS ASW MISSION MODULES	31,952	31,952
39	LCS SUW MISSION MODULES	22,466	22,466
	LOGISTIC SUPPORT		
41	LSD MIDLIFE	10,813	10,813
	SHIP SONARS		
42	SPQ–9B RADAR	14,363	14,363
43	AN/SQQ–89 SURF ASW COMBAT SYSTEM	90,029	90,029
45	SSN ACOUSTIC EQUIPMENT	248,765	248,765
46	UNDERSEA WARFARE SUPPORT EQUIPMENT	7,163	7,163
	ASW ELECTRONIC EQUIPMENT		
48	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,291	21,291
49	SSTD	6,893	6,893
50	FIXED SURVEILLANCE SYSTEM	145,701	145,701
51	SURTASS	36,136	46,136
	Additional SURTASS array unfunded requirement		[10,000]
	ELECTRONIC WARFARE EQUIPMENT		
53	AN/SLQ–32	274,892	297,892
	Additional SEWIP Blk 3 unfunded requirement		[23,000]
	RECONNAISSANCE EQUIPMENT		
54	SHIPBOARD IW EXPLOIT	170,733	170,733
55	AUTOMATED IDENTIFICATION SYSTEM (AIS)	958	958
	OTHER SHIP ELECTRONIC EQUIPMENT		
57	COOPERATIVE ENGAGEMENT CAPABILITY	22,034	22,034
59	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	12,336	12,336
60	ATDLS	30,105	30,105
61	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,556	4,556
62	MINESWEEPING SYSTEM REPLACEMENT	56,675	32,175
	Ahead of need		[–24,500]
63	SHALLOW WATER MCM	8,875	8,875
64	NAVSTAR GPS RECEIVERS (SPACE)	12,752	12,752
65	AMERICAN FORCES RADIO AND TV SERVICE	4,577	4,577
66	STRATEGIC PLATFORM SUPPORT EQUIP	8,972	8,972
	AVIATION ELECTRONIC EQUIPMENT		
69	ASHORE ATC EQUIPMENT	75,068	75,068
70	AFLOAT ATC EQUIPMENT	33,484	33,484
76	ID SYSTEMS	22,177	22,177
77	NAVAL MISSION PLANNING SYSTEMS	14,273	14,273
	OTHER SHORE ELECTRONIC EQUIPMENT		
80	TACTICAL/MOBILE C4I SYSTEMS	27,927	27,927
81	DCGS-N	12,676	12,676
82	CANES	212,030	212,030
83	RADIAC	8,092	8,092
84	CANES-INTELL	36,013	36,013
85	GPETE	6,428	6,428
87	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376
88	EMI CONTROL INSTRUMENTATION	3,971	3,971
89	ITEMS LESS THAN $5 MILLION	58,721	58,721
	SHIPBOARD COMMUNICATIONS		
90	SHIPBOARD TACTICAL COMMUNICATIONS	17,366	17,366
91	SHIP COMMUNICATIONS AUTOMATION	102,479	102,479
92	COMMUNICATIONS ITEMS UNDER $5M	10,403	10,403
	SUBMARINE COMMUNICATIONS		
93	SUBMARINE BROADCAST SUPPORT	34,151	34,151
94	SUBMARINE COMMUNICATION EQUIPMENT	64,529	64,529
	SATELLITE COMMUNICATIONS		
95	SATELLITE COMMUNICATIONS SYSTEMS	14,414	14,414
96	NAVY MULTIBAND TERMINAL (NMT)	38,365	38,365
	SHORE COMMUNICATIONS		
97	JCS COMMUNICATIONS EQUIPMENT	4,156	4,156
	CRYPTOGRAPHIC EQUIPMENT		
99	INFO SYSTEMS SECURITY PROGRAM (ISSP)	85,694	85,694
100	MIO INTEL EXPLOITATION TEAM	920	920
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	21,098	21,098
	OTHER ELECTRONIC SUPPORT		
102	COAST GUARD EQUIPMENT	32,291	32,291
	SONOBUOYS		
103	SONOBUOYS—ALL TYPES	162,588	162,588
	AIRCRAFT SUPPORT EQUIPMENT		
104	WEAPONS RANGE SUPPORT EQUIPMENT	58,116	58,116

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Line	Item	FY 2017 Request	Senate Authorized
105	AIRCRAFT SUPPORT EQUIPMENT	120,324	120,324
106	METEOROLOGICAL EQUIPMENT	29,253	29,253
107	DCRS/DPL	632	632
108	AIRBORNE MINE COUNTERMEASURES	29,097	29,097
109	AVIATION SUPPORT EQUIPMENT	39,099	39,099
	SHIP GUN SYSTEM EQUIPMENT		
110	SHIP GUN SYSTEMS EQUIPMENT	6,191	6,191
	SHIP MISSILE SYSTEMS EQUIPMENT		
111	SHIP MISSILE SUPPORT EQUIPMENT	320,446	320,446
112	TOMAHAWK SUPPORT EQUIPMENT	71,046	71,046
	FBM SUPPORT EQUIPMENT		
113	STRATEGIC MISSILE SYSTEMS EQUIP	215,138	215,138
	ASW SUPPORT EQUIPMENT		
114	SSN COMBAT CONTROL SYSTEMS	130,715	130,715
115	ASW SUPPORT EQUIPMENT	26,431	26,431
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	11,821	11,821
117	ITEMS LESS THAN $5 MILLION	6,243	6,243
	OTHER EXPENDABLE ORDNANCE		
118	SUBMARINE TRAINING DEVICE MODS	48,020	48,020
120	SURFACE TRAINING EQUIPMENT	97,514	97,514
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	8,853	8,853
122	GENERAL PURPOSE TRUCKS	4,928	4,928
123	CONSTRUCTION & MAINTENANCE EQUIP	18,527	18,527
124	FIRE FIGHTING EQUIPMENT	13,569	13,569
125	TACTICAL VEHICLES	14,917	14,917
126	AMPHIBIOUS EQUIPMENT	7,676	7,676
127	POLLUTION CONTROL EQUIPMENT	2,321	2,321
128	ITEMS UNDER $5 MILLION	12,459	12,459
129	PHYSICAL SECURITY VEHICLES	1,095	1,095
	SUPPLY SUPPORT EQUIPMENT		
131	SUPPLY EQUIPMENT	16,023	16,023
133	FIRST DESTINATION TRANSPORTATION	5,115	5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS	295,471	295,471
	TRAINING DEVICES		
136	TRAINING AND EDUCATION EQUIPMENT	9,504	9,504
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	37,180	37,180
139	MEDICAL SUPPORT EQUIPMENT	4,128	4,128
141	NAVAL MIP SUPPORT EQUIPMENT	1,925	1,925
142	OPERATING FORCES SUPPORT EQUIPMENT	4,777	4,777
143	C4ISR EQUIPMENT	9,073	9,073
144	ENVIRONMENTAL SUPPORT EQUIPMENT	21,107	21,107
145	PHYSICAL SECURITY EQUIPMENT	100,906	100,906
146	ENTERPRISE INFORMATION TECHNOLOGY	67,544	67,544
	OTHER		
150	NEXT GENERATION ENTERPRISE SERVICE	98,216	98,216
	CLASSIFIED PROGRAMS		
160	CLASSIFIED PROGRAMS	9,915	9,915
	SPARES AND REPAIR PARTS		
151	SPARES AND REPAIR PARTS	199,660	199,660
	TOTAL OTHER PROCUREMENT, NAVY	**6,338,861**	**6,408,661**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
1	AAV7A1 PIP	73,785	73,785
2	LAV PIP	53,423	53,423
	ARTILLERY AND OTHER WEAPONS		
3	EXPEDITIONARY FIRE SUPPORT SYSTEM	3,360	3,360
4	155MM LIGHTWEIGHT TOWED HOWITZER	3,318	3,318
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	33,725	33,725
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	8,181	8,181
	OTHER SUPPORT		
7	MODIFICATION KITS	15,250	15,250
	GUIDED MISSILES		
9	GROUND BASED AIR DEFENSE	9,170	9,170
10	JAVELIN	1,009	1,009
11	FOLLOW ON TO SMAW	24,666	24,666
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	17,080	17,080
	COMMAND AND CONTROL SYSTEMS		
15	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	47,312	47,312
	REPAIR AND TEST EQUIPMENT		
16	REPAIR AND TEST EQUIPMENT	16,469	16,469
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	ITEMS UNDER $5 MILLION (COMM & ELEC)	7,433	7,433
20	AIR OPERATIONS C2 SYSTEMS	15,917	15,917
	RADAR + EQUIPMENT (NON-TEL)		
21	RADAR SYSTEMS	17,772	17,772
22	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	123,758	123,758
23	RQ–21 UAS	80,217	80,217
	INTELL/COMM EQUIPMENT (NON-TEL)		

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Line	Item	FY 2017 Request	Senate Authorized
24	GCSS-MC	1,089	1,089
25	FIRE SUPPORT SYSTEM	13,258	13,258
26	INTELLIGENCE SUPPORT EQUIPMENT	56,379	56,379
29	RQ–11 UAV	1,976	1,976
31	DCGS-MC	1,149	1,149
32	UAS PAYLOADS	2,971	2,971
	OTHER SUPPORT (NON-TEL)		
34	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	76,302	76,302
35	COMMON COMPUTER RESOURCES	41,802	41,802
36	COMMAND POST SYSTEMS	90,924	90,924
37	RADIO SYSTEMS	43,714	43,714
38	COMM SWITCHING & CONTROL SYSTEMS	66,383	66,383
39	COMM & ELEC INFRASTRUCTURE SUPPORT	30,229	30,229
	CLASSIFIED PROGRAMS		
40	CLASSIFIED PROGRAMS	2,738	2,738
	ADMINISTRATIVE VEHICLES		
41	COMMERCIAL CARGO VEHICLES	88,312	88,312
	TACTICAL VEHICLES		
43	MOTOR TRANSPORT MODIFICATIONS	13,292	13,292
45	JOINT LIGHT TACTICAL VEHICLE	113,230	113,230
46	FAMILY OF TACTICAL TRAILERS	2,691	2,691
	ENGINEER AND OTHER EQUIPMENT		
48	ENVIRONMENTAL CONTROL EQUIP ASSORT	18	18
50	TACTICAL FUEL SYSTEMS	78	78
51	POWER EQUIPMENT ASSORTED	17,973	17,973
52	AMPHIBIOUS SUPPORT EQUIPMENT	7,371	7,371
53	EOD SYSTEMS	14,021	14,021
	MATERIALS HANDLING EQUIPMENT		
54	PHYSICAL SECURITY EQUIPMENT	31,523	31,523
	GENERAL PROPERTY		
58	TRAINING DEVICES	33,658	33,658
60	FAMILY OF CONSTRUCTION EQUIPMENT	21,315	21,315
61	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	9,654	9,654
	OTHER SUPPORT		
62	ITEMS LESS THAN $5 MILLION	6,026	6,026
	SPARES AND REPAIR PARTS		
64	SPARES AND REPAIR PARTS	22,848	22,848
	TOTAL PROCUREMENT, MARINE CORPS	**1,362,769**	**1,362,769**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
1	F–35	4,401,894	4,401,894
2	F–35 (AP)	404,500	404,500
	TACTICAL AIRLIFT		
3	KC–46A TANKER	2,884,591	2,884,591
	OTHER AIRLIFT		
4	C–130J	145,655	145,655
6	HC–130J	317,576	317,576
7	HC–130J (AP)	20,000	20,000
8	MC–130J	548,358	548,358
9	MC–130J (AP)	50,000	50,000
	HELICOPTERS		
10	UUH–1N REPLACEMENT	18,337	320,637
	HH–60 Blackhawks, initial spares, and support equipment		[302,300]
	MISSION SUPPORT AIRCRAFT		
12	CIVIL AIR PATROL A/C	2,637	2,637
	OTHER AIRCRAFT		
13	TARGET DRONES	114,656	114,656
14	RQ–4	12,966	12,966
15	MQ–9	122,522	35,522
	Air Force requested realignment		[–87,000]
	STRATEGIC AIRCRAFT		
16	B–2A	46,729	46,729
17	B–1B	116,319	116,319
18	B–52	109,020	109,020
	TACTICAL AIRCRAFT		
20	A–10	1,289	1,289
21	F–15	105,685	105,685
22	F–16	97,331	185,631
	Active missile warning system		[12,000]
	Anti-jam global positioning system (GPS) upgrade		[5,000]
	Digital radar warning system		[23,000]
	Multi-mission computer and MIDS-JTRS		[48,300]
23	F–22A	163,008	163,008
24	F–35 MODIFICATIONS	175,811	175,811
25	INCREMENT 3.2B	76,410	76,410
26	INCREMENT 3.2B (AP)	2,000	2,000
	AIRLIFT AIRCRAFT		
27	C–5	24,192	24,192
29	C–17A	21,555	21,555
30	C–21	5,439	5,439
31	C–32A	35,235	35,235

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Line	Item	FY 2017 Request	Senate Authorized
32	C–37A	5,004	5,004
	TRAINER AIRCRAFT		
33	GLIDER MODS	394	394
34	T–6	12,765	12,765
35	T–1	25,073	25,073
36	T–38	45,090	45,090
	OTHER AIRCRAFT		
37	U–2 MODS	36,074	36,074
38	KC–10A (ATCA)	4,570	4,570
39	C–12	1,995	1,995
40	VC–25A MOD	102,670	102,670
41	C–40	13,984	13,984
42	C–130	9,168	9,168
43	C–130J MODS	89,424	89,424
44	C–135	64,161	64,161
45	COMPASS CALL MODS	130,257	155,857
	Air Force requested realignment from Initial Spares		[25,600]
46	RC–135	211,438	211,438
47	E–3	82,786	82,786
48	E–4	53,348	53,348
49	E–8	6,244	6,244
50	AIRBORNE WARNING AND CONTROL SYSTEM	223,427	223,427
51	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	4,673	4,673
52	H–1	9,007	9,007
54	H–60	91,357	91,357
55	RQ–4 MODS	32,045	32,045
56	HC/MC–130 MODIFICATIONS	30,767	30,767
57	OTHER AIRCRAFT	33,886	33,886
59	MQ–9 MODS	141,929	141,929
60	CV–22 MODS	63,395	63,395
	AIRCRAFT SPARES AND REPAIR PARTS		
61	INITIAL SPARES/REPAIR PARTS	686,491	747,891
	Air Force requested realignment		[–25,600]
	Air Force requested realignment from MQ–9		[87,000]
	COMMON SUPPORT EQUIPMENT		
62	AIRCRAFT REPLACEMENT SUPPORT EQUIP	121,935	121,935
	POST PRODUCTION SUPPORT		
63	B–2A	154	154
64	B–2A	43,330	43,330
65	B–52	28,125	28,125
66	C–17A	23,559	23,559
69	F–15	2,980	2,980
70	F–16	15,155	15,155
71	F–22A	48,505	48,505
74	RQ–4 POST PRODUCTION CHARGES	99	99
	INDUSTRIAL PREPAREDNESS		
75	INDUSTRIAL RESPONSIVENESS	14,126	14,126
	WAR CONSUMABLES		
76	WAR CONSUMABLES	120,036	120,036
	OTHER PRODUCTION CHARGES		
77	OTHER PRODUCTION CHARGES	1,252,824	1,252,824
	CLASSIFIED PROGRAMS		
78	CLASSIFIED PROGRAMS	16,952	16,952
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**13,922,917**	**14,313,517**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
1	MISSILE REPLACEMENT EQ-BALLISTIC	70,247	70,247
	TACTICAL		
2	JOINT AIR-SURFACE STANDOFF MISSILE	431,645	431,645
3	LRASM0	59,511	59,511
4	SIDEWINDER (AIM–9X)	127,438	127,438
5	AMRAAM	350,144	350,144
6	PREDATOR HELLFIRE MISSILE	33,955	33,955
7	SMALL DIAMETER BOMB	92,361	92,361
	INDUSTRIAL FACILITIES		
8	INDUSTR'L PREPAREDNS/POL PREVENTION	977	977
	CLASS IV		
9	ICBM FUZE MOD	17,095	17,095
10	MM III MODIFICATIONS	68,692	68,692
11	AGM–65D MAVERICK	282	282
13	AIR LAUNCH CRUISE MISSILE (ALCM)	21,762	21,762
14	SMALL DIAMETER BOMB	15,349	15,349
	MISSILE SPARES AND REPAIR PARTS		
15	INITIAL SPARES/REPAIR PARTS	81,607	81,607
	SPECIAL PROGRAMS		
30	SPECIAL UPDATE PROGRAMS	46,125	46,125
	CLASSIFIED PROGRAMS		
31	CLASSIFIED PROGRAMS	1,009,431	1,009,431
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,426,621**	**2,426,621**
	SPACE PROCUREMENT, AIR FORCE		

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	SPACE PROGRAMS		
1	ADVANCED EHF	645,569	645,569
2	AF SATELLITE COMM SYSTEM	42,375	42,375
3	COUNTERSPACE SYSTEMS	26,984	26,984
4	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	88,963	88,963
5	WIDEBAND GAPFILLER SATELLITES(SPACE)	86,272	86,272
6	GPS III SPACE SEGMENT	34,059	34,059
7	GLOBAL POSTIONING (SPACE)	2,169	2,169
8	SPACEBORNE EQUIP (COMSEC)	46,708	46,708
9	GLOBAL POSITIONING (SPACE)	13,171	13,171
10	MILSATCOM	41,799	41,799
11	EVOLVED EXPENDABLE LAUNCH CAPABILITY	768,586	768,586
12	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	737,853	737,853
13	SBIR HIGH (SPACE)	362,504	362,504
14	NUDET DETECTION SYSTEM	4,395	4,395
15	SPACE MODS	8,642	8,642
16	SPACELIFT RANGE SYSTEM SPACE	123,088	123,088
	SPARES		
17	INITIAL SPARES/REPAIR PARTS	22,606	22,606
	TOTAL SPACE PROCUREMENT, AIR FORCE	**3,055,743**	**3,055,743**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	18,734	18,734
	CARTRIDGES		
2	CARTRIDGES	220,237	220,237
	BOMBS		
3	PRACTICE BOMBS	97,106	97,106
4	GENERAL PURPOSE BOMBS	581,561	581,561
5	MASSIVE ORDNANCE PENETRATOR (MOP)	3,600	3,600
6	JOINT DIRECT ATTACK MUNITION	303,988	303,988
	OTHER ITEMS		
7	CAD/PAD	38,890	38,890
8	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	5,714	5,714
9	SPARES AND REPAIR PARTS	740	740
10	MODIFICATIONS	573	573
11	ITEMS LESS THAN $5 MILLION	5,156	5,156
	FLARES		
12	FLARES	134,709	134,709
	FUZES		
13	FUZES	229,252	229,252
	SMALL ARMS		
14	SMALL ARMS	37,459	37,459
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**1,677,719**	**1,677,719**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	14,437	14,437
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	24,812	24,812
3	CAP VEHICLES	984	984
4	ITEMS LESS THAN $5 MILLION	11,191	11,191
	SPECIAL PURPOSE VEHICLES		
5	SECURITY AND TACTICAL VEHICLES	5,361	5,361
6	ITEMS LESS THAN $5 MILLION	4,623	4,623
	FIRE FIGHTING EQUIPMENT		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,451	12,451
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION	18,114	18,114
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV & CLEANING EQUIP	2,310	2,310
10	ITEMS LESS THAN $5 MILLION	46,868	46,868
	COMM SECURITY EQUIPMENT(COMSEC)		
12	COMSEC EQUIPMENT	72,359	72,359
	INTELLIGENCE PROGRAMS		
14	INTELLIGENCE TRAINING EQUIPMENT	6,982	6,982
15	INTELLIGENCE COMM EQUIPMENT	30,504	35,604
	Air Force requested realignment from AFNET		[5,100]
	ELECTRONICS PROGRAMS		
16	AIR TRAFFIC CONTROL & LANDING SYS	55,803	55,803
17	NATIONAL AIRSPACE SYSTEM	2,673	2,673
18	BATTLE CONTROL SYSTEM—FIXED	5,677	5,677
19	THEATER AIR CONTROL SYS IMPROVEMENTS	1,163	1,163
20	WEATHER OBSERVATION FORECAST	21,667	21,667
21	STRATEGIC COMMAND AND CONTROL	39,803	39,803
22	CHEYENNE MOUNTAIN COMPLEX	24,618	24,618
23	MISSION PLANNING SYSTEMS	15,868	15,868
25	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,331	9,331
	SPCL COMM-ELECTRONICS PROJECTS		
26	GENERAL INFORMATION TECHNOLOGY	41,779	41,779
27	AF GLOBAL COMMAND & CONTROL SYS	15,729	15,729
28	MOBILITY COMMAND AND CONTROL	9,814	9,814

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
29	AIR FORCE PHYSICAL SECURITY SYSTEM	99,460	99,460
30	COMBAT TRAINING RANGES	34,850	34,850
31	MINIMUM ESSENTIAL EMERGENCY COMM N	198,925	198,925
32	WIDE AREA SURVEILLANCE (WAS)	6,943	6,943
33	C3 COUNTERMEASURES	19,580	19,580
34	GCSS-AF FOS	1,743	1,743
36	THEATER BATTLE MGT C2 SYSTEM	9,659	9,659
37	AIR & SPACE OPERATIONS CTR-WPN SYS	15,474	15,474
38	AIR OPERATIONS CENTER (AOC) 10.2	30,623	30,623
	AIR FORCE COMMUNICATIONS		
39	INFORMATION TRANSPORT SYSTEMS	40,043	40,043
40	AFNET	146,897	141,797
	Air Force requested realignment		[–5,100]
41	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,182	5,182
42	USCENTCOM	13,418	13,418
	ORGANIZATION AND BASE		
52	TACTICAL C-E EQUIPMENT	109,836	109,836
53	RADIO EQUIPMENT	16,266	16,266
54	CCTV/AUDIOVISUAL EQUIPMENT	7,449	7,449
55	BASE COMM INFRASTRUCTURE	109,215	109,215
	MODIFICATIONS		
56	COMM ELECT MODS	65,700	65,700
	PERSONAL SAFETY & RESCUE EQUIP		
58	ITEMS LESS THAN $5 MILLION	54,416	54,416
	DEPOT PLANT+MTRLS HANDLING EQ		
59	MECHANIZED MATERIAL HANDLING EQUIP	7,344	7,344
	BASE SUPPORT EQUIPMENT		
60	BASE PROCURED EQUIPMENT	6,852	6,852
63	MOBILITY EQUIPMENT	8,146	8,146
64	ITEMS LESS THAN $5 MILLION	28,427	28,427
	SPECIAL SUPPORT PROJECTS		
66	DARP RC135	25,287	25,287
67	DCGS-AF	169,201	169,201
69	SPECIAL UPDATE PROGRAM	576,710	576,710
	CLASSIFIED PROGRAMS		
70	CLASSIFIED PROGRAMS	15,119,705	15,119,705
	SPARES AND REPAIR PARTS		
72	SPARES AND REPAIR PARTS	15,784	15,784
	TOTAL OTHER PROCUREMENT, AIR FORCE	**17,438,056**	**17,438,056**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
37	MAJOR EQUIPMENT, OSD	29,211	6,111
	Mentor Protégé		[–23,100]
	MAJOR EQUIPMENT, NSA		
36	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	4,399	4,399
	MAJOR EQUIPMENT, WHS		
40	MAJOR EQUIPMENT, WHS	24,979	24,979
	MAJOR EQUIPMENT, DISA		
6	INFORMATION SYSTEMS SECURITY	21,347	21,347
7	TELEPORT PROGRAM	50,597	50,597
8	ITEMS LESS THAN $5 MILLION	10,420	10,420
9	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,634	1,634
10	DEFENSE INFORMATION SYSTEM NETWORK	87,235	87,235
11	CYBER SECURITY INITIATIVE	4,528	4,528
12	WHITE HOUSE COMMUNICATION AGENCY	36,846	36,846
13	SENIOR LEADERSHIP ENTERPRISE	599,391	599,391
15	JOINT REGIONAL SECURITY STACKS (JRSS)	150,221	150,221
	MAJOR EQUIPMENT, DLA		
17	MAJOR EQUIPMENT	2,055	2,055
	MAJOR EQUIPMENT, DSS		
20	MAJOR EQUIPMENT	1,057	1,057
	MAJOR EQUIPMENT, DCAA		
1	ITEMS LESS THAN $5 MILLION	2,964	2,964
	MAJOR EQUIPMENT, TJS		
38	MAJOR EQUIPMENT, TJS	7,988	7,988
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
23	THAAD	369,608	369,608
24	AEGIS BMD	463,801	463,801
25	BMDS AN/TPY–2 RADARS	5,503	5,503
28	AEGIS ASHORE PHASE III	57,493	57,493
29	IRON DOME	42,000	42,000
30	AEGIS BMD HARDWARE AND SOFTWARE	50,098	50,098
	MAJOR EQUIPMENT, DHRA		
3	PERSONNEL ADMINISTRATION	14,232	14,232
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
21	VEHICLES	200	200
22	OTHER MAJOR EQUIPMENT	6,437	6,437
	MAJOR EQUIPMENT, DODEA		
19	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	288	288
	MAJOR EQUIPMENT, DCMA		
2	MAJOR EQUIPMENT	92	92

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	MAJOR EQUIPMENT, DMACT		
18	MAJOR EQUIPMENT	8,060	8,060
	CLASSIFIED PROGRAMS		
41	CLASSIFIED PROGRAMS	568,864	568,864
	AVIATION PROGRAMS		
42	ROTARY WING UPGRADES AND SUSTAINMENT	150,396	168,996
	OCONUS training loss replacement		[18,600]
43	UNMANNED ISR	21,190	21,190
45	NON-STANDARD AVIATION	4,905	4,905
46	U–28	3,970	3,970
47	MH–47 CHINOOK	25,022	25,022
49	CV–22 MODIFICATION	19,008	19,008
51	MQ–9 UNMANNED AERIAL VEHICLE	10,598	25,398
	MQ–9 capability enhancements		[14,800]
53	PRECISION STRIKE PACKAGE	213,122	200,022
	SOCOM requested transfer		[–13,100]
54	AC/MC–130J	73,548	86,648
	SOCOM requested transfer		[13,100]
55	C–130 MODIFICATIONS	32,970	32,970
	SHIPBUILDING		
56	UNDERWATER SYSTEMS	37,098	37,098
	AMMUNITION PROGRAMS		
57	ORDNANCE ITEMS <$5M	105,267	105,267
	OTHER PROCUREMENT PROGRAMS		
58	INTELLIGENCE SYSTEMS	79,963	79,963
59	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	13,432	13,432
60	OTHER ITEMS <$5M	66,436	66,436
61	COMBATANT CRAFT SYSTEMS	55,820	55,820
62	SPECIAL PROGRAMS	107,432	107,432
63	TACTICAL VEHICLES	67,849	67,849
64	WARRIOR SYSTEMS <$5M	245,781	245,781
65	COMBAT MISSION REQUIREMENTS	19,566	19,566
66	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,437	3,437
67	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,299	17,299
69	OPERATIONAL ENHANCEMENTS	219,945	219,945
	CBDP		
70	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	148,203	148,203
71	CB PROTECTION & HAZARD MITIGATION	161,113	161,113
	TOTAL PROCUREMENT, DEFENSE-WIDE	**4,524,918**	**4,535,218**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	99,300	99,300
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	**99,300**	**99,300**
	TOTAL PROCUREMENT	**101,971,592**	**102,434,976**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) PROCUREMENT.—

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
6	AH–64 APACHE BLOCK IIIA REMAN	78,040	78,040
	MODIFICATION OF AIRCRAFT		
15	MULTI SENSOR ABN RECON (MIP)	21,400	21,400
20	EMARSS SEMA MODS (MIP)	42,700	42,700
26	RQ–7 UAV MODS	1,775	1,775
27	UAS MODS	4,420	4,420
	GROUND SUPPORT AVIONICS		
30	CMWS	56,115	56,115
31	CIRCM	108,721	108,721
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**313,171**	**313,171**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	455,830	455,830
	ANTI-TANK/ASSAULT MISSILE SYS		
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	15,567	15,567
8	TOW 2 SYSTEM SUMMARY	80,652	80,652
10	GUIDED MLRS ROCKET (GMLRS)	75,991	75,991
12	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	4,777	4,777
	TOTAL MISSILE PROCUREMENT, ARMY	**632,817**	**632,817**
	PROCUREMENT OF W&TCV, ARMY		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	MODIFICATION OF TRACKED COMBAT VEHICLES		
7	PALADIN INTEGRATED MANAGEMENT (PIM)	125,184	125,184
9	ASSAULT BRIDGE (MOD)	5,950	5,950
	WEAPONS & OTHER COMBAT VEHICLES		
17	MORTAR SYSTEMS	22,410	22,410
	TOTAL PROCUREMENT OF W&TCV, ARMY	**153,544**	**153,544**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
2	CTG, 7.62MM, ALL TYPES	9,642	9,642
4	CTG, .50 CAL, ALL TYPES	6,607	6,607
5	CTG, 20MM, ALL TYPES	1,077	1,077
6	CTG, 25MM, ALL TYPES	28,534	28,534
7	CTG, 30MM, ALL TYPES	20,000	20,000
8	CTG, 40MM, ALL TYPES	7,423	7,423
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	10,000	10,000
10	81MM MORTAR, ALL TYPES	2,677	2,677
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	8,999	8,999
	ARTILLERY AMMUNITION		
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348	30,348
15	PROJ 155MM EXTENDED RANGE M982	140	140
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655	29,655
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	16,866	16,866
	NETWORKED MUNITIONS		
18	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353	0
	Early to need		[–10,353]
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210	63,210
20	ROCKET, HYDRA 70, ALL TYPES	42,851	42,851
	OTHER AMMUNITION		
22	DEMOLITION MUNITIONS, ALL TYPES	6,373	6,373
23	GRENADES, ALL TYPES	4,143	4,143
24	SIGNALS, ALL TYPES	1,852	1,852
	MISCELLANEOUS		
27	NON-LETHAL AMMUNITION, ALL TYPES	773	773
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**301,523**	**291,170**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
2	SEMITRAILERS, FLATBED:	4,180	4,180
8	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	299,476	299,476
10	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,122	6,122
11	PLS ESP	106,358	106,358
12	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766	203,766
13	TACTICAL WHEELED VEHICLE PROTECTION KITS	101,154	101,154
14	MODIFICATION OF IN SVC EQUIP	155,456	155,456
	COMM—JOINT COMMUNICATIONS		
19	WIN-T—GROUND FORCES TACTICAL NETWORK	9,572	9,572
	COMM—SATELLITE COMMUNICATIONS		
25	SHF TERM	24,000	24,000
	COMM—INTELLIGENCE COMM		
47	CI AUTOMATION ARCHITECTURE	1,550	1,550
	INFORMATION SECURITY		
51	COMMUNICATIONS SECURITY (COMSEC)	1,928	1,928
	COMM—BASE COMMUNICATIONS		
56	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	20,510	20,510
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
62	DCGS-A (MIP)	33,032	33,032
64	TROJAN (MIP)	3,305	3,305
66	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,233	7,233
69	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,670	5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
70	LIGHTWEIGHT COUNTER MORTAR RADAR	25,892	25,892
74	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	11,610	11,610
75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	23,890	23,890
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
80	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	4,270	4,270
89	MORTAR FIRE CONTROL SYSTEM	2,572	2,572
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
92	AIR & MSL DEFENSE PLANNING & CONTROL SYS	69,958	69,958
	ELECT EQUIP—AUTOMATION		
102	AUTOMATED DATA PROCESSING EQUIP	9,900	9,900
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	96	96
	CHEMICAL DEFENSIVE EQUIPMENT		
114	CBRN DEFENSE	1,841	1,841
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	26,000	26,000
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
124	ROBOTICS AND APPLIQUE SYSTEMS	268	268
128	FAMILY OF BOATS AND MOTORS	280	280
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	894	894
134	FORCE PROVIDER	53,800	53,800
135	FIELD FEEDING EQUIPMENT	2,665	2,665
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,400	2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	9,789	9,789
138	ITEMS LESS THAN $5M (ENG SPT)	300	300
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,800	4,800
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,240	78,240
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	5,763	5,763
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,609	1,609
143	ITEMS LESS THAN $5.0M (MAINT EQ)	145	145
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	3,047	3,047
148	TRACTOR, FULL TRACKED	4,426	4,426
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,900	2,900
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	96	96
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	31,761	31,761
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	846	846
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	1,140	1,140
	OTHER SUPPORT EQUIPMENT		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	**1,373,010**	**1,373,010**
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
1	RAPID ACQUISITION AND THREAT RESPONSE	345,472	345,472
	STAFF AND INFRASTRUCTURE		
2	MISSION ENABLERS	62,800	62,800
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	**408,272**	**408,272**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
2	F/A–18E/F (FIGHTER) HORNET	184,912	184,912
	OTHER AIRCRAFT		
26	STUASL0 UAV	70,000	70,000
	MODIFICATION OF AIRCRAFT		
35	SH–60 SERIES	3,000	3,000
36	H–1 SERIES	3,740	3,740
37	EP–3 SERIES	7,505	7,505
47	SPECIAL PROJECT AIRCRAFT	14,869	14,869
51	COMMON ECM EQUIPMENT	98,240	98,240
59	V–22 (TILT/ROTOR ACFT) OSPREY	8,740	8,740
	AIRCRAFT SPARES AND REPAIR PARTS		
63	SPARES AND REPAIR PARTS	1,500	1,500
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
65	AIRCRAFT INDUSTRIAL FACILITIES	524	524
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**393,030**	**393,030**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
10	HELLFIRE	8,600	8,600
	TOTAL WEAPONS PROCUREMENT, NAVY	**8,600**	**8,600**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	40,366	40,366
2	AIRBORNE ROCKETS, ALL TYPES	8,860	8,860
6	AIR EXPENDABLE COUNTERMEASURES	7,060	7,060
13	PYROTECHNIC AND DEMOLITION	1,122	1,122
14	AMMUNITION LESS THAN $5 MILLION	3,495	3,495
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	1,205	1,205
17	40 MM, ALL TYPES	539	539
18	60MM, ALL TYPES	909	909
20	120MM, ALL TYPES	530	530
22	ROCKETS, ALL TYPES	469	469
23	ARTILLERY, ALL TYPES	1,196	1,196
24	DEMOLITION MUNITIONS, ALL TYPES	261	261
25	FUZE, ALL TYPES	217	217
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**66,229**	**66,229**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		

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Line	Item	FY 2017 Request	Senate Authorized
81	DCGS-N	12,000	12,000
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	99,329	99,329
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
124	FIRE FIGHTING EQUIPMENT	630	630
	SUPPLY SUPPORT EQUIPMENT		
133	FIRST DESTINATION TRANSPORTATION	25	25
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	10,562	10,562
	CLASSIFIED PROGRAMS		
138	CLASSIFIED PROGRAMS	1,660	1,660
	TOTAL OTHER PROCUREMENT, NAVY	**124,206**	**124,206**
	PROCUREMENT, MARINE CORPS		
	ARTILLERY AND OTHER WEAPONS		
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	572	572
	GUIDED MISSILES		
10	JAVELIN	1,606	1,606
	OTHER SUPPORT (TEL)		
18	MODIFICATION KITS	2,600	2,600
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	ITEMS UNDER $5 MILLION (COMM & ELEC)	2,200	2,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
26	INTELLIGENCE SUPPORT EQUIPMENT	20,981	20,981
29	RQ–11 UAV	3,817	3,817
	OTHER SUPPORT (NON-TEL)		
35	COMMON COMPUTER RESOURCES	2,600	2,600
37	RADIO SYSTEMS	9,563	9,563
	ENGINEER AND OTHER EQUIPMENT		
53	EOD SYSTEMS	75,000	75,000
	TOTAL PROCUREMENT, MARINE CORPS	**118,939**	**118,939**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
4	C–130J	73,000	73,000
	OTHER AIRCRAFT		
15	MQ–9	453,030	453,030
	STRATEGIC AIRCRAFT		
19	LARGE AIRCRAFT INFRARED COUNTERMEASURES	135,801	135,801
	TACTICAL AIRCRAFT		
20	A–10	23,850	23,850
	OTHER AIRCRAFT		
47	E–3	6,600	6,600
56	HC/MC–130 MODIFICATIONS	13,550	13,550
57	OTHER AIRCRAFT	7,500	7,500
59	MQ–9 MODS	112,068	112,068
	AIRCRAFT SPARES AND REPAIR PARTS		
61	INITIAL SPARES/REPAIR PARTS	25,600	25,600
	OTHER PRODUCTION CHARGES		
77	OTHER PRODUCTION CHARGES	8,400	8,400
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**859,399**	**859,399**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
6	PREDATOR HELLFIRE MISSILE	145,125	145,125
7	SMALL DIAMETER BOMB	167,800	167,800
	CLASS IV		
11	AGM–65D MAVERICK	26,620	26,620
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**339,545**	**339,545**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	60,000	60,000
	CARTRIDGES		
2	CARTRIDGES	9,830	9,830
	BOMBS		
4	GENERAL PURPOSE BOMBS	7,921	7,921
6	JOINT DIRECT ATTACK MUNITION	403,126	403,126
	FLARES		
12	FLARES	6,531	6,531
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**487,408**	**487,408**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	2,003	2,003
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	9,066	9,066
4	ITEMS LESS THAN $5 MILLION	12,264	12,264
	SPECIAL PURPOSE VEHICLES		
6	ITEMS LESS THAN $5 MILLION	16,789	16,789
	FIRE FIGHTING EQUIPMENT		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	48,590	48,590

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
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Line	Item	FY 2017 Request	Senate Authorized
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION	2,366	2,366
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV & CLEANING EQUIP	6,468	6,468
10	ITEMS LESS THAN $5 MILLION	9,271	9,271
	ELECTRONICS PROGRAMS		
16	AIR TRAFFIC CONTROL & LANDING SYS	42,650	42,650
	SPCL COMM-ELECTRONICS PROJECTS		
29	AIR FORCE PHYSICAL SECURITY SYSTEM	7,500	7,500
33	C3 COUNTERMEASURES	620	620
	ORGANIZATION AND BASE		
52	TACTICAL C-E EQUIPMENT	8,100	8,100
	MODIFICATIONS		
56	COMM ELECT MODS	3,800	3,800
	BASE SUPPORT EQUIPMENT		
61	ENGINEERING AND EOD EQUIPMENT	53,900	53,900
	SPECIAL SUPPORT PROJECTS		
67	DCGS-AF	800	800
	CLASSIFIED PROGRAMS		
68	CLASSIFIED PROGRAMS	3,472,094	3,472,094
	TOTAL OTHER PROCUREMENT, AIR FORCE	**3,696,281**	**3,696,281**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
7	TELEPORT PROGRAM	3,900	3,900
16	DEFENSE INFORMATION SYSTEMS NETWORK	2,000	2,000
	CLASSIFIED PROGRAMS		
17	CLASSIFIED PROGRAMS	32,482	32,482
	AVIATION PROGRAMS		
41	MC–12	5,000	5,000
43	UNMANNED ISR	11,880	11,880
46	U–28	38,283	38,283
	AMMUNITION PROGRAMS		
57	ORDNANCE ITEMS <$5M	52,504	52,504
	OTHER PROCUREMENT PROGRAMS		
58	INTELLIGENCE SYSTEMS	22,000	22,000
60	OTHER ITEMS <$5M	11,580	11,580
62	SPECIAL PROGRAMS	13,549	13,549
63	TACTICAL VEHICLES	3,200	3,200
69	OPERATIONAL ENHANCEMENTS	42,056	42,056
	TOTAL PROCUREMENT, DEFENSE-WIDE	**238,434**	**238,434**
	TOTAL PROCUREMENT	**9,514,408**	**9,504,055**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	12,381	12,381
2	0601102A	DEFENSE RESEARCH SCIENCES	253,116	253,116
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	69,166	69,166
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,280	94,280
		SUBTOTAL BASIC RESEARCH	**428,943**	**428,943**
		APPLIED RESEARCH		
5	0602105A	MATERIALS TECHNOLOGY	31,533	37,033
		Ground vehicle coating system		[5,500]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	36,109	38,109
		Program increase		[2,000]
7	0602122A	TRACTOR HIP	6,995	6,995
8	0602211A	AVIATION TECHNOLOGY	65,914	65,914
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	25,466	25,466
10	0602303A	MISSILE TECHNOLOGY	44,313	44,313
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	28,803	28,803
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,688	27,688
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	67,959	67,959
14	0602618A	BALLISTICS TECHNOLOGY	85,436	85,436
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,923	3,923
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,545	5,545
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	53,581	53,581

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	56,322	56,322
19	0602709A	NIGHT VISION TECHNOLOGY	36,079	36,079
20	0602712A	COUNTERMINE SYSTEMS	26,497	26,497
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,671	23,671
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	22,151	22,151
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	37,803	37,803
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	13,811	13,811
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	67,416	67,416
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	26,045	21,045
		Decrease for social science research		[–5,000]
27	0602786A	WARFIGHTER TECHNOLOGY	37,403	37,403
28	0602787A	MEDICAL TECHNOLOGY	77,111	77,111
		SUBTOTAL APPLIED RESEARCH	**907,574**	**910,074**
		ADVANCED TECHNOLOGY DEVELOPMENT		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	38,831	38,831
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,365	68,365
31	0603003A	AVIATION ADVANCED TECHNOLOGY	94,280	94,280
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	68,714	68,714
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	122,132	172,132
		Emerging requirement		[50,000]
34	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	3,904	3,904
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	14,417	14,417
37	0603009A	TRACTOR HIKE	8,074	8,074
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,969	18,969
39	0603020A	TRACTOR ROSE	11,910	11,910
40	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	27,686	27,686
41	0603130A	TRACTOR NAIL	2,340	2,340
42	0603131A	TRACTOR EGGS	2,470	2,470
43	0603270A	ELECTRONIC WARFARE TECHNOLOGY	27,893	22,893
		General decrease		[–5,000]
44	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	52,190	52,190
45	0603322A	TRACTOR CAGE	11,107	11,107
46	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	177,190	177,190
47	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	17,451	17,451
48	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,839	5,839
49	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	44,468	44,468
50	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	11,137	11,137
51	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	20,684	20,684
52	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	44,239	39,239
		General program decrease		[–5,000]
53	0603794A	C3 ADVANCED TECHNOLOGY	35,775	35,775
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**930,065**	**970,065**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
54	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	9,433	9,433
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	23,056	23,056
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	72,117	72,117
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	28,244	28,244
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	40,096	40,096
59	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,506	10,506
60	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	15,730	15,730
61	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,321	10,321
62	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	7,785	7,785
63	0603790A	NATO RESEARCH AND DEVELOPMENT	2,300	2,300
64	0603801A	AVIATION—ADV DEV	10,014	10,014
65	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	20,834	20,834
66	0603807A	MEDICAL SYSTEMS—ADV DEV	33,503	33,503
67	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	31,120	40,520
		Accelerate small arms improvement		[9,400]
68	0604100A	ANALYSIS OF ALTERNATIVES	6,608	6,608
69	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	35,132	35,132
70	0604115A	TECHNOLOGY MATURATION INITIATIVES	70,047	70,047
71	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	83,279	83,279
73	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	40,510	40,510
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**550,635**	**560,035**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
74	0604201A	AIRCRAFT AVIONICS	83,248	83,248
75	0604270A	ELECTRONIC WARFARE DEVELOPMENT	34,642	34,642
77	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,172	12,172
78	0604321A	ALL SOURCE ANALYSIS SYSTEM	3,958	3,958
79	0604328A	TRACTOR CAGE	12,525	12,525
80	0604601A	INFANTRY SUPPORT WEAPONS	66,943	66,943
82	0604611A	JAVELIN	20,011	20,011
83	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	11,429	11,429
84	0604633A	AIR TRAFFIC CONTROL	3,421	3,421
85	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	39,282	39,282
86	0604642A	LIGHT TACTICAL WHEELED VEHICLES	494	494
87	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	9,678	9,678
88	0604710A	NIGHT VISION SYSTEMS—ENG DEV	84,519	84,519
89	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,054	2,054

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
90	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	30,774	30,774
91	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	53,332	53,332
92	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	17,887	17,887
93	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813
94	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	10,487	10,487
95	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	15,068	15,068
96	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	89,716	89,716
97	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365
98	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	75,098	75,098
99	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	4,245	4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	41,124	41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,630	39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	205,590	205,590
103	0604820A	RADAR DEVELOPMENT	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	6,805	6,805
105	0604823A	FIREFINDER	9,235	9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	74,236	74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	155,584	135,584
		Unjustified growth		[–20,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN)	16,014	16,014
114	0605032A	TRACTOR TIRE	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD)	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM	20,663	0
		Unjustified request		[–20,663]
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	41,133	54,133
		ASE unfunded requirement		[13,000]
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	83,995	83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	5,028	5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	42,972	42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	252,811	252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	41,498	41,498
135	0303032A	TROJAN—RH12	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,425	14,425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**2,265,094**	**2,237,431**
		RDT&E MANAGEMENT SUPPORT		
137	0604256A	THREAT SIMULATOR DEVELOPMENT	25,675	25,675
138	0604258A	TARGET SYSTEMS DEVELOPMENT	19,122	19,122
139	0604759A	MAJOR T&E INVESTMENT	84,777	84,777
140	0605103A	RAND ARROYO CENTER	20,658	20,658
141	0605301A	ARMY KWAJALEIN ATOLL	236,648	236,648
142	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	25,596	25,596
144	0605601A	ARMY TEST RANGES AND FACILITIES	293,748	293,748
145	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	52,404	52,404
146	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	38,571	38,571
147	0605606A	AIRCRAFT CERTIFICATION	4,665	4,665
148	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,925	6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS	21,677	21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS	12,415	12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING	49,684	49,684
152	0605716A	ARMY EVALUATION CENTER	55,905	55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	7,959	7,959
154	0605801A	PROGRAMWIDE ACTIVITIES	51,822	51,822
155	0605803A	TECHNICAL INFORMATION ACTIVITIES	33,323	35,823
		Program increase Geospatial		[2,500]
156	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	40,545	40,545
157	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	2,130	2,130
158	0605898A	MANAGEMENT HQ—R&D	49,885	49,885
159	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE	2,000	2,000
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,136,134**	**1,138,634**
		OPERATIONAL SYSTEMS DEVELOPMENT		
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	9,663	9,663
162	0603813A	TRACTOR PULL	3,960	3,960
163	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	3,638	3,638
164	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS	14,517	14,517

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165	0607133A	TRACTOR SMOKE	4,479	4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF)	39,275	39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	66,441	66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	46,765	46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	91,848	91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	796	796
171	0607139A	IMPROVED TURBINE ENGINE PROGRAM	126,105	126,105
172	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,369	2,369
173	0607141A	LOGISTICS AUTOMATION	4,563	4,563
174	0607665A	FAMILY OF BIOMETRICS	12,098	12,098
175	0607865A	PATRIOT PRODUCT IMPROVEMENT	49,482	49,482
176	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	45,482	4,482
		Change in program requirement		[–41,000]
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS)	30,455	30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	316,857	328,857
		APS unfunded requirement		[12,000]
180	0203740A	MANEUVER CONTROL SYSTEM	4,031	4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	35,793	35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	259	259
183	0203758A	DIGITIZATION	6,483	6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	5,122	5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	7,491	7,491
186	0203808A	TRACTOR CARD	20,333	20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT	124	124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	69,417	69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	22,044	22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM	12,649	12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	11,619	11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	38,280	38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,223	2,023
		GCSS unjustified request		[–25,200]
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,815	18,815
198	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	4,718	4,718
202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,218	8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,799	11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	32,284	284
		Change in tactical requirements		[–32,000]
205	0305219A	MQ–1C GRAY EAGLE UAS	13,470	13,470
206	0305232A	RQ–11 UAV	1,613	1,613
207	0305233A	RQ–7 UAV	4,597	4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,867	4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	62,287	62,287
220	9999999999	CLASSIFIED PROGRAMS	4,625	4,625
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,296,954**	**1,210,754**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**7,515,399**	**7,455,936**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	101,714	101,714
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,508	18,508
3	0601153N	DEFENSE RESEARCH SCIENCES	422,748	422,748
		SUBTOTAL BASIC RESEARCH	**542,970**	**542,970**
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	41,371	41,371
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	158,745	158,745
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,590	51,590
7	0602235N	COMMON PICTURE APPLIED RESEARCH	41,185	41,185
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	45,467	45,467
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	118,941	118,941
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	42,618	42,618
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,327	6,327
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	126,313	136,313
		Program increase		[10,000]
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	165,103	165,103
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	33,916	33,916
15	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEADQUARTERS	29,575	29,575
		SUBTOTAL APPLIED RESEARCH	**861,151**	**871,151**
		ADVANCED TECHNOLOGY DEVELOPMENT		
16	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	96,406	81,406
		General decrease		[–15,000]
17	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	48,438	48,438
18	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	26,421	26,421
19	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	140,416	140,416
20	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,117	13,117
21	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	249,092	239,092
		Capable manpower, and power and energy		[–10,000]
22	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	56,712	56,712
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,789	4,789
24	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	25,880	25,880

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25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	60,550	60,550
26	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	15,167	15,167
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**736,988**	**711,988**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	48,536	48,536
28	0603216N	AVIATION SURVIVABILITY	5,239	5,239
30	0603251N	AIRCRAFT SYSTEMS	1,519	1,519
31	0603254N	ASW SYSTEMS DEVELOPMENT	7,041	7,041
32	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,274	3,274
33	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	57,034	57,034
34	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	165,775	164,275
		Excess prior year funds		[–1,500]
35	0603506N	SURFACE SHIP TORPEDO DEFENSE	87,066	87,066
36	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,605	7,605
37	0603525N	PILOT FISH	132,068	132,068
38	0603527N	RETRACT LARCH	14,546	14,546
39	0603536N	RETRACT JUNIPER	115,435	115,435
40	0603542N	RADIOLOGICAL CONTROL	702	702
41	0603553N	SURFACE ASW	1,081	1,081
42	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,565	100,565
43	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,782	8,782
44	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,590	14,590
45	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	15,805	15,805
46	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	453,313	453,313
47	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	36,655	36,655
48	0603576N	CHALK EAGLE	367,016	367,016
49	0603581N	LITTORAL COMBAT SHIP (LCS)	51,630	51,630
50	0603582N	COMBAT SYSTEM INTEGRATION	23,530	23,530
51	0603595N	OHIO REPLACEMENT	700,811	700,811
52	0603596N	LCS MISSION MODULES	160,058	129,158
		Available prior year funding		[–30,900]
54	0603599N	FRIGATE DEVELOPMENT	84,900	84,900
55	0603609N	CONVENTIONAL MUNITIONS	8,342	8,342
56	0603611M	MARINE CORPS ASSAULT VEHICLES	158,682	158,682
57	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	1,303	1,303
58	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	46,911	46,911
60	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	4,556	4,556
61	0603721N	ENVIRONMENTAL PROTECTION	20,343	20,343
62	0603724N	NAVY ENERGY PROGRAM	52,479	52,479
63	0603725N	FACILITIES IMPROVEMENT	5,458	5,458
64	0603734N	CHALK CORAL	245,860	245,860
65	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,089	3,089
66	0603746N	RETRACT MAPLE	323,526	323,526
67	0603748N	LINK PLUMERIA	318,497	318,497
68	0603751N	RETRACT ELM	52,834	52,834
69	0603764N	LINK EVERGREEN	48,116	48,116
70	0603787N	SPECIAL PROCESSES	13,619	13,619
71	0603790N	NATO RESEARCH AND DEVELOPMENT	9,867	9,867
72	0603795N	LAND ATTACK TECHNOLOGY	6,015	6,015
73	0603851M	JOINT NON-LETHAL WEAPONS TESTING	27,904	27,904
74	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	104,144	104,144
75	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	32,700	32,700
76	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	70,528	70,528
77	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	3,001	3,001
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	34,920	34,920
80	0604292N	MH-XX	1,620	1,620
81	0604454N	LX (R)	6,354	25,354
		Needed to maintain schedule		[19,000]
82	0604536N	ADVANCED UNDERSEA PROTOTYPING	78,589	44,189
		Ahead of need		[–34,400]
84	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	9,910	9,910
85	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	23,971	23,971
86	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	252,409	252,409
87	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,197	23,197
88	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,110	9,110
89	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	437	437
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,662,867**	**4,615,067**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
90	0603208N	TRAINING SYSTEM AIRCRAFT	19,938	19,938
91	0604212N	OTHER HELO DEVELOPMENT	6,268	6,268
92	0604214N	AV–8B AIRCRAFT—ENG DEV	33,664	33,664
93	0604215N	STANDARDS DEVELOPMENT	1,300	1,300
94	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	5,275	5,275
95	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	3,875	3,875
96	0604221N	P–3 MODERNIZATION PROGRAM	1,909	1,909
97	0604230N	WARFARE SUPPORT SYSTEM	13,237	13,237
98	0604231N	TACTICAL COMMAND SYSTEM	36,323	36,323
99	0604234N	ADVANCED HAWKEYE	363,792	363,792

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100	0604245N	H–1 UPGRADES	27,441	27,441
101	0604261N	ACOUSTIC SEARCH SENSORS	34,525	34,525
102	0604262N	V–22A	174,423	174,423
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,577	13,577
104	0604269N	EA–18	116,761	116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT	48,766	48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT	338,357	338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ)	577,822	577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	2,365	2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	52,065	52,065
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	282,764	282,764
111	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	580	580
112	0604329N	SMALL DIAMETER BOMB (SDB)	97,622	97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS	120,561	120,561
114	0604373N	AIRBORNE MCM	45,622	45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	25,750	25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS	85,868	85,868
119	0604503N	SSN–688 AND TRIDENT MODERNIZATION	117,476	117,476
120	0604504N	AIR CONTROL	47,404	47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS	112,158	112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION	6,283	6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	144,395	144,395
124	0604558N	NEW DESIGN SSN	113,013	113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	43,160	43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	65,002	65,002
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,098	3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	97,920	97,920
129	0604601N	MINE DEVELOPMENT	10,490	10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	20,178	20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,369	7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	4,995	4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS	412	412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	134,619	134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	114,475	114,475
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	114,211	114,211
137	0604761N	INTELLIGENCE ENGINEERING	11,029	11,029
138	0604771N	MEDICAL DEVELOPMENT	9,220	9,220
139	0604777N	NAVIGATION/ID SYSTEM	42,723	42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	531,426	531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	528,716	528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS	74,227	74,227
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY	63,387	63,387
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	4,856	4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	97,066	97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	2,500	2,500
147	0605212N	CH–53K RDTE	404,810	404,810
148	0605215N	MISSION PLANNING	33,570	33,570
149	0605217N	COMMON AVIONICS	51,599	51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC)	11,088	11,088
151	0605327N	T-AO (X)	1,095	1,095
152	0605414N	CARRIER BASED AERIAL REFUELING SYSTEM (CBARS)	89,000	89,000
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	17,880	17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	59,126	59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,220	182,220
156	0204202N	DDG–1000	45,642	45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP	676	676
160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	36,747	36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM	35,002	35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	4,942	6,726
		Full spectrum cyber operations unfunded requirement		[1,784]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**6,025,655**	**6,027,439**
		MANAGEMENT SUPPORT		
163	0604256N	THREAT SIMULATOR DEVELOPMENT	16,633	16,633
164	0604258N	TARGET SYSTEMS DEVELOPMENT	36,662	36,662
165	0604759N	MAJOR T&E INVESTMENT	42,109	42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,998	2,998
167	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,931	3,931
168	0605154N	CENTER FOR NAVAL ANALYSES	46,634	46,634
169	0605285N	NEXT GENERATION FIGHTER	1,200	1,200
171	0605804N	TECHNICAL INFORMATION SERVICES	903	903
172	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	87,077	76,277
		Unjustified growth		[–10,800]
173	0605856N	STRATEGIC TECHNICAL SUPPORT	3,597	3,597
174	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	62,811	62,811
175	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	106,093	106,093
176	0605864N	TEST AND EVALUATION SUPPORT	349,146	349,146
177	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	18,160	18,160
178	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	9,658	9,658
179	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	6,500	6,500
180	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	22,247	22,247
181	0605898N	MANAGEMENT HQ—R&D	16,254	16,254

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
182	0606355N	WARFARE INNOVATION MANAGEMENT	21,123	21,123
		SUBTOTAL MANAGEMENT SUPPORT	**853,736**	**842,936**
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	84,501	84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	2,970	2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	136,556	136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,845	33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	9,329	9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS	17,218	17,218
195	0204136N	F/A–18 SQUADRONS	189,125	189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	48,225	48,225
197	0204228N	SURFACE SUPPORT	21,156	21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	71,355	71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM	58,542	58,542
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	99,998	99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635
206	0205604N	TACTICAL DATA LINKS	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583
208	0205632N	MK–48 ADCAP	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S)	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC)	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY	36,509	36,509
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,571	44,571
233	0305220N	MQ–4C TRITON	111,729	111,729
234	0305231N	MQ–8 UAV	26,518	26,518
235	0305232M	RQ–11 UAV	418	418
236	0305233N	RQ–7 UAV	716	716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	5,071	5,071
238	0305239M	RQ–21A	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	11,181	11,181
241	0305421N	RQ–4 MODERNIZATION	181,266	181,266
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709
243	0702207N	DEPOT MAINTENANCE (NON-IF)	49,322	49,322
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204
250	9999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**3,592,934**	**3,592,934**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**17,276,301**	**17,204,485**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	340,812	340,812
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	145,044	145,044
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,168	14,168
		SUBTOTAL BASIC RESEARCH	**500,024**	**500,024**
		APPLIED RESEARCH		
4	0602102F	MATERIALS	126,152	126,152
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	122,831	122,831
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	111,647	111,647
7	0602203F	AEROSPACE PROPULSION	185,671	190,671
		Program increase		[5,000]
8	0602204F	AEROSPACE SENSORS	155,174	155,174
9	0602601F	SPACE TECHNOLOGY	117,915	117,915
10	0602602F	CONVENTIONAL MUNITIONS	109,649	109,649
11	0602605F	DIRECTED ENERGY TECHNOLOGY	127,163	127,163
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	161,650	161,650
13	0602890F	HIGH ENERGY LASER RESEARCH	42,300	47,300
		Joint technology office		[5,000]
		SUBTOTAL APPLIED RESEARCH	**1,260,152**	**1,270,152**

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
		ADVANCED TECHNOLOGY DEVELOPMENT		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	35,137	35,137
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	20,636	20,636
16	0603203F	ADVANCED AEROSPACE SENSORS	40,945	40,945
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	130,950	130,950
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	94,594	99,594
		Development of application-specific power circuit		[5,000]
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	58,250	53,250
		General decrease		[–5,000]
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	61,593	61,593
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	11,681	11,681
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	26,492	26,492
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	102,009	102,009
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	39,064	39,064
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	46,344	46,344
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	58,110	48,110
		Unjustified increase		[–10,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**725,805**	**715,805**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,598	5,598
28	0603438F	SPACE CONTROL TECHNOLOGY	7,534	7,534
29	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	24,418	24,418
30	0603790F	NATO RESEARCH AND DEVELOPMENT	4,333	4,333
32	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	32,399	32,399
33	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	108,663	108,663
35	0604015F	LONG RANGE STRIKE—BOMBER	1,358,309	1,056,009
		Excess to contract award		[–302,300]
36	0604257F	ADVANCED TECHNOLOGY AND SENSORS	34,818	34,818
37	0604317F	TECHNOLOGY TRANSFER	3,368	3,368
38	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	74,308	74,308
39	0604422F	WEATHER SYSTEM FOLLOW-ON	118,953	118,953
40	0604425F	SPACE SITUATION AWARENESS SYSTEMS	9,901	9,901
41	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,890	25,890
42	0604857F	OPERATIONALLY RESPONSIVE SPACE	7,921	17,921
		Program increase		[10,000]
43	0604858F	TECH TRANSITION PROGRAM	347,304	347,304
44	0605230F	GROUND BASED STRATEGIC DETERRENT	113,919	113,919
46	0207110F	NEXT GENERATION AIR DOMINANCE	20,595	20,595
47	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	49,491	49,491
48	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	278,147	278,147
49	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	42,338	42,338
50	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	158,002	158,002
51	0306415F	ENABLED CYBER ACTIVITIES	15,842	15,842
52	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	5,782	5,782
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**2,847,833**	**2,555,533**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
54	0604270F	ELECTRONIC WARFARE DEVELOPMENT	12,476	12,476
55	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	82,380	82,380
56	0604287F	PHYSICAL SECURITY EQUIPMENT	8,458	8,458
57	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	54,838	54,838
58	0604421F	COUNTERSPACE SYSTEMS	34,394	34,394
59	0604425F	SPACE SITUATION AWARENESS SYSTEMS	23,945	23,945
60	0604426F	SPACE FENCE	168,364	168,364
61	0604429F	AIRBORNE ELECTRONIC ATTACK	9,187	9,187
62	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	181,966	181,966
63	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	20,312	20,312
64	0604604F	SUBMUNITIONS	2,503	2,503
65	0604617F	AGILE COMBAT SUPPORT	53,680	53,680
66	0604618F	JOINT DIRECT ATTACK MUNITION	9,901	9,901
67	0604706F	LIFE SUPPORT SYSTEMS	7,520	7,520
68	0604735F	COMBAT TRAINING RANGES	77,409	77,409
69	0604800F	F–35—EMD	450,467	450,467
70	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD	296,572	296,572
71	0604932F	LONG RANGE STANDOFF WEAPON	95,604	95,604
72	0604933F	ICBM FUZE MODERNIZATION	189,751	189,751
73	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	1,131	1,131
74	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	70,290	70,290
75	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	937	937
76	0605221F	KC–46	261,724	121,724
		Ahead of need		[–140,000]
77	0605223F	ADVANCED PILOT TRAINING	12,377	4,477
		Early to need		[–7,900]
78	0605229F	CSAR HH–60 RECAPITALIZATION	319,331	319,331
80	0605431F	ADVANCED EHF MILSATCOM (SPACE)	259,131	229,131
		Delayed analysis of alternatives		[–30,000]
81	0605432F	POLAR MILSATCOM (SPACE)	50,815	50,815
82	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	41,632	41,632
83	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	28,911	28,911
84	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	315,615	288,915
		Unobligated prior year funds		[–26,700]

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85	0101125F	NUCLEAR WEAPONS MODERNIZATION	137,909	137,909
86	0207171F	F–15 EPAWSS	256,669	256,669
87	0207701F	FULL COMBAT MISSION TRAINING	12,051	12,051
88	0305176F	COMBAT SURVIVOR EVADER LOCATOR	29,253	29,253
89	0307581F	JSTARS RECAP	128,019	128,019
90	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR)	351,220	351,220
91	0701212F	AUTOMATED TEST SYSTEMS	19,062	19,062
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,075,804**	**3,871,204**
		MANAGEMENT SUPPORT		
92	0604256F	THREAT SIMULATOR DEVELOPMENT	21,630	21,630
93	0604759F	MAJOR T&E INVESTMENT	66,385	66,385
94	0605101F	RAND PROJECT AIR FORCE	34,641	34,641
96	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	11,529	11,529
97	0605807F	TEST AND EVALUATION SUPPORT	661,417	661,417
98	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	11,198	11,198
99	0605864F	SPACE TEST PROGRAM (STP)	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,410	4,410
106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,613	14,613
107	0804731F	GENERAL SKILL TRAINING	1,404	1,404
109	1001004F	INTERNATIONAL ACTIVITIES	4,784	4,784
		SUBTOTAL MANAGEMENT SUPPORT	**1,245,577**	**1,245,577**
		OPERATIONAL SYSTEMS DEVELOPMENT		
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	42,960	42,960
118	0605278F	HC/MC–130 RECAP RDT&E	13,987	13,987
119	0101113F	B–52 SQUADRONS	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
121	0101126F	B–1B SQUADRONS	5,830	5,830
122	0101127F	B–2 SQUADRONS	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	6,042	6,042
128	0102110F	UH–1N REPLACEMENT PROGRAM	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	8,674	8,674
131	0205219F	MQ–9 UAV	151,373	186,473
		Automatic Takeoff and Landing Control System		[35,100]
133	0207131F	A–10 SQUADRONS	14,853	14,853
134	0207133F	F–16 SQUADRONS	132,795	132,795
135	0207134F	F–15E SQUADRONS	356,717	356,717
136	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,773	14,773
137	0207138F	F–22A SQUADRONS	387,564	387,564
138	0207142F	F–35 SQUADRONS	153,045	153,045
139	0207161F	TACTICAL AIM MISSILES	52,898	52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,470	62,470
143	0207227F	COMBAT RESCUE—PARARESCUE	362	362
144	0207247F	AF TENCAP	28,413	28,413
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	649	649
146	0207253F	COMPASS CALL	13,723	13,723
147	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	109,859	109,859
148	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	30,002	30,002
149	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	37,621	37,621
150	0207412F	CONTROL AND REPORTING CENTER (CRC)	13,292	13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	86,644	86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,442	2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,911	10,911
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD	11,843	11,843
156	0207448F	C2ISR TACTICAL DATA LINK	1,515	1,515
157	0207452F	DCAPES	14,979	14,979
158	0207590F	SEEK EAGLE	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,880	13,880
176	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	30,948	30,948

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624
189	0305111F	WEATHER SERVICE	19,974	19,974
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	9,770	9,770
191	0305116F	AERIAL TARGETS	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	3,070	3,070
201	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,833	8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	11,867	11,867
203	0305202F	DRAGON U–2	37,217	37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	3,841	3,841
206	0305207F	MANNED RECONNAISSANCE SYSTEMS	20,975	20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,902	18,902
208	0305220F	RQ–4 UAV	256,307	256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	22,610	22,610
211	0305238F	NATO AGS	38,904	38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE	23,084	23,084
213	0305258F	ADVANCED EVALUATION PROGRAM	116,143	116,143
214	0305265F	GPS III SPACE SEGMENT	141,888	141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	2,360	2,360
216	0305614F	JSPOC MISSION SYSTEM	72,889	72,889
217	0305881F	RAPID CYBER ACQUISITION	4,280	4,280
218	0305906F	NCMC—TW/AA SYSTEM	4,951	4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366
223	0401115F	C–130 AIRLIFT SQUADRON	15,599	15,599
224	0401119F	C–5 AIRLIFT SQUADRONS (IF)	66,146	66,146
225	0401130F	C–17 AIRCRAFT (IF)	12,430	12,430
226	0401132F	C–130J PROGRAM	16,776	16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,166	5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817
230	0401318F	CV–22	16,702	16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	10,581	3,781
		Cost estimating unjustified requset		[–4,900]
		PBES unjustified request		[–1,900]
250	9999999999	CLASSIFIED PROGRAMS	13,091,557	13,091,557
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**17,457,056**	**17,485,356**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**28,112,251**	**27,643,651**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	35,436	35,436
2	0601101E	DEFENSE RESEARCH SCIENCES	362,297	362,297
3	0601110D8Z	BASIC RESEARCH INITIATIVES	36,654	36,654
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	57,791	57,791
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	69,345
6	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	23,572	23,572
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	44,800	44,800
		SUBTOTAL BASIC RESEARCH	**629,895**	**629,895**
		APPLIED RESEARCH		
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	17,745	17,745
9	0602115E	BIOMEDICAL TECHNOLOGY	115,213	115,213
10	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	30,000	30,000
11	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269
12	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	42,206	42,206
13	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	353,635	353,635
14	0602383E	BIOLOGICAL WARFARE DEFENSE	21,250	21,250
15	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	188,715	188,715
16	0602668D8Z	CYBER SECURITY RESEARCH	12,183	12,183
17	0602702E	TACTICAL TECHNOLOGY	313,843	313,843

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
18	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,456	220,456
19	0602716E	ELECTRONICS TECHNOLOGY	221,911	221,911
20	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	154,857	154,857
21	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH	8,420	8,420
22	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,820	37,820
		SUBTOTAL APPLIED RESEARCH	**1,786,523**	**1,786,523**
		ADVANCED TECHNOLOGY DEVELOPMENT		
23	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,902	23,902
25	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	73,002	73,002
26	0603133D8Z	FOREIGN COMPARATIVE TESTING	19,343	19,343
27	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	266,444	266,444
28	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	17,880	17,880
30	0603178C	WEAPONS TECHNOLOGY	71,843	71,843
31	0603179C	ADVANCED C4ISR	3,626	3,626
32	0603180C	ADVANCED RESEARCH	23,433	23,433
33	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	17,256	17,256
35	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	83,745	83,745
36	0603286E	ADVANCED AEROSPACE SYSTEMS	182,327	182,327
37	0603287E	SPACE PROGRAMS AND TECHNOLOGY	175,240	175,240
38	0603288D8Z	ANALYTIC ASSESSMENTS	12,048	12,048
39	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	57,020	57,020
41	0603375D8Z	TECHNOLOGY INNOVATION	39,923	39,923
42	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	127,941	127,941
43	0603527D8Z	RETRACT LARCH	181,977	181,977
44	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	22,030	22,030
45	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	148,184	148,184
46	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	9,331	9,331
47	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	158,398	158,398
48	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	31,259	31,259
49	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	49,895	49,895
50	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	11,011	11,011
52	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,078	65,078
53	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	97,826	97,826
54	0603727D8Z	JOINT WARFIGHTING PROGRAM	7,848	7,848
55	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	49,807	49,807
56	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	155,081	155,081
57	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	428,894	428,894
58	0603767E	SENSOR TECHNOLOGY	241,288	241,288
60	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,264	14,264
61	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	74,943	74,943
63	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	17,659	17,659
64	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	87,135	87,135
65	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	37,329	41,329
		Competitive technology investment		[4,000]
66	0303310D8Z	CWMD SYSTEMS	44,836	44,836
67	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	61,620	61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**3,190,666**	**3,194,666**
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
68	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498
69	0603600D8Z	WALKOFF	89,643	89,643
71	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES	2,136	2,136
72	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	52,491	52,491
73	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	206,834	206,834
74	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	862,080	862,080
75	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	138,187	138,187
76	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	230,077	230,077
77	0603890C	BMD ENABLING PROGRAMS	401,594	401,594
78	0603891C	SPECIAL PROGRAMS—MDA	321,607	321,607
79	0603892C	AEGIS BMD	959,066	959,066
80	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	32,129	32,129
81	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	20,690	20,690
82	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	439,617	449,617
		Post Intercept Assessment Acceleration		[10,000]
83	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	47,776	47,776
84	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	54,750	54,750
85	0603906C	REGARDING TRENCH	8,785	8,785
86	0603907C	SEA BASED X-BAND RADAR (SBX)	68,787	68,787
87	0603913C	ISRAELI COOPERATIVE PROGRAMS	103,835	238,835
		Arrow (base program)		[50,000]
		Arrow–3		[25,000]
		David's Sling		[60,000]
88	0603914C	BALLISTIC MISSILE DEFENSE TEST	293,441	293,441
89	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	563,576	563,576
90	0603920D8Z	HUMANITARIAN DEMINING	10,007	10,007
91	0603923D8Z	COALITION WARFARE	10,126	11,126
		Long Endurance UAS		[1,000]
92	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,893	8,893

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
		Corrosion prevention		[5,000]
93	0604115C	TECHNOLOGY MATURATION INITIATIVES	90,266	90,266
94	0604132D8Z	MISSILE DEFEAT PROJECT	45,000	45,000
95	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	844,870	844,870
96	0604342D8Z	DEFENSE TECHNOLOGY OFFSET	0	25,000
		Directed energy systems prototyping		[25,000]
97	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,320	3,320
99	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	4,000	4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,642	23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	162,012	162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	274,148	329,148
		GBI Booster Acceleration		[30,000]
		RKV Risk Reduction		[25,000]
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST	63,444	63,444
107	0604878C	AEGIS BMD TEST	95,012	95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	83,250	83,250
109	0604880C	LAND-BASED SM–3 (LBSM3)	43,293	43,293
110	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	106,038	106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	56,481	56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE	71,513	121,513
		Technology maturation		[50,000]
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	2,636	2,636
115	0305103C	CYBER SECURITY INITIATIVE	969	969
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES	**6,919,519**	**7,200,519**
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	10,324	10,324
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	181,303	181,303
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	266,231	266,231
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	16,288	16,288
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	4,568	4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,505	11,505
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	12,631	12,631
128	0605080S	DEFENSE AGENCY INTIATIVES (DAI)—FINANCIAL SYSTEM	26,657	26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	4,949	4,949
130	0605140D8Z	TRUSTED FOUNDRY	69,000	69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	9,881	9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	7,600	7,600
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	2,703	2,703
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION	**628,218**	**628,218**
		MANAGEMENT SUPPORT		
134	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	4,678	4,678
135	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,499	4,499
136	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	219,199	219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,706	128,706
		Classified assessment		[100,000]
138	0605001E	MISSION SUPPORT	69,244	69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	87,080	87,080
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	23,069	23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	32,759	32,759
144	0605142D8Z	SYSTEMS ENGINEERING	32,429	32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,797	3,797
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,302	5,302
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	7,246	7,246
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,874	1,874
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	85,754	85,754
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,187	2,187
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	22,650	22,650
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	43,834	43,834
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	22,240	22,240
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	19,541	24,541
		Program increase		[5,000]
163	0605898E	MANAGEMENT HQ—R&D	4,759	4,759
164	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	4,400	4,400
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,014	4,014
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,072	2,072
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,464	7,464
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	857	857
171	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	916	916
172	0305172K	COMBINED ADVANCED APPLICATIONS	15,336	15,336
173	0305193D8Z	CYBER INTELLIGENCE	18,523	18,523
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384
176	0901598C	MANAGEMENT HQ—MDA	31,160	31,160
179	0903235D8W	JOINT SERVICE PROVIDER (JSP)	827	827
180	9999999999	CLASSIFIED PROGRAMS	56,799	56,799

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2017 Request	Senate Authorized
		SUBTOTAL MANAGEMENT SUPPORT	**897,599**	**1,002,599**
		OPERATIONAL SYSTEM DEVELOPMENT		
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,241	4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,424	1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	287	287
184	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	16,195	16,195
185	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	4,194	4,194
186	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,861	7,861
187	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,361	33,361
189	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,038	3,038
190	0208045K	C4I INTEROPERABILITY	57,501	57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	5,935	5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	575	575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	18,041	18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	13,994
199	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,206	12,206
200	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	34,314	34,314
201	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	36,602	36,602
202	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,876	8,876
203	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	159,068	172,068
		Cross Domain Solutions		[5,000]
		Reduction to NSA Information Systems and Security Programs		[–8,000]
		Sharkseer		[16,000]
204	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	24,438	24,438
205	0303153K	DEFENSE SPECTRUM ORGANIZATION	13,197	13,197
207	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	2,789	2,789
209	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY	75,000	75,000
210	0303610K	TELEPORT PROGRAM	657	657
215	0305103K	CYBER SECURITY INITIATIVE	1,553	1,553
220	0305186D8Z	POLICY R&D PROGRAMS	6,204	6,204
221	0305199D8Z	NET CENTRICITY	17,971	17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,415	5,415
226	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,030	3,030
229	0305327V	INSIDER THREAT	5,034	5,034
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,037	2,037
236	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	13,800	13,800
238	0708012S	PACIFIC DISASTER CENTERS	1,754	1,754
239	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	2,154	2,154
240	0902298J	MANAGEMENT HQ—OJCS	826	826
241	1105219BB	MQ–9 UAV	17,804	29,804
		MQ–9 capability enhancements		[12,000]
244	1160403BB	AVIATION SYSTEMS	159,143	159,143
245	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	7,958	7,958
246	1160408BB	OPERATIONAL ENHANCEMENTS	64,895	64,895
247	1160431BB	WARRIOR SYSTEMS	44,885	44,885
248	1160432BB	SPECIAL PROGRAMS	1,949	1,949
249	1160434BB	UNMANNED ISR	22,117	22,117
250	1160480BB	SOF TACTICAL VEHICLES	3,316	3,316
251	1160483BB	MARITIME SYSTEMS	54,577	54,577
252	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,841	3,841
253	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,834	11,834
254	9999999999	CLASSIFIED PROGRAMS	3,270,515	3,270,515
255	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	0	16,300
		Sharkseer email protection		[16,300]
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**4,256,406**	**4,297,706**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**18,308,826**	**18,740,126**
		OPERATIONAL TEST & EVAL, DEFENSE		
		MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	78,047	78,047
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	48,316	48,316
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	52,631	52,631
		SUBTOTAL MANAGEMENT SUPPORT	**178,994**	**178,994**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**178,994**	**178,994**
		UNDISTRIBUTED		
		UNDISTRIBUTED		
99	999999	UNDISTRIBUTED	0	4,000
		Cyber pilot program for installations		[4,000]
		SUBTOTAL UNDISTRIBUTED	**0**	**4,000**
		TOTAL UNDISTRIBUTED	**0**	**4,000**
		TOTAL RDT&E	**71,391,771**	**71,227,192**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,375	9,375
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**9,375**	**9,375**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
90	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	33	33
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**84,043**	**84,043**
		OPERATIONAL SYSTEMS DEVELOPMENT		
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE	7,104	7,104
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**7,104**	**7,104**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**100,522**	**100,522**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
38	0603527N	RETRACT LARCH	3,907	3,907
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	37,990	37,990
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**41,897**	**41,897**
		OPERATIONAL SYSTEMS DEVELOPMENT		
80	9999999999	CLASSIFIED PROGRAMS	36,426	36,426
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**36,426**	**36,426**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**78,323**	**78,323**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		SYSTEM DEVELOPMENT & DEMONSTRATION		
58	0604421F	COUNTERSPACE SYSTEMS	425	425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**425**	**425**
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	4,715	4,715
220	9999999999	CLASSIFIED PROGRAMS	27,765	27,765
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**32,480**	**32,480**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**32,905**	**32,905**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		OPERATIONAL SYSTEM DEVELOPMENT		
250	9999999999	CLASSIFIED PROGRAMS	162,419	162,419
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**162,419**	**162,419**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**162,419**	**162,419**
		TOTAL RDT&E	**374,169**	**374,169**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

(a) OPERATION AND MAINTENANCE.—

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	791,450	841,450
	Home station training unfunded requirement		[50,000]
020	MODULAR SUPPORT BRIGADES	68,373	68,373
030	ECHELONS ABOVE BRIGADE	438,823	438,823
040	THEATER LEVEL ASSETS	660,258	660,258
050	LAND FORCES OPERATIONS SUPPORT	863,928	863,928
060	AVIATION ASSETS	1,360,597	1,428,597
	Flying hour program unfunded requirement		[68,000]
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,086,443
080	LAND FORCES SYSTEMS READINESS	439,488	439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,032,852

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	Depot maintenance unfunded requirement		[19,400]
100	BASE OPERATIONS SUPPORT	7,816,343	7,816,343
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,234,546	2,588,946
	FSRM unfunded requirement		[354,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	452,105	452,105
130	COMBATANT COMMANDERS CORE OPERATIONS	155,658	155,658
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	441,143	447,843
	SOUTHCOM LIDAR unfunded requirement		[6,700]
	SUBTOTAL OPERATING FORCES	**19,822,607**	**20,321,107**
	MOBILIZATION		
180	STRATEGIC MOBILITY	336,329	361,329
	Army prepositioned stock unfunded requirement		[25,000]
190	ARMY PREPOSITIONED STOCKS	390,848	390,848
200	INDUSTRIAL PREPAREDNESS	7,401	7,401
	SUBTOTAL MOBILIZATION	**734,578**	**759,578**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	131,942	131,942
220	RECRUIT TRAINING	47,846	47,846
230	ONE STATION UNIT TRAINING	45,419	45,419
240	SENIOR RESERVE OFFICERS TRAINING CORPS	482,747	482,747
250	SPECIALIZED SKILL TRAINING	921,025	921,025
260	FLIGHT TRAINING	902,845	939,445
	Graduate pilot training unfunded requirement		[5,400]
	School Air OPTEMPO unfunded requirement		[31,200]
270	PROFESSIONAL DEVELOPMENT EDUCATION	216,583	216,583
280	TRAINING SUPPORT	607,534	607,534
290	RECRUITING AND ADVERTISING	550,599	515,599
	Advertising reduction		[–35,000]
300	EXAMINING	187,263	187,263
310	OFF-DUTY AND VOLUNTARY EDUCATION	189,556	189,556
320	CIVILIAN EDUCATION AND TRAINING	182,835	182,835
330	JUNIOR RESERVE OFFICER TRAINING CORPS	171,167	171,167
	SUBTOTAL TRAINING AND RECRUITING	**4,637,361**	**4,638,961**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	230,739	230,739
360	CENTRAL SUPPLY ACTIVITIES	850,060	850,060
370	LOGISTIC SUPPORT ACTIVITIES	778,757	782,757
	Corrosion oil assistance unfunded requirement		[4,000]
380	AMMUNITION MANAGEMENT	370,010	370,010
390	ADMINISTRATION	451,556	451,556
400	SERVICEWIDE COMMUNICATIONS	1,888,123	1,888,123
410	MANPOWER MANAGEMENT	276,403	276,403
420	OTHER PERSONNEL SUPPORT	369,443	369,443
430	OTHER SERVICE SUPPORT	1,096,074	1,066,574
	Army museum early to need		[–29,500]
440	ARMY CLAIMS ACTIVITIES	207,800	207,800
450	REAL ESTATE MANAGEMENT	240,641	240,641
460	FINANCIAL MANAGEMENT AND AUDIT READINESS	250,612	250,612
470	INTERNATIONAL MILITARY HEADQUARTERS	416,587	416,587
480	MISC. SUPPORT OF OTHER NATIONS	36,666	36,666
500	CLASSIFIED PROGRAMS	1,151,023	1,157,023
	SOUTHCOM unfunded requirement		[6,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**8,614,494**	**8,594,994**
	UNDISTRIBUTED		
901	UNDISTRIBUTED ARMY PRINTING	0	–34,300
	15% printing reduction		[–34,300]
906	UNDISTRIBUTED DCGS-A	0	–63,000
	DCGS-A undistributed reduction		[–63,000]
907	UNDISTRIBUTED FOREIGN CURRENCY	0	–59,180
	Foreign currency gains		[–59,180]
912	UNDISTRIBUTED FUEL	0	–123,300
	Fuel cost savings		[–123,300]
	SUBTOTAL UNDISTRIBUTED	**0**	**–279,780**
	TOTAL OPERATION & MAINTENANCE, ARMY	**33,809,040**	**34,034,860**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	11,435	11,435
020	ECHELONS ABOVE BRIGADE	491,772	537,772
	Home station training unfunded requirement		[20,000]
	Lodging in kind unfunded requirement		[26,000]
030	THEATER LEVEL ASSETS	116,163	116,163
040	LAND FORCES OPERATIONS SUPPORT	563,524	563,524
050	AVIATION ASSETS	91,162	91,162
060	FORCE READINESS OPERATIONS SUPPORT	347,459	347,759
	Range increase unfunded requirement		[300]
070	LAND FORCES SYSTEMS READINESS	101,926	101,926

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
080	LAND FORCES DEPOT MAINTENANCE	56,219	56,219
090	BASE OPERATIONS SUPPORT	573,843	573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	214,955	236,455
	FSRM unfunded requirement		[21,500]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	37,620	37,620
	SUBTOTAL OPERATING FORCES	**2,606,078**	**2,673,878**
	ADMIN & SRVWD ACTIVITIES		
120	SERVICEWIDE TRANSPORTATION	11,027	11,027
130	ADMINISTRATION	16,749	16,749
140	SERVICEWIDE COMMUNICATIONS	17,825	17,825
150	MANPOWER MANAGEMENT	6,177	6,177
160	RECRUITING AND ADVERTISING	54,475	54,475
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**106,253**	**106,253**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,712,331**	**2,780,131**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	708,251	778,251
	Home station training unfunded requirement		[70,000]
020	MODULAR SUPPORT BRIGADES	197,251	197,251
030	ECHELONS ABOVE BRIGADE	792,271	792,271
040	THEATER LEVEL ASSETS	80,341	80,341
050	LAND FORCES OPERATIONS SUPPORT	37,138	39,538
	Range increase unfunded requirement		[2,400]
060	AVIATION ASSETS	887,625	887,625
070	FORCE READINESS OPERATIONS SUPPORT	696,267	696,267
080	LAND FORCES SYSTEMS READINESS	61,240	61,240
090	LAND FORCES DEPOT MAINTENANCE	219,948	274,548
	Depot maintenance unfunded requirement		[42,300]
	TWV depot maintenance unfunded requirement		[12,300]
100	BASE OPERATIONS SUPPORT	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	676,715	708,815
	FSRM unfunded requirement		[32,100]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,021,144	1,021,144
	SUBTOTAL OPERATING FORCES	**6,418,203**	**6,577,303**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	6,396	6,396
140	ADMINISTRATION	68,528	68,528
150	SERVICEWIDE COMMUNICATIONS	76,524	76,524
160	MANPOWER MANAGEMENT	7,712	7,712
170	OTHER PERSONNEL SUPPORT	245,046	249,546
	Director of Psychological Health (DPH) Positions		[9,500]
	Program decrease		[–5,000]
180	REAL ESTATE MANAGEMENT	2,961	2,961
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**407,167**	**411,667**
	TOTAL OPERATION & MAINTENANCE, ARNG	**6,825,370**	**6,988,970**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,094,765	4,094,765
020	FLEET AIR TRAINING	1,722,473	1,722,473
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	446,733
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,041,681
	AC Depot maintenance unfunded requirement		[34,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	38,248	38,248
080	AVIATION LOGISTICS	564,720	586,120
	E–6B and F–35 sustainment unfunded requirement		[16,000]
	MV–22 JPBL unfunded requirement		[5,400]
090	MISSION AND OTHER SHIP OPERATIONS	3,513,083	3,513,083
100	SHIP OPERATIONS SUPPORT & TRAINING	743,765	743,765
110	SHIP DEPOT MAINTENANCE	5,168,273	5,168,273
120	SHIP DEPOT OPERATIONS SUPPORT	1,575,578	1,575,578
130	COMBAT COMMUNICATIONS	558,727	558,727
140	ELECTRONIC WARFARE	105,680	105,680
150	SPACE SYSTEMS AND SURVEILLANCE	180,406	180,406
160	WARFARE TACTICS	470,032	470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	346,703	346,703
180	COMBAT SUPPORT FORCES	1,158,688	1,158,688
190	EQUIPMENT MAINTENANCE	113,692	113,692
200	DEPOT OPERATIONS SUPPORT	2,509	2,509
210	COMBATANT COMMANDERS CORE OPERATIONS	91,019	91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	74,780	74,780
230	CRUISE MISSILE	106,030	106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,233,805
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025
260	WEAPONS MAINTENANCE	553,269	553,269

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
270	OTHER WEAPON SYSTEMS SUPPORT	350,010	350,010
280	ENTERPRISE INFORMATION	790,685	736,385
	Underexecution		[–54,300]
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,642,742	1,803,642
	FSRM unfunded requirement		[160,900]
300	BASE OPERATING SUPPORT	4,206,136	4,206,136
	SUBTOTAL OPERATING FORCES	**31,173,511**	**31,335,511**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	893,517	893,517
320	READY RESERVE FORCE	274,524	274,524
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,727	6,727
340	SHIP ACTIVATIONS/INACTIVATIONS	288,154	288,154
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	95,720	95,720
360	INDUSTRIAL READINESS	2,109	2,109
370	COAST GUARD SUPPORT	21,114	21,114
	SUBTOTAL MOBILIZATION	**1,581,865**	**1,581,865**
	TRAINING AND RECRUITING		
380	OFFICER ACQUISITION	143,815	143,815
390	RECRUIT TRAINING	8,519	8,519
400	RESERVE OFFICERS TRAINING CORPS	143,445	143,445
410	SPECIALIZED SKILL TRAINING	699,214	699,214
420	FLIGHT TRAINING	5,310	5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	172,852
440	TRAINING SUPPORT	222,728	222,728
450	RECRUITING AND ADVERTISING	225,647	225,647
460	OFF-DUTY AND VOLUNTARY EDUCATION	130,569	130,569
470	CIVILIAN EDUCATION AND TRAINING	73,730	73,730
480	JUNIOR ROTC	50,400	50,400
	SUBTOTAL TRAINING AND RECRUITING	**1,876,229**	**1,876,229**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	917,453	917,453
500	EXTERNAL RELATIONS	14,570	14,570
510	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	124,070	124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	369,767	369,767
530	OTHER PERSONNEL SUPPORT	285,927	281,927
	NHHC unjustified growth		[–4,000]
540	SERVICEWIDE COMMUNICATIONS	319,908	319,908
570	SERVICEWIDE TRANSPORTATION	171,659	171,659
580	ENVIRONMENTAL PROGRAMS	0	18,000
	Environmental program shortfall unfunded requirement		[18,000]
590	PLANNING, ENGINEERING AND DESIGN	270,863	270,863
600	ACQUISITION AND PROGRAM MANAGEMENT	1,112,766	1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT	49,078	49,078
620	COMBAT/WEAPONS SYSTEMS	24,989	24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,966	72,966
640	NAVAL INVESTIGATIVE SERVICE	595,711	595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,809	4,809
800	CLASSIFIED PROGRAMS	517,440	517,440
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,851,976**	**4,865,976**
	UNDISTRIBUTED		
902	UNDISTRIBUTED NAVY PRINTING	0	–7,300
	15% printing reduction		[–7,300]
908	UNDISTRIBUTED FOREIGN CURRENCY	0	–14,610
	Foreign currency gains		[–14,610]
913	UNDISTRIBUTED FUEL	0	–238,380
	Fuel cost savings		[–238,380]
	SUBTOTAL UNDISTRIBUTED	**0**	**–260,290**
	TOTAL OPERATION & MAINTENANCE, NAVY	**39,483,581**	**39,399,291**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	674,613	738,313
	Enterprise network defense unfunded requirement		[5,700]
	Exercise program unfunded requirement		[58,000]
020	FIELD LOGISTICS	947,424	975,524
	Combat optics mods unfunded requirement		[13,300]
	Critical/ no fail EOD unfunded requirement		[600]
	Nano/VTOL unfunded requirement		[14,200]
030	DEPOT MAINTENANCE	206,783	214,583
	Depot maintenance unfunded requirement		[7,800]
040	MARITIME PREPOSITIONING	85,276	85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION	632,673	711,173
	Facility demolition unfunded requirement		[39,200]
	FSRM unfunded requirement		[39,300]
060	BASE OPERATING SUPPORT	2,136,626	2,136,626
	SUBTOTAL OPERATING FORCES	**4,683,395**	**4,861,495**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	15,946	15,946
080	OFFICER ACQUISITION	935	935
090	SPECIALIZED SKILL TRAINING	99,305	99,305
100	PROFESSIONAL DEVELOPMENT EDUCATION	45,495	45,495
110	TRAINING SUPPORT	369,979	369,979
120	RECRUITING AND ADVERTISING	165,566	165,566
130	OFF-DUTY AND VOLUNTARY EDUCATION	35,133	35,133
140	JUNIOR ROTC	23,622	23,622
	SUBTOTAL TRAINING AND RECRUITING	**755,981**	**755,981**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	34,534	34,534
160	ADMINISTRATION	355,932	355,932
180	ACQUISITION AND PROGRAM MANAGEMENT	76,896	76,896
200	CLASSIFIED PROGRAMS	47,520	47,520
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**514,882**	**514,882**
	UNDISTRIBUTED		
903	UNDISTRIBUTED MARINE CORPS PRINTING	0	–14,300
	15% printing reduction		[–14,300]
909	UNDISTRIBUTED FOREIGN CURRENCY	0	–2,870
	Foreign currency gains		[–2,870]
914	UNDISTRIBUTED FUEL	0	–24,660
	Fuel cost savings		[–24,660]
	SUBTOTAL UNDISTRIBUTED	**0**	**–41,830**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,954,258**	**6,090,528**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	526,190	526,190
020	INTERMEDIATE MAINTENANCE	6,714	6,714
030	AIRCRAFT DEPOT MAINTENANCE	86,209	86,209
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389
050	AVIATION LOGISTICS	10,189	10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	560
090	COMBAT COMMUNICATIONS	13,173	13,173
100	COMBAT SUPPORT FORCES	109,053	109,053
120	ENTERPRISE INFORMATION	27,226	27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,571	33,371
	FSRM unfunded requirement		[5,800]
140	BASE OPERATING SUPPORT	99,166	99,166
	SUBTOTAL OPERATING FORCES	**906,440**	**912,240**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,351	1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,251	13,251
170	SERVICEWIDE COMMUNICATIONS	3,445	3,445
180	ACQUISITION AND PROGRAM MANAGEMENT	3,169	3,169
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**21,216**	**21,216**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**927,656**	**933,456**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	94,154	94,154
020	DEPOT MAINTENANCE	18,594	18,594
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,470	30,970
	FSRM unfunded requirement		[5,500]
040	BASE OPERATING SUPPORT	111,550	111,550
	SUBTOTAL OPERATING FORCES	**249,768**	**255,268**
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	902	902
060	ADMINISTRATION	11,130	11,130
070	RECRUITING AND ADVERTISING	8,833	8,833
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**20,865**	**20,865**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**270,633**	**276,133**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	3,294,124	3,294,124
020	COMBAT ENHANCEMENT FORCES	1,682,045	1,684,845
	HH–60 unfunded requirement		[2,800]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,730,757	1,730,757
040	DEPOT MAINTENANCE	7,042,988	7,193,388
	Weapon system sustainment unfunded requirement		[150,400]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,657,019	1,657,019
060	BASE SUPPORT	2,787,216	2,787,216
070	GLOBAL C3I AND EARLY WARNING	887,831	887,831

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
080	OTHER COMBAT OPS SPT PROGRAMS	1,070,178	1,070,178
100	LAUNCH FACILITIES	208,582	208,582
110	SPACE CONTROL SYSTEMS	362,250	362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	907,245	907,245
130	COMBATANT COMMANDERS CORE OPERATIONS	199,171	199,171
131	CLASSIFIED PROGRAMS	930,757	930,757
	SUBTOTAL OPERATING FORCES	**22,760,163**	**22,913,363**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	1,703,059	1,703,059
150	MOBILIZATION PREPAREDNESS	138,899	138,899
160	DEPOT MAINTENANCE	1,553,439	1,619,839
	Weapon system sustainment unfunded requirement		[66,400]
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	258,328	258,328
180	BASE SUPPORT	722,756	722,756
	SUBTOTAL MOBILIZATION	**4,376,481**	**4,442,881**
	TRAINING AND RECRUITING		
190	OFFICER ACQUISITION	120,886	120,886
200	RECRUIT TRAINING	23,782	23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,692	77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	236,254	393,954
	FSRM unfunded requirement		[157,700]
230	BASE SUPPORT	819,915	819,915
240	SPECIALIZED SKILL TRAINING	387,446	387,446
250	FLIGHT TRAINING	725,134	725,134
260	PROFESSIONAL DEVELOPMENT EDUCATION	264,213	264,213
270	TRAINING SUPPORT	86,681	86,681
280	DEPOT MAINTENANCE	305,004	305,004
290	RECRUITING AND ADVERTISING	104,754	77,754
	Advertising unjustified growth		[–27,000]
300	EXAMINING	3,944	3,944
310	OFF-DUTY AND VOLUNTARY EDUCATION	184,841	184,841
320	CIVILIAN EDUCATION AND TRAINING	173,583	173,583
330	JUNIOR ROTC	58,877	58,877
	SUBTOTAL TRAINING AND RECRUITING	**3,573,006**	**3,703,706**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	1,107,846	1,107,846
350	TECHNICAL SUPPORT ACTIVITIES	924,185	924,185
360	DEPOT MAINTENANCE	48,778	48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	321,013	321,013
380	BASE SUPPORT	1,115,910	1,115,910
390	ADMINISTRATION	811,650	811,650
400	SERVICEWIDE COMMUNICATIONS	269,809	269,809
410	OTHER SERVICEWIDE ACTIVITIES	961,304	961,304
420	CIVIL AIR PATROL	25,735	25,735
450	INTERNATIONAL SUPPORT	90,573	90,573
460	CLASSIFIED PROGRAMS	1,131,603	1,131,603
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**6,808,406**	**6,808,406**
	UNDISTRIBUTED		
904	UNDISTRIBUTED AIR FORCE PRINTING	0	–8,900
	15% printing reduction		[–8,900]
910	UNDISTRIBUTED FOREIGN CURRENCY	0	–33,450
	Foreign currency gains		[–33,450]
915	UNDISTRIBUTED FUEL	0	–394,560
	Fuel cost savings		[–394,560]
	SUBTOTAL UNDISTRIBUTED	**0**	**–436,910**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**37,518,056**	**37,431,446**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,707,882	1,707,882
020	MISSION SUPPORT OPERATIONS	230,016	259,016
	Lodging in kind unfunded requirement		[29,000]
030	DEPOT MAINTENANCE	541,743	541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	113,470	125,170
	FSRM unfunded requirement		[11,700]
050	BASE SUPPORT	384,832	384,832
	SUBTOTAL OPERATING FORCES	**2,977,943**	**3,018,643**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	54,939	54,939
070	RECRUITING AND ADVERTISING	14,754	14,754
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,707	12,707
090	OTHER PERS SUPPORT (DISABILITY COMP)	7,210	7,210
100	AUDIOVISUAL	376	376
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**89,986**	**89,986**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,067,929**	**3,108,629**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,282,238	3,282,238
020	MISSION SUPPORT OPERATIONS	723,062	723,062
030	DEPOT MAINTENANCE	1,824,329	1,867,529
	Weapon system sustainment engines unfunded requirement		[3,200]
	Weapon system sustainment unfunded requirement		[40,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	245,840	259,840
	FSRM unfunded requirement		[14,000]
050	BASE SUPPORT	575,548	575,548
	SUBTOTAL OPERATING FORCES	**6,651,017**	**6,708,217**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
060	ADMINISTRATION	23,715	23,715
070	RECRUITING AND ADVERTISING	28,846	28,846
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**52,561**	**52,561**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,703,578**	**6,760,778**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	506,113	506,113
020	OFFICE OF THE SECRETARY OF DEFENSE	524,439	524,439
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,898,159	4,852,859
	Unjustified growth in total civilian compensation		[–45,300]
	SUBTOTAL OPERATING FORCES	**5,928,711**	**5,883,411**
	TRAINING AND RECRUITING		
040	DEFENSE ACQUISITION UNIVERSITY	138,658	138,658
050	JOINT CHIEFS OF STAFF	85,701	95,701
	Model alternative design of reconnaissance strike group		[10,000]
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	**589,708**	**599,708**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	CIVIL MILITARY PROGRAMS	160,480	185,480
	Starbase		[25,000]
100	DEFENSE CONTRACT AUDIT AGENCY	630,925	630,925
110	DEFENSE CONTRACT MANAGEMENT AGENCY	1,356,380	1,356,380
120	DEFENSE HUMAN RESOURCES ACTIVITY	683,620	683,620
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,439,891	1,439,891
150	DEFENSE LEGAL SERVICES AGENCY	24,984	24,984
160	DEFENSE LOGISTICS AGENCY	357,964	352,164
	Price Comparability Office unjustified growth		[–5,800]
170	DEFENSE MEDIA ACTIVITY	223,422	223,422
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	112,681	112,681
190	DEFENSE SECURITY COOPERATION AGENCY	496,754	81,954
	Transfer Combatting Terrorism Fellowship to to Security Cooperation Enhancement Fund		[–26,800]
	Transfer Defense Institute of International Legal Studies to Security Cooperation Enhancement Fund.		[–2,600]
	Transfer Defense Institution Reform Initiative to to Security Cooperation Enhancement Fund		[–25,600]
	Transfer Global Train and Equip to Security Cooperation Enhancement Fund		[–270,200]
	Transfer Ministry of Defense Advisors to to Security Cooperation Enhancement Fund		[–9,200]
	Transfer Regional Centers to Security Cooperation Enhancement Fund		[–58,600]
	Transfer Wales initaitive Fund/Partnership for Peace to Security Cooperation Enhancement Fund		[–21,800]
200	DEFENSE SECURITY SERVICE	538,711	538,711
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,417	35,417
240	DEFENSE THREAT REDUCTION AGENCY	448,146	448,146
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,671,143	2,701,143
	Impact Aid		[25,000]
	Impact Aid severe disabilities		[5,000]
270	MISSILE DEFENSE AGENCY	446,975	446,975
290	OFFICE OF ECONOMIC ADJUSTMENT	155,399	123,199
	Guam public health lab		[–32,200]
300	OFFICE OF THE SECRETARY OF DEFENSE	1,481,643	1,502,643
	Cuts for BRAC planning		[–4,000]
	DOD rewards early to need		[–5,000]
	Secretary of Defense Delivery Unit		[30,000]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	89,429	89,429
320	WASHINGTON HEADQUARTERS SERVICES	629,874	629,874
330	CLASSIFIED PROGRAMS	14,069,333	14,054,033
	Reduction to NSA Information Systems and Security Program (4GT4)		[–27,000]
	Sharkseer email protection		[11,700]
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**26,053,171**	**25,661,071**
	UNDISTRIBUTED		
905	UNDISTRIBUTED TO DEFENSE-WIDE	0	–1,400
	15% printing reduction		[–1,400]
911	UNDISTRIBUTED FOREIGN CURRENCY	0	–10,580
	Foreign currency gains		[–10,580]
916	UNDISTRIBUTED FUEL	0	–41,100

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	Fuel cost savings		[–41,100]
	SUBTOTAL UNDISTRIBUTED	**0**	**–53,080**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**32,571,590**	**32,091,110**
	MISCELLANEOUS APPROPRIATIONS		
	US COURT OF APPEALS FOR ARMED FORCES, DEF		
4GTT	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,194	14,194
	SUBTOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	**14,194**	**14,194**
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
4GTD	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	105,125	105,125
	SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	**105,125**	**105,125**
	COOPERATIVE THREAT REDUCTION ACCOUNT		
1PL3	FORMER SOVIET UNION (FSU) THREAT REDUCTION	325,604	325,604
	SUBTOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	**325,604**	**325,604**
	ENVIRONMENTAL RESTORATION, ARMY		
493	ENVIRONMENTAL RESTORATION, ARMY	170,167	170,167
	SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY	**170,167**	**170,167**
	ENVIRONMENTAL RESTORATION, NAVY		
044G	ENVIRONMENTAL RESTORATION, NAVY	281,762	281,762
	SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY	**281,762**	**281,762**
	ENVIRONMENTAL RESTORATION, AIR FORCE		
042G	ENVIRONMENTAL RESTORATION, AIR FORCE	371,521	371,521
	SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	**371,521**	**371,521**
	ENVIRONMENTAL RESTORATION, DEFENSE		
045G	ENVIRONMENTAL RESTORATION, DEFENSE	9,009	9,009
	SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE	**9,009**	**9,009**
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
047G	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	197,084	197,084
	SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	**197,084**	**197,084**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**1,474,466**	**1,474,466**
	UNDISTRIBUTED		
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	20,000
	Commission on Military, National, and Public Service		[15,000]
	Temporary Duty Assignment Per Diem Rate Waiver		[5,000]
	SUBTOTAL UNDISTRIBUTED	**0**	**20,000**
	TOTAL UNDISTRIBUTED	**0**	**20,000**
	TOTAL OPERATION & MAINTENANCE	**171,318,488**	**171,389,798**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) OPERATION AND MAINTENANCE.—

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	723,945	723,945
020	MODULAR SUPPORT BRIGADES	5,904	5,904
030	ECHELONS ABOVE BRIGADE	38,614	38,614
040	THEATER LEVEL ASSETS	1,651,817	1,651,817
050	LAND FORCES OPERATIONS SUPPORT	835,138	835,138
060	AVIATION ASSETS	165,044	165,044
070	FORCE READINESS OPERATIONS SUPPORT	1,756,378	1,756,378
080	LAND FORCES SYSTEMS READINESS	348,174	348,174
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000
100	BASE OPERATIONS SUPPORT	40,000	40,000
140	ADDITIONAL ACTIVITIES	5,990,878	5,990,878
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000
160	RESET	1,092,542	1,092,542
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	79,568	79,568
	SUBTOTAL OPERATING FORCES	**13,083,002**	**13,083,002**
	MOBILIZATION		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
190	ARMY PREPOSITIONED STOCKS	350,200	350,200
	SUBTOTAL MOBILIZATION	**350,200**	**350,200**
	TRAINING AND RECRUITING		
250	SPECIALIZED SKILL TRAINING	3,565	3,565
270	PROFESSIONAL DEVELOPMENT EDUCATION	9,021	9,021
280	TRAINING SUPPORT	2,434	2,434
320	CIVILIAN EDUCATION AND TRAINING	1,254	1,254
	SUBTOTAL TRAINING AND RECRUITING	**16,274**	**16,274**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	740,400	740,400
380	AMMUNITION MANAGEMENT	13,974	13,974
420	OTHER PERSONNEL SUPPORT	105,508	105,508
450	REAL ESTATE MANAGEMENT	165,678	165,678
460	CLASSIFIED PROGRAMS	835,551	835,551
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**1,861,111**	**1,861,111**
	TOTAL OPERATION & MAINTENANCE, ARMY	**15,310,587**	**15,310,587**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	708	708
020	ECHELONS ABOVE BRIGADE	14,822	14,822
030	THEATER LEVEL ASSETS	375	375
040	LAND FORCES OPERATIONS SUPPORT	2,088	2,088
050	AVIATION ASSETS	608	608
060	FORCE READINESS OPERATIONS SUPPORT	5,425	5,425
090	BASE OPERATIONS SUPPORT	14,653	14,653
	SUBTOTAL OPERATING FORCES	**38,679**	**38,679**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**38,679**	**38,679**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	16,149	16,149
020	MODULAR SUPPORT BRIGADES	748	748
030	ECHELONS ABOVE BRIGADE	34,707	34,707
040	THEATER LEVEL ASSETS	10,472	10,472
060	AVIATION ASSETS	32,804	32,804
070	FORCE READINESS OPERATIONS SUPPORT	12,435	12,435
100	BASE OPERATIONS SUPPORT	18,800	18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	920	920
	SUBTOTAL OPERATING FORCES	**127,035**	**127,035**
	TOTAL OPERATION & MAINTENANCE, ARNG	**127,035**	**127,035**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,173,341	2,173,341
020	INFRASTRUCTURE	48,262	48,262
030	EQUIPMENT AND TRANSPORTATION	76,216	76,216
040	TRAINING AND OPERATIONS	220,139	220,139
	SUBTOTAL MINISTRY OF DEFENSE	**2,517,958**	**2,517,958**
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	860,441	860,441
060	INFRASTRUCTURE	20,837	20,837
070	EQUIPMENT AND TRANSPORTATION	8,153	8,153
080	TRAINING AND OPERATIONS	41,326	41,326
	SUBTOTAL MINISTRY OF INTERIOR	**930,757**	**930,757**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**3,448,715**	**3,448,715**
	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND		
	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND		
010	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	630,000	1,260,000
	Transfer from Coalition Support Fund		[180,000]
	Transfer from Counterterrorism Partnership Fund		[200,000]
	Transfer from Syria Train and Equip		[250,000]
	SUBTOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	**630,000**	**1,260,000**
	TOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	**630,000**	**1,260,000**
	SYRIA TRAIN AND EQUIP FUND		
	SYRIA TRAIN AND EQUIP FUND		
010	SYRIA TRAIN AND EQUIP FUND	250,000	0
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–250,000]
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**
	TOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	860,621	860,621
040	AIR OPERATIONS AND SAFETY SUPPORT	4,603	4,603
050	AIR SYSTEMS SUPPORT	159,049	159,049
060	AIRCRAFT DEPOT MAINTENANCE	113,994	113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,840	1,840
080	AVIATION LOGISTICS	35,529	35,529
090	MISSION AND OTHER SHIP OPERATIONS	1,073,080	1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING	17,306	17,306
110	SHIP DEPOT MAINTENANCE	2,903,431	2,903,431
130	COMBAT COMMUNICATIONS	21,257	21,257
160	WARFARE TACTICS	22,603	22,603
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,934	22,934
180	COMBAT SUPPORT FORCES	568,511	568,511
190	EQUIPMENT MAINTENANCE	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	61,000	61,000
260	WEAPONS MAINTENANCE	289,045	289,045
270	OTHER WEAPON SYSTEMS SUPPORT	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,089	27,089
300	BASE OPERATING SUPPORT	219,525	219,525
	SUBTOTAL OPERATING FORCES	**6,420,775**	**6,420,775**
	MOBILIZATION		
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	1,530	1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	8,904	8,904
370	COAST GUARD SUPPORT	162,692	162,692
	SUBTOTAL MOBILIZATION	**173,126**	**173,126**
	TRAINING AND RECRUITING		
410	SPECIALIZED SKILL TRAINING	43,365	43,365
	SUBTOTAL TRAINING AND RECRUITING	**43,365**	**43,365**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	3,764	3,764
500	EXTERNAL RELATIONS	515	515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	5,409	5,409
530	OTHER PERSONNEL SUPPORT	1,578	1,578
540	SERVICEWIDE COMMUNICATIONS	25,617	25,617
570	SERVICEWIDE TRANSPORTATION	126,700	126,700
600	ACQUISITION AND PROGRAM MANAGEMENT	9,261	9,261
640	NAVAL INVESTIGATIVE SERVICE	1,501	1,501
650	CLASSIFIED PROGRAMS	15,780	15,780
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**190,125**	**190,125**
	TOTAL OPERATION & MAINTENANCE, NAVY	**6,827,391**	**6,827,391**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	703,489	703,489
020	FIELD LOGISTICS	266,094	266,094
030	DEPOT MAINTENANCE	147,000	147,000
060	BASE OPERATING SUPPORT	18,576	18,576
	SUBTOTAL OPERATING FORCES	**1,135,159**	**1,135,159**
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	31,750	31,750
	SUBTOTAL TRAINING AND RECRUITING	**31,750**	**31,750**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	73,800	73,800
160	CLASSIFIED PROGRAMS	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**77,450**	**77,450**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,244,359**	**1,244,359**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
030	AIRCRAFT DEPOT MAINTENANCE	16,500	16,500
050	AVIATION LOGISTICS	2,522	2,522
100	COMBAT SUPPORT FORCES	7,243	7,243
	SUBTOTAL OPERATING FORCES	**26,265**	**26,265**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**26,265**	**26,265**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	2,500	2,500
040	BASE OPERATING SUPPORT	804	804
	SUBTOTAL OPERATING FORCES	**3,304**	**3,304**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**3,304**	**3,304**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,339,461	1,367,461
	ERI nuclear readiness		[28,000]
020	COMBAT ENHANCEMENT FORCES	1,096,021	1,096,021
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	152,278	152,278
040	DEPOT MAINTENANCE	1,185,506	1,185,506
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	56,700	56,700
060	BASE SUPPORT	941,714	941,714
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219
080	OTHER COMBAT OPS SPT PROGRAMS	207,696	207,696
100	LAUNCH FACILITIES	869	869
110	SPACE CONTROL SYSTEMS	5,008	5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	100,081	100,081
130	CLASSIFIED PROGRAMS	79,893	79,893
	SUBTOTAL OPERATING FORCES	**5,195,446**	**5,223,446**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	2,774,729	2,774,729
150	MOBILIZATION PREPAREDNESS	108,163	108,163
160	DEPOT MAINTENANCE	891,102	891,102
180	BASE SUPPORT	3,686	3,686
	SUBTOTAL MOBILIZATION	**3,777,680**	**3,777,680**
	TRAINING AND RECRUITING		
230	BASE SUPPORT	52,740	52,740
240	SPECIALIZED SKILL TRAINING	4,500	4,500
	SUBTOTAL TRAINING AND RECRUITING	**57,240**	**57,240**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	86,716	86,716
380	BASE SUPPORT	59,133	59,133
400	SERVICEWIDE COMMUNICATIONS	165,348	165,348
410	OTHER SERVICEWIDE ACTIVITIES	141,883	116,783
	Program reduction		[–25,100]
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,323	15,323
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**468,464**	**443,364**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,498,830**	**9,501,730**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT MAINTENANCE	51,086	51,086
050	BASE SUPPORT	6,500	6,500
	SUBTOTAL OPERATING FORCES	**57,586**	**57,586**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**57,586**	**57,586**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,400	3,400
050	BASE SUPPORT	16,600	16,600
	SUBTOTAL OPERATING FORCES	**20,000**	**20,000**
	TOTAL OPERATION & MAINTENANCE, ANG	**20,000**	**20,000**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,650,651	2,650,651
	SUBTOTAL OPERATING FORCES	**2,650,651**	**2,650,651**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	13,436	13,436
110	DEFENSE CONTRACT MANAGEMENT AGENCY	13,564	13,564
130	DEFENSE INFORMATION SYSTEMS AGENCY	47,579	47,579
150	DEFENSE LEGAL SERVICES AGENCY	111,986	111,986
170	DEFENSE MEDIA ACTIVITY	13,317	13,317
190	DEFENSE SECURITY COOPERATION AGENCY	1,412,000	312,000
	Reduction to Coalition Support Funds		[–100,000]
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–180,000]
	Transfer to Security Cooperation Enhancement Fund		[–820,000]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	67,000	67,000
300	OFFICE OF THE SECRETARY OF DEFENSE	31,106	31,106
320	WASHINGTON HEADQUARTERS SERVICES	3,137	3,137
330	CLASSIFIED PROGRAMS	1,618,397	1,618,397
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**3,331,522**	**2,231,522**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**5,982,173**	**4,882,173**
	UKRAINE SECURITY ASSISTANCE INITIATIVE		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	UKRAINE SECURITY ASSISTANCE INITIATIVE		
888	UKRAINE SECURITY ASSISTANCE INITIATIVE	0	350,000
	Ukraine Security Assistance Initiative		[350,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE INITIATIVE	**0**	**350,000**
	TOTAL UKRAINE SECURITY ASSISTANCE INITIATIVE	**0**	**350,000**
	TOTAL OPERATION & MAINTENANCE	**43,464,924**	**43,097,824**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

(a) MILITARY PERSONNEL.—

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2017 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	128,902,332	127,651,442
Defense Officer Personnel Management Act reforms		[100,000]
Foreign currency gains		[–72,940]
Military Personnel underexecution		[–880,450]
Non-adoption of Air Force Pilot Bonus Increase		[–2,500]
Non-adoption of DOD retirement reforms		[–400,000]
Rural Guard Act		[5,000]
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**128,902,332**	**127,651,442**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	6,366,908	6,366,908
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**6,366,908**	**6,366,908**
TOTAL MILITARY PERSONNEL	**135,269,240**	**134,018,350**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) MILITARY PERSONNEL.—

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2017 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	3,562,258	3,562,258
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**3,562,258**	**3,562,258**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	0	0
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**0**	**0**
TOTAL MILITARY PERSONNEL	**3,562,258**	**3,562,258**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

(a) OTHER AUTHORIZATIONS.—

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	ARMY SUPPLY MANAGEMENT	56,469	56,469
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**56,469**	**56,469**
	WORKING CAPITAL FUND, AIR FORCE		
020	WORKING CAPITAL FUND	63,967	63,967
	SUBTOTAL WORKING CAPITAL FUND, AIR FORCE	**63,967**	**63,967**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
020	WORKING CAPITAL FUND SUPPORT	37,132	37,132
	SUBTOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**37,132**	**37,132**

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	WORKING CAPITAL FUND, DECA		
010	WORKING CAPITAL FUND SUPPORT	1,214,045	1,214,045
	SUBTOTAL WORKING CAPITAL FUND, DECA	**1,214,045**	**1,214,045**
	TOTAL WORKING CAPITAL FUND	**1,371,613**	**1,371,613**
	CHEM AGENTS & MUNITIONS DESTRUCTION		
	OPERATION AND MAINTENANCE		
1	O&M	147,282	147,282
	SUBTOTAL OPERATION AND MAINTENANCE	**147,282**	**147,282**
	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		
2	RDT&E	388,609	388,609
	SUBTOTAL RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	**388,609**	**388,609**
	PROCUREMENT		
3	PROC	15,132	15,132
	SUBTOTAL PROCUREMENT	**15,132**	**15,132**
	TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**551,023**	**551,023**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
010	DEFENSEWIDE ACTIVITIES	730,087	471,787
	Transfer to Security Cooperation Enhancement Fund		[–258,300]
	SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**730,087**	**471,787**
	DRUG DEMAND REDUCTION PROGRAM		
020	DRUG INTRDCT & CNTR-DRG ACT, DEF	114,713	114,713
	SUBTOTAL DRUG DEMAND REDUCTION PROGRAM	**114,713**	**114,713**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**844,800**	**586,500**
	OFFICE OF THE INSPECTOR GENERAL		
	OPERATION AND MAINTENANCE		
010	DEFENSEWIDE ACTIVITIES	318,882	311,582
	Audit FTE unjustified growth		[–7,300]
	SUBTOTAL OPERATION AND MAINTENANCE	**318,882**	**311,582**
	RDT&E		
020	DEFENSEWIDE ACTIVITIES	3,153	3,153
	SUBTOTAL RDT&E	**3,153**	**3,153**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**322,035**	**314,735**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	9,240,160	9,240,160
020	PRIVATE SECTOR CARE	15,738,759	15,738,759
030	CONSOLIDATED HEALTH SUPPORT	2,367,759	2,367,759
040	INFORMATION MANAGEMENT	1,743,749	1,743,749
050	MANAGEMENT ACTIVITIES	311,380	311,380
060	EDUCATION AND TRAINING	743,231	743,231
070	BASE OPERATIONS/COMMUNICATIONS	2,086,352	2,086,352
210	UNDISTRIBUTED FOREIGN CURRENCY	0	–6,470
	Foreign currency gains		[–6,470]
	SUBTOTAL OPERATION & MAINTENANCE	**32,231,390**	**32,224,920**
	RDT&E		
080	R&D RESEARCH	9,097	9,097
090	R&D EXPLORATRY DEVELOPMENT	58,517	58,517
100	R&D ADVANCED DEVELOPMENT	221,226	221,226
110	R&D DEMONSTRATION/VALIDATION	96,602	96,602
120	R&D ENGINEERING DEVELOPMENT	364,057	364,057
130	R&D MANAGEMENT AND SUPPORT	58,410	58,410
140	R&D CAPABILITIES ENHANCEMENT	14,998	14,998
	SUBTOTAL RDT&E	**822,907**	**822,907**
	PROCUREMENT		
150	PROC INITIAL OUTFITTING	20,611	20,611
160	PROC REPLACEMENT & MODERNIZATION	360,727	360,727
180	PROC JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	2,413	2,413
200	PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	29,468	29,468
	SUBTOTAL PROCUREMENT	**413,219**	**413,219**
	UNDISTRIBUTED		
220	UNDISTRIBUTED DEFENSE HEALTH PROGRAM	0	440,000
	Incorporation of value-based health care into TRICARE program		[24,500]
	Pilot program on health insurance for reserve component members		[20,000]
	Reduction for unauthorized fertility treatment benefits		[–38,000]
	Reduction for unjustified travel expenses		[–6,500]

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	Reimbursement rates for Comprehensive Autism Care Demonstration program		[40,000]
	TRICARE reform implementation		[400,000]
	SUBTOTAL UNDISTRIBUTED	**0**	**440,000**
	TOTAL DEFENSE HEALTH PROGRAM	**33,467,516**	**33,901,046**
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
99	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	0	673,100
	Transfer from Drug Interdiction and Counter-Drug Activities		[258,300]
	Transfer of Combatting Terrorism Fellowship Program		[26,800]
	Transfer of Defense Institute of International Legal Studies		[2,600]
	Transfer of Defense Institution Reform Initiative		[25,600]
	Transfer of Global Train and Equip Program		[270,200]
	Transfer of Ministry of Defense Advisors		[9,200]
	Transfer of Regional Centers		[58,600]
	Transfer of Wales Initaitive Fund/Partnership for Peace		[21,800]
	SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**673,100**
	TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**673,100**
	TOTAL OTHER AUTHORIZATIONS	**36,556,987**	**37,398,017**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) OTHER AUTHORIZATIONS.—

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	ARMY SUPPLY MANAGEMENT	46,833	46,833
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**46,833**	**46,833**
	DLA WORKING CAPITAL FUNDS		
030	DLA WORKING CAPITAL FUNDS	93,800	93,800
	SUBTOTAL DLA WORKING CAPITAL FUNDS	**93,800**	**93,800**
	TOTAL WORKING CAPITAL FUND	**140,633**	**140,633**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
010	DEFENSEWIDE ACTIVITIES	215,333	215,333
	SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**215,333**	**215,333**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**215,333**	**215,333**
	OFFICE OF THE INSPECTOR GENERAL		
	OPERATION AND MAINTENANCE		
010	OPERATION AND MAINTENANCE	22,062	22,062
	SUBTOTAL OPERATION AND MAINTENANCE	**22,062**	**22,062**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**22,062**	**22,062**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	95,366	95,366
020	PRIVATE SECTOR CARE	233,073	233,073
030	CONSOLIDATED HEALTH SUPPORT	3,325	3,325
	SUBTOTAL OPERATION & MAINTENANCE	**331,764**	**331,764**
	TOTAL DEFENSE HEALTH PROGRAM	**331,764**	**331,764**
	COUNTERTERRORISM PARTNERSHIPS FUND		
	COUNTERTERRORISM PARTNERSHIPS FUND		
090	COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	0
	Ahead of need		[–150,000]
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–200,000]
	Transfer to Security Cooperation Enhancement Fund		[–650,000]
	SUBTOTAL COUNTERTERRORISM PARTNERSHIPS FUND	**1,000,000**	**0**
	TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	**1,000,000**	**0**
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
99	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	0	1,470,000
	Transfer from Coalition Support Fund		[820,000]
	Transfer from Counterterrorism Partnership Fund		[650,000]

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**1,470,000**
	TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**1,470,000**
	TOTAL OTHER AUTHORIZATIONS	**1,709,792**	**2,179,792**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.—

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILITARY CONSTRUCTION				
MILCON, ARMY				
	Alaska			
MILCON, ARMY	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000
	California			
MILCON, ARMY	Concord	Access Control Point	12,600	12,600
	Colorado			
MILCON, ARMY	Fort Carson	Guard Readiness Center	0	16,500
MILCON, ARMY	Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100
MILCON, ARMY	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000
	Georgia			
MILCON, ARMY	Fort Gordon	Company Operations Facility	0	10,600
MILCON, ARMY	Fort Gordon	CYBER Protection Team Ops Facility	90,000	90,000
MILCON, ARMY	Fort Stewart	Automated Qualification/Training Range	14,800	14,800
	Germany			
MILCON, ARMY	East Camp Grafenwoehr	Training Support Center	22,000	22,000
MILCON, ARMY	Garmisch	Dining Facility	9,600	9,600
MILCON, ARMY	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500
MILCON, ARMY	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700
	Guantanamo Bay, Cuba			
MILCON, ARMY	Guantanamo Bay	Mass Migration Complex	33,000	0
	Hawaii			
MILCON, ARMY	Fort Shafter	Command and Control Facility, Incr 2	40,000	40,000
	Texas			
MILCON, ARMY	Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600
	Utah			
MILCON, ARMY	Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400
	Virginia			
MILCON, ARMY	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	64,000	64,000
	Worldwide Unspecified			
MILCON, ARMY	Unspecified Worldwide Locations	Prior Year Savings	0	–30,000
MILCON, ARMY	Unspecified Worldwide Locations	Minor Construction FY17	25,000	25,000
MILCON, ARMY	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159
MILCON, ARMY	Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000
	SUBTOTAL MILCON, ARMY		**503,459**	**467,559**
MIL CON, NAVY				
	Arizona			
MIL CON, NAVY	Yuma	Vmx–22 Maintenance Hangar	48,355	48,355
	California			
MIL CON, NAVY	Coronado	Coastal Campus Entry Control Point	13,044	13,044

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, NAVY	Coronado	Grace Hopper Data Center Power Upgrades	10,353	10,353
MIL CON, NAVY	Coronado	Coastal Campus Utilities Infrastructure	81,104	81,104
MIL CON, NAVY	Lemoore	F–35C Engine Repair Facility	26,723	26,723
MIL CON, NAVY	Miramar	Communications Complex and Infrastructure	0	34,700
MIL CON, NAVY	Miramar	F–35 Parking Apron	0	40,000
MIL CON, NAVY	San Diego	Energy Security Hospital Microgrid	6,183	0
MIL CON, NAVY	Seal Beach	Missile Magazines	21,007	21,007
	Florida			
MIL CON, NAVY	Eglin AFB	WMD Field Training Facilities	20,489	20,489
	Guam			
MIL CON, NAVY	Joint Region Marianas	Power Upgrade—Harmon	62,210	62,210
MIL CON, NAVY	Joint Region Marianas	Hardening of Guam Pol Infrastructure	26,975	26,975
	Hawaii			
MIL CON, NAVY	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	43,384	43,384
MIL CON, NAVY	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	72,565	72,565
	Japan			
MIL CON, NAVY	Kadena AB	Aircraft Maintenance Complex	26,489	26,489
MIL CON, NAVY	Sasebo	Shore Power (Juliet Pier)	16,420	16,420
	Maine			
MIL CON, NAVY	Kittery	Unaccompanied Housing	17,773	17,773
MIL CON, NAVY	Kittery	Utility Improvements for Nuclear Platforms	30,119	30,119
	Maryland			
MIL CON, NAVY	Patuxent River	Uclass RDT&E Hangar	40,576	40,576
	Nevada			
MIL CON, NAVY	Fallon	Air Wing Simulator Facility	13,523	13,523
	North Carolina			
MIL CON, NAVY	Camp Lejeune, North Carolina	Range Facilities Safety Improvements	18,482	18,482
MIL CON, NAVY	Cherry Point Marine Corps Air Station	Central Heating Plant Conversion	12,515	12,515
	South Carolina			
MIL CON, NAVY	Beaufort	Aircraft Maintenance Hangar	83,490	83,490
MIL CON, NAVY	Parris Island	Recruit Reconditioning Center & Barracks	29,882	29,882
	Spain			
MIL CON, NAVY	Rota	Communication Station	23,607	23,607
	Virginia			
MIL CON, NAVY	Norfolk	Chambers Field Magazine Recap	0	27,000
	Washington			
MIL CON, NAVY	Bangor	Service Pier Electrical Upgrades	18,939	18,939
MIL CON, NAVY	Bremerton	Submarine Refit Maint Support Facility	21,476	21,476
MIL CON, NAVY	Bremerton	Nuclear Repair Facility	6,704	6,704
MIL CON, NAVY	Whidbey Island	Triton Mission Control Facility	30,475	30,475
MIL CON, NAVY	Whidbey Island	EA–18G Maintenance Hangar	45,501	45,501
	Worldwide Unspecified			
MIL CON, NAVY	Unspecified Worldwide Locations	Unspecified Minor Construction	29,790	29,790
MIL CON, NAVY	Unspecified Worldwide Locations	Planning and Design	88,230	88,230
MIL CON, NAVY	Various Worldwide Locations	Triton Forward Operating Base Hangar	41,380	41,380
SUBTOTAL MIL CON, NAVY			**1,027,763**	**1,123,280**
MILCON, AIR FORCE				
	Alaska			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AIR FORCE	Clear AFS	Fire Station	20,000	20,000
MILCON, AIR FORCE	Eielson AFB	F–35A ADAL Field Training Detachment Fac	22,100	22,100
MILCON, AIR FORCE	Eielson AFB	F–35A Hangar/Propulsion Mx/Dispatch	44,900	44,900
MILCON, AIR FORCE	Eielson AFB	F–35A Missile Maintenance Facility	12,800	12,800
MILCON, AIR FORCE	Eielson AFB	F–35A Aircraft Weather Shelters (Sqd 1)	79,500	79,500
MILCON, AIR FORCE	Eielson AFB	F–35A Earth Covered Magazines	11,300	11,300
MILCON, AIR FORCE	Eielson AFB	F–35A Hangar/Squad Ops/AMU Sq #2	42,700	42,700
MILCON, AIR FORCE	Eielson AFB	F–35A Aircraft Weather Shelter (Sqd 2)	82,300	82,300
MILCON, AIR FORCE	Joint Base Elmendorf-Richardson	Add/Alter Awacs Alert Hangar	29,000	29,000
	Arizona			
MILCON, AIR FORCE	Luke AFB	F–35A Squad Ops/Aircraft Maint Unit #5	20,000	20,000
	Australia			
MILCON, AIR FORCE	Darwin	APR—Expand Parking Apron	28,600	28,600
MILCON, AIR FORCE	Darwin	APR—Aircraft Mx Support Facility	1,800	1,800
	California			
MILCON, AIR FORCE	Edwards Air Force Base	Flightline Fire Station	24,000	24,000
	Colorado			
MILCON, AIR FORCE	Buckley Air Force Base	Small Arms Range Complex	13,500	13,500
	Delaware			
MILCON, AIR FORCE	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000
	Florida			
MILCON, AIR FORCE	Eglin AFB	Flightline Fire Station	13,600	13,600
MILCON, AIR FORCE	Eglin AFB	Advanced Munitions Technology Complex	75,000	75,000
MILCON, AIR FORCE	Patrick AFB	Fire/Crash Rescue Station	13,500	13,500
	Georgia			
MILCON, AIR FORCE	Moody AFB	Personnel Recovery 4–Bay Hangar/Helo Mx Unit	30,900	30,900
	Germany			
MILCON, AIR FORCE	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit	13,437	13,437
MILCON, AIR FORCE	Spangdahlem AB	Eic—Site Development and Infrastructure	43,465	43,465
	Guam			
MILCON, AIR FORCE	Joint Region Marianas	APR—Munitions Storage Igloos, PH 2	35,300	35,300
MILCON, AIR FORCE	Joint Region Marianas	Block 40 Maintenance Hangar	31,158	31,158
MILCON, AIR FORCE	Joint Region Marianas	APR—SATCOM C4i Facility	14,200	14,200
	Japan			
MILCON, AIR FORCE	Kadena AB	APR—Replace Munitions Structures	19,815	19,815
MILCON, AIR FORCE	Yokota AB	Construct Combat Arms Training & Maint Fac	8,243	8,243
MILCON, AIR FORCE	Yokota AB	C–130J Corrosion Control Hangar	23,777	23,777
	Kansas			
MILCON, AIR FORCE	McConnell AFB	Air Traffic Control Tower	11,200	11,200
MILCON, AIR FORCE	McConnell AFB	KC–46A Alter Flight Simulator Bldgs	3,000	3,000
MILCON, AIR FORCE	McConnell AFB	KC–46A ADAL Taxiway Delta	5,600	5,600
	Louisiana			
MILCON, AIR FORCE	Barksdale AFB	Consolidated Communication Facility	21,000	21,000
	Mariana Islands			
MILCON, AIR FORCE	Unspecified Location	APR—Land Acquisition	9,000	9,000
	Maryland			
MILCON, AIR FORCE	Joint Base Andrews	Consolidated Communications Center	0	50,000
MILCON, AIR FORCE	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AIR FORCE	Joint Base Andrews	Par Relocate Jadoc Satellite Site	3,500	3,500
	Massachusetts			
MILCON, AIR FORCE	Hanscom AFB	System Management Engineering Facility	20,000	20,000
	Montana			
MILCON, AIR FORCE	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600
	Nevada			
MILCON, AIR FORCE	Nellis AFB	F–35A Pol Fill Stand Addition	10,600	10,600
	New Mexico			
MILCON, AIR FORCE	Cannon AFB	North Fitness Center	21,000	21,000
MILCON, AIR FORCE	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600
MILCON, AIR FORCE	Kirtland AFB	Combat Rescue Helicopter (Crh) Simulator	7,300	7,300
	Ohio			
MILCON, AIR FORCE	Wright-Patterson AFB	Relocated Entry Control Facility 26a	12,600	12,600
	Oklahoma			
MILCON, AIR FORCE	Altus AFB	KC–46A FTU/Ftc Simulator Facility PH 2	11,600	11,600
MILCON, AIR FORCE	Tinker AFB	E3 Mission and Flight Simulator	0	26,000
MILCON, AIR FORCE	Tinker AFB	KC–46A Depot System Integration Laboratory	17,000	17,000
	Texas			
MILCON, AIR FORCE	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300
	Turkey			
MILCON, AIR FORCE	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449
	United Arab Emirates			
MILCON, AIR FORCE	AL Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400
	United Kingdom			
MILCON, AIR FORCE	RAF Croughton	Main Gate Complex	16,500	16,500
MILCON, AIR FORCE	RAF Croughton	JIAC Consolidation—PH 3	53,082	53,082
	Utah			
MILCON, AIR FORCE	Hill AFB	649 Muns Stamp/Maint & Inspection Facility	12,000	12,000
MILCON, AIR FORCE	Hill AFB	F–35A Munitions Maintenance Complex	10,100	10,100
MILCON, AIR FORCE	Hill AFB	Composite Aircraft Antenna Calibration Fac	7,100	7,100
MILCON, AIR FORCE	Hill AFB	649 Muns Precision Guided Missile Mx Facility	8,700	8,700
MILCON, AIR FORCE	Hill AFB	649 Muns Munitions Storage Magazines	6,600	6,600
	Virginia			
MILCON, AIR FORCE	Joint Base Langley-Eustis	Fuel System Maintenance Dock	14,200	14,200
MILCON, AIR FORCE	Joint Base Langley-Eustis	Air Force Targeting Center	45,000	45,000
	Washington			
MILCON, AIR FORCE	Fairchild AFB	Pipeline Dorm, Usaf Sere School (150 RM)	27,000	27,000
	Worldwide Unspecified			
MILCON, AIR FORCE	Unspecified Worldwide Locations	Prior Year Savings	0	–22,300
MILCON, AIR FORCE	Various Worldwide Locations	Planning & Design	143,582	143,582
MILCON, AIR FORCE	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	30,000
	Wyoming			
MILCON, AIR FORCE	F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550
SUBTOTAL MILCON, AIR FORCE			**1,481,058**	**1,534,758**
MIL CON, DEF-WIDE				
	Alaska			
MIL CON, DEF-WIDE	Clear AFS	Long Range Discrim Radar Sys Complex Ph1	155,000	155,000
MIL CON, DEF-WIDE	Fort Greely	Missile Defense Complex Switchgear Facility	9,560	9,560
MIL CON, DEF-WIDE	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	Arizona			
MIL CON, DEF-WIDE	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493
	California			
MIL CON, DEF-WIDE	Coronado	SOF Seal Team Ops Facility	47,290	47,290
MIL CON, DEF-WIDE	Coronado	SOF Seal Team Ops Facility	47,290	47,290
MIL CON, DEF-WIDE	Coronado	SOF Special Recon Team One Operations Fac	20,949	20,949
MIL CON, DEF-WIDE	Coronado	SOF Human Performance Training Center	15,578	15,578
MIL CON, DEF-WIDE	Coronado	SOF Training Detachment One Ops Facility	44,305	44,305
MIL CON, DEF-WIDE	Travis AFB	Replace Hydrant Fuel System	26,500	26,500
	Delaware			
MIL CON, DEF-WIDE	Dover AFB	Welch ES/Dover MS Replacement	44,115	44,115
	Diego Garcia			
MIL CON, DEF-WIDE	Diego Garcia	Improve Wharf Refueling Capability	30,000	30,000
	Florida			
MIL CON, DEF-WIDE	Patrick AFB	Replace Fuel Tanks	10,100	10,100
	Georgia			
MIL CON, DEF-WIDE	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	4,820	4,820
MIL CON, DEF-WIDE	Fort Gordon	Medical Clinic Replacement	25,000	25,000
	Germany			
MIL CON, DEF-WIDE	Kaiserlautern AB	Sembach Elementary/Middle School Replacement	45,221	45,221
MIL CON, DEF-WIDE	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	58,063	58,063
	Japan			
MIL CON, DEF-WIDE	Iwakuni	Construct Truck Offload & Loading Facilities	6,664	6,664
MIL CON, DEF-WIDE	Kadena AB	Kadena Elementary School Replacement	84,918	84,918
MIL CON, DEF-WIDE	Kadena AB	SOF Simulator Facility (MC–130)	12,602	12,602
MIL CON, DEF-WIDE	Kadena AB	SOF Maintenance Hangar	42,823	42,823
MIL CON, DEF-WIDE	Kadena AB	Medical Materiel Warehouse	20,881	20,881
MIL CON, DEF-WIDE	Yokota AB	Hangar/AMU	39,466	39,466
MIL CON, DEF-WIDE	Yokota AB	Operations and Warehouse Facilities	26,710	26,710
MIL CON, DEF-WIDE	Yokota AB	Simulator Facility	6,261	6,261
MIL CON, DEF-WIDE	Yokota AB	Airfield Apron	41,294	41,294
	Kwajalein			
MIL CON, DEF-WIDE	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500
	Maine			
MIL CON, DEF-WIDE	Kittery	Medical/Dental Clinic Replacement	27,100	27,100
	Maryland			
MIL CON, DEF-WIDE	Bethesda Naval Hospital	Medcen Addition/Alteration Incr 1	50,000	50,000
MIL CON, DEF-WIDE	Fort Meade	NSAW Recapitalize Building #2 Incr 2	195,000	195,000
MIL CON, DEF-WIDE	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000
MIL CON, DEF-WIDE	Fort Meade	Access Control Facility	21,000	21,000
	Missouri			
MIL CON, DEF-WIDE	ST Louis	Land Acquisition-Next NGA West (N2w) Campus	801	801
	North Carolina			
MIL CON, DEF-WIDE	Camp Lejeune, North Carolina	Dental Clinic Replacement	31,000	31,000
MIL CON, DEF-WIDE	Fort Bragg	SOF Tactical Equipment Maintenance Facility	23,598	23,598
MIL CON, DEF-WIDE	Fort Bragg	SOF Parachute Rigging Facility	21,420	21,420
MIL CON, DEF-WIDE	Fort Bragg	SOF Special Tactics Facility (Ph3)	30,670	30,670

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, DEF-WIDE	Fort Bragg	SOF Combat Medic Training Facility	10,905	10,905
	South Carolina			
MIL CON, DEF-WIDE	Joint Base Charleston	Construct Hydrant Fuel System	17,000	17,000
	Texas			
MIL CON, DEF-WIDE	Red River Army Depot	Construct Warehouse & Open Storage	44,700	44,700
MIL CON, DEF-WIDE	Sheppard AFB	Medical/Dental Clinic Replacement	91,910	91,910
	United Kingdom			
MIL CON, DEF-WIDE	RAF Croughton	Croughton Elem/Middle/High School Replacement	71,424	71,424
MIL CON, DEF-WIDE	Royal Air Force Lakenheath	Construct Hydrant Fuel System	13,500	13,500
	Virginia			
MIL CON, DEF-WIDE	Pentagon	Pentagon Metro Entrance Facility	12,111	0
MIL CON, DEF-WIDE	Pentagon	Upgrade It Facilities Infrastructure-Rrmc	8,105	8,105
	Wake Island			
MIL CON, DEF-WIDE	Wake Island	Test Support Facility	11,670	11,670
	Worldwide Unspecified			
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Battalion Complex	0	64,400
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Prior Year Savings	0	–132,200
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	23,585	23,585
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	71,647	71,647
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction	2,414	2,414
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	5,994	5,994
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	13,450	13,450
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	ECIP Design	10,000	10,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,913	3,913
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	24,000	24,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	8,500	8,500
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,631	8,631
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	3,427	3,427
MIL CON, DEF-WIDE	Various Worldwide Locations	Planning and Design	27,653	27,653
MIL CON, DEF-WIDE	Various Worldwide Locations	Planning & Design	27,660	27,660
SUBTOTAL MIL CON, DEF-WIDE			**2,056,091**	**1,976,180**
MILCON, ARNG				
	Hawaii			
MILCON, ARNG	Hilo	Combined Support Maintenance Shop	31,000	31,000
	Iowa			
MILCON, ARNG	Davenport	National Guard Readiness Center	23,000	23,000
	Kansas			
MILCON, ARNG	Fort Leavenworth	National Guard Readiness Center	29,000	29,000
	New Hampshire			
MILCON, ARNG	Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000
MILCON, ARNG	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900
	Oklahoma			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, ARNG	Ardmore	National Guard Readiness Center	22,000	22,000
	Pennsylvania			
MILCON, ARNG	York	National Guard Readiness Center	9,300	9,300
	Rhode Island			
MILCON, ARNG	East Greenwich	National Guard/Reserve Center Building (JFHQ)	20,000	20,000
	Utah			
MILCON, ARNG	Camp Williams	National Guard Readiness Center	37,000	37,000
	Worldwide Unspecified			
MILCON, ARNG	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001
MILCON, ARNG	Unspecified Worldwide Locations	Planning and Design	8,729	8,729
	Wyoming			
MILCON, ARNG	Laramie	National Guard Readiness Center	21,000	21,000
SUBTOTAL MILCON, ARNG			**232,930**	**232,930**
MILCON, ANG				
	Connecticut			
MILCON, ANG	Bradley IAP	Construct Small Air Terminal	6,300	6,300
	Florida			
MILCON, ANG	Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000
	Hawaii			
MILCON, ANG	Joint Base Pearl Harbor-Hickam	F–22 Composite Repair Facility	11,000	11,000
	Iowa			
MILCON, ANG	Sioux Gateway Airport	Construct Consolidated Support Functions	12,600	12,600
	Minnesota			
MILCON, ANG	Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600
	New Hampshire			
MILCON, ANG	Pease International Trade Port	KC–46A Install Fuselage Trainer Bldg 251	1,500	1,500
	North Carolina			
MILCON, ANG	Charlotte/Douglas IAP	C–17 Corrosion Control/Fuel Cell Hangar	29,600	29,600
MILCON, ANG	Charlotte/Douglas IAP	C–17 Type Iii Hydrant Refueling System	21,000	21,000
	South Carolina			
MILCON, ANG	McEntire ANGS	Replace Operations and Training Facility	8,400	8,400
	Texas			
MILCON, ANG	Ellington Field	Consolidate Crew Readiness Facility	4,500	4,500
	Vermont			
MILCON, ANG	Burlington IAP	F–35 Beddown 4-Bay Flight Simulator	4,500	4,500
	Worldwide Unspecified			
MILCON, ANG	Unspecified Worldwide Locations	Unspecified Minor Construction	17,495	17,495
MILCON, ANG	Various Worldwide Locations	Planning and Design	10,462	10,462
SUBTOTAL MILCON, ANG			**143,957**	**143,957**
MILCON, ARMY R				
	Arizona			
MILCON, ARMY R	Phoenix	Army Reserve Center	0	30,000
	California			
MILCON, ARMY R	Fort Hunter Liggett	Emergency Services Center	21,500	21,500
MILCON, ARMY R	Fort Hunter Liggett	Transient Training Barracks	19,000	19,000
	Virginia			
MILCON, ARMY R	Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000
	Wisconsin			
MILCON, ARMY R	Fort McCoy	AT/Mob Dining Facility	11,400	11,400
	Worldwide Unspecified			
MILCON, ARMY R	Unspecified Worldwide Locations	Planning and Design	7,500	7,500
MILCON, ARMY R	Unspecified Worldwide Locations	Unspecified Minor Construction	2,830	2,830
SUBTOTAL MILCON, ARMY R			**68,230**	**98,230**
MIL CON, NAVY RES				
	Louisiana			
MIL CON, NAVY RES	New Orleans	Joint Reserve Intelligence Center	11,207	11,207
	New York			
MIL CON, NAVY RES	Brooklyn	Electric Feeder Ductbank	1,964	1,964
MIL CON, NAVY RES	Syracuse	Marine Corps Reserve Center	13,229	13,229

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	Texas			
MIL CON, NAVY RES	Galveston	Reserve Center Annex	8,414	8,414
	Worldwide Unspecified			
MIL CON, NAVY RES	Unspecified Worldwide Locations	MCNR Planning & Design	3,783	3,783
SUBTOTAL MIL CON, NAVY RES			**38,597**	**38,597**
MILCON, AF RES				
	North Carolina			
MILCON, AF RES	Seymour Johnson AFB	KC–46A Two Bay Corrosion/Fuel Cell Hangar	90,000	90,000
MILCON, AF RES	Seymour Johnson AFB	KC–46A ADAL Bldg for Age/Fuselage Training	5,700	5,700
MILCON, AF RES	Seymour Johnson AFB	KC–46A ADAL Squadron Operations Facilities	2,250	2,250
	Pennsylvania			
MILCON, AF RES	Pittsburgh IAP	C–17 Construct Two Bay Corrosion/Fuel Hangar	54,000	54,000
MILCON, AF RES	Pittsburgh IAP	C–17 ADAL Fuel Hydrant System	22,800	22,800
MILCON, AF RES	Pittsburgh IAP	C–17 Const/Overlaytaxiway and Apron	8,200	8,200
	Worldwide Unspecified			
MILCON, AF RES	Unspecified Worldwide Locations	Planning & Design	4,500	4,500
MILCON, AF RES	Unspecified Worldwide Locations	Unspecified Minor Construction	1,500	1,500
SUBTOTAL MILCON, AF RES			**188,950**	**188,950**
NATO SEC INV PRGM				
	Worldwide Unspecified			
NATO SEC INV PRGM	NATO Security Investment Program	NATO Security Investment Program	177,932	177,932
NATO SEC INV PRGM	Unspecified Worldwide Locations	Prior Year Savings	0	–30,000
SUBTOTAL NATO SEC INV PRGM			**177,932**	**147,932**
TOTAL MILITARY CONSTRUCTION			**5,918,967**	**5,952,373**
FAMILY HOUSING				
FAM HSG CON, ARMY				
	Korea			
FAM HSG CON, ARMY	Camp Humphreys	Family Housing New Construction	143,563	143,563
FAM HSG CON, ARMY	Camp Walker	Family Housing New Construction	54,554	54,554
	Worldwide Unspecified			
FAM HSG CON, ARMY	Unspecified Worldwide Locations	Planning & Design	2,618	2,618
SUBTOTAL FAM HSG CON, ARMY			**200,735**	**200,735**
FAM HSG O&M, ARMY				
	Worldwide Unspecified			
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Management	40,344	40,344
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Services	7,993	7,993
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Furnishings	10,178	10,178
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Miscellaneous	400	400
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Maintenance	60,745	60,745
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Utilities	55,428	55,428
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Leasing	131,761	131,761
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Housing Privitization Support	19,146	19,146
SUBTOTAL FAM HSG O&M, ARMY			**325,995**	**325,995**
FAM HSG CON, N/MC				
	Mariana Islands			
FAM HSG CON, N/MC	Guam	Replace Andersen Housing PH I	78,815	78,815
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
FAM HSG CON, N/MC	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047
FAM HSG CON, N/MC	Unspecified Worldwide Locations	Planning & Design	4,149	4,149
SUBTOTAL FAM HSG CON, N/MC			**94,011**	**94,011**
FAM HSG O&M, N/MC				
	Worldwide Unspecified			
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Utilities	56,685	56,685
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Furnishings	17,457	17,457
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Management	51,291	51,291
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Miscellaneous	364	364
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Services	12,855	12,855
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Leasing	54,689	54,689
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Maintenance	81,254	81,254
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320
SUBTOTAL FAM HSG O&M, N/MC			**300,915**	**300,915**
FAM HSG CON, AF				
	Worldwide Unspecified			
FAM HSG CON, AF	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984
FAM HSG CON, AF	Unspecified Worldwide Locations	Planning & Design	4,368	4,368
SUBTOTAL FAM HSG CON, AF			**61,352**	**61,352**
FAM HSG O&M, AF				
	Worldwide Unspecified			
FAM HSG O&M, AF	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809
FAM HSG O&M, AF	Unspecified Worldwide Locations	Utilities	37,241	37,241
FAM HSG O&M, AF	Unspecified Worldwide Locations	Management	42,919	42,919
FAM HSG O&M, AF	Unspecified Worldwide Locations	Services	13,026	13,026
FAM HSG O&M, AF	Unspecified Worldwide Locations	Furnishings	31,690	31,690
FAM HSG O&M, AF	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745
FAM HSG O&M, AF	Unspecified Worldwide Locations	Leasing	20,530	20,530
FAM HSG O&M, AF	Unspecified Worldwide Locations	Maintenance	85,469	85,469
SUBTOTAL FAM HSG O&M, AF			**274,429**	**274,429**
FAM HSG O&M, DW				
	Worldwide Unspecified			
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	399	399
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	367	367
FAM HSG O&M, DW	Unspecified Worldwide Locations	Leasing	11,044	11,044
FAM HSG O&M, DW	Unspecified Worldwide Locations	Maintenance	800	800
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	500	500
FAM HSG O&M, DW	Unspecified Worldwide Locations	Leasing	40,984	40,984
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	20	20
FAM HSG O&M, DW	Unspecified Worldwide Locations	Services	32	32
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	174	174
FAM HSG O&M, DW	Unspecified Worldwide Locations	Maintenance	349	349

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
FAM HSG O&M, DW	Unspecified Worldwide Locations	Management	388	388
SUBTOTAL FAM HSG O&M, DW			**59,157**	**59,157**
FAM HSG IMPROVE FUND				
FAM HSG IMPROVE FUND	Worldwide Unspecified Unspecified Worldwide Locations	Program Expenses	3,258	3,258
SUBTOTAL FAM HSG IMPROVE FUND			**3,258**	**3,258**
TOTAL FAMILY HOUSING			**1,319,852**	**1,319,852**
DEFENSE BASE REALIGNMENT AND CLOSURE				
DOD BRAC—ARMY				
DOD BRAC—ARMY	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment and Closure	14,499	14,499
SUBTOTAL DOD BRAC—ARMY			**14,499**	**14,499**
DOD BRAC—NAVY				
DOD BRAC—NAVY	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	110,606
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA	4,648	4,648
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	557	557
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	100	100
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg AP	3,397	3,397
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–100: Planing, Design and Management	4,604	4,604
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–101: Various Locations	10,461	10,461
SUBTOTAL DOD BRAC—NAVY			**134,373**	**134,373**
DOD BRAC—AIR FORCE				
DOD BRAC—AIR FORCE	Worldwide Unspecified Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365
SUBTOTAL DOD BRAC—AIR FORCE			**56,365**	**56,365**
TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE			**205,237**	**205,237**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**7,444,056**	**7,477,462**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) MILITARY CONSTRUCTION.—

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Authorized
MILITARY CONSTRUCTION				
MILCON, ARMY				
MILCON, ARMY	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900
SUBTOTAL MILCON, ARMY			**18,900**	**18,900**
MIL CON, NAVY				
MIL CON, NAVY	Djibouti Camp Lemonier	OCO: Medical/Dental Facility	37,409	37,409
MIL CON, NAVY	Iceland Keflavik	ERI: P–8A Hangar Upgrade	14,600	14,600
MIL CON, NAVY	Keflavik	ERI: P–8A Aircraft Rinse Rack	5,000	5,000
	Worldwide Unspecified			

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, NAVY	Unspecified Worldwide Locations	Planning and Design	1,000	1,000
MIL CON, NAVY	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800
SUBTOTAL MIL CON, NAVY			**59,809**	**59,809**
MILCON, AIR FORCE				
	Bulgaria			
MILCON, AIR FORCE	Graf Ignatievo	ERI: Fighter Ramp Extension	7,000	7,000
MILCON, AIR FORCE	Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac	3,800	3,800
MILCON, AIR FORCE	Graf Ignatievo	ERI: Upgrade Munitions Storage Area	2,600	2,600
	Djibouti			
MILCON, AIR FORCE	Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600
MILCON, AIR FORCE	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway	6,900	6,900
	Estonia			
MILCON, AIR FORCE	Amari Air Base	ERI: Construct Bulk Fuel Storage	6,500	6,500
	Germany			
MILCON, AIR FORCE	Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters	2,700	2,700
MILCON, AIR FORCE	Spangdahlem AB	ERI: F/A–22 Upgrade Infrastructure/Comm/Util	1,600	1,600
MILCON, AIR FORCE	Spangdahlem AB	ERI: F/A–22 Low Observable/Comp Repair Fac	12,000	12,000
MILCON, AIR FORCE	Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House	1,000	1,000
MILCON, AIR FORCE	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors	1,400	1,400
	Lithuania			
MILCON, AIR FORCE	Siauliai	ERI: Munitions Storage	3,000	3,000
	Poland			
MILCON, AIR FORCE	Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100
MILCON, AIR FORCE	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100
	Romania			
MILCON, AIR FORCE	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Squadron Operations Facility	3,400	3,400
	Worldwide Unspecified			
MILCON, AIR FORCE	Unspecified Worldwide Locations	OCO: Planning and Design	940	940
MILCON, AIR FORCE	Unspecified Worldwide Locations	CTP: Planning and Design	9,000	9,000
SUBTOTAL MILCON, AIR FORCE			**88,740**	**88,740**
MIL CON, DEF-WIDE				
	Worldwide Unspecified			
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000
SUBTOTAL MIL CON, DEF-WIDE			**5,000**	**5,000**
TOTAL MILITARY CONSTRUCTION			**172,449**	**172,449**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**172,449**	**172,449**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.—

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear Energy	151,876	151,876
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	9,243,147	9,235,397
Defense nuclear nonproliferation	1,807,916	1,877,916
Naval reactors	1,420,120	1,420,120
Federal salaries and expenses	412,817	412,817
Total, National nuclear security administration	**12,884,000**	**12,946,250**
Environmental and other defense activities:		
Defense environmental cleanup	5,382,050	5,246,950
Other defense activities	791,552	791,552
Total, Environmental & other defense activities	**6,173,602**	**6,038,502**
Total, Atomic Energy Defense Activities	**19,057,602**	**18,984,752**
Total, Discretionary Funding	**19,209,478**	**19,136,628**
Nuclear Energy		
Idaho sitewide safeguards and security	129,303	129,303
Idaho operations and maintenance	7,313	7,313
Consent Based Siting	15,260	15,260
Total, Nuclear Energy	**151,876**	**151,876**
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	616,079	616,079
W76 Life extension program	222,880	222,880
W88 Alt 370	281,129	281,129
W80–4 Life extension program	220,253	220,253
Total, Life extension programs	**1,340,341**	**1,340,341**
Stockpile systems		
B61 Stockpile systems	57,313	57,313
W76 Stockpile systems	38,604	38,604
W78 Stockpile systems	56,413	56,413
W80 Stockpile systems	64,631	64,631
B83 Stockpile systems	41,659	41,659
W87 Stockpile systems	81,982	81,982
W88 Stockpile systems	103,074	103,074
Total, Stockpile systems	**443,676**	**443,676**
Weapons dismantlement and disposition		
Operations and maintenance	68,984	56,234
Program reduction		[–12,750]
Stockpile services		
Production support	457,043	457,043
Research and development support	34,187	34,187
R&D certification and safety	156,481	156,481
Management, technology, and production	251,978	251,978
Total, Stockpile services	**899,689**	**899,689**
Nuclear material commodities		
Uranium sustainment	20,988	20,988
Plutonium sustainment	184,970	184,970
Tritium sustainment	109,787	109,787
Domestic uranium enrichment	50,000	50,000
Strategic matrials sustainment	212,092	212,092
Total, Nuclear material commodities	**577,837**	**577,837**
Total, Directed stockpile work	**3,330,527**	**3,317,777**
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	58,000	58,000
Primary assessment technologies	99,000	99,000
Dynamic materials properties	106,000	106,000
Advanced radiography	50,500	50,500
Secondary assessment technologies	76,000	76,000
Academic alliances and partnerships	52,484	52,484
Total, Science	**441,984**	**441,984**
Engineering		
Enhanced surety	37,196	37,196
Weapon systems engineering assessment technology	16,958	16,958
Nuclear survivability	43,105	43,105
Enhanced surveillance	42,228	42,228
Total, Engineering	**139,487**	**139,487**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Inertial confinement fusion ignition and high yield		
Ignition	75,432	75,432
Support of other stockpile programs	23,363	23,363
Diagnostics, cryogenics and experimental support	68,696	68,696
Pulsed power inertial confinement fusion	5,616	5,616
Joint program in high energy density laboratory plasmas	9,492	9,492
Facility operations and target production	340,360	340,360
Total, Inertial confinement fusion and high yield	**522,959**	**522,959**
Advanced simulation and computing	663,184	663,184
Stockpile Responsiveness Program	0	5,000
Program Increase		[5,000]
Advanced manufacturing		
Additive manufacturing	12,000	12,000
Component manufacturing development	46,583	46,583
Processing technology development	28,522	28,522
Total, Advanced manufacturing	**87,105**	**87,105**
Total, RDT&E	**1,854,719**	**1,859,719**
Infrastructure and operations (formerly RTBF)		
Operating		
Operations of facilities		
Kansas City Plant	101,000	101,000
Lawrence Livermore National Laboratory	70,500	70,500
Los Alamos National Laboratory	196,500	196,500
Nevada Test Site	92,500	92,500
Pantex	55,000	55,000
Sandia National Laboratory	118,000	118,000
Savannah River Site	83,500	83,500
Y–12 National security complex	107,000	107,000
Total, Operations of facilities	**824,000**	**824,000**
Safety and environmental operations	110,000	110,000
Maintenance and repair of facilities	294,000	294,000
Recapitalization:		
Infrastructure and safety	554,643	554,643
Capability based investment	112,639	112,639
Total, Recapitalization	**667,282**	**667,282**
Construction:		
17–D–640, U1a Complex Enhancements Project, NNSS	11,500	11,500
17–D–630 Electrical Infrastructure Upgrades, LLNL	25,000	25,000
16–D–515 Albuquerque complex upgrades project	15,047	15,047
15–D–613 Emergency Operations Center, Y–12	2,000	2,000
15–D–302, TA–55 Reinvestment project, Phase 3, LANL	21,455	21,455
07–D–220-04 Transuranic liquid waste facility, LANL	17,053	17,053
06–D–141 PED/Construction, UPF Y–12, Oak Ridge, TN	575,000	575,000
04–D–125—04 RLUOB equipment installation	159,615	159,615
Total, Construction	**826,670**	**826,670**
Total, Infrastructure and operations	**2,721,952**	**2,721,952**
Secure transportation asset		
Operations and equipment	179,132	179,132
Program direction	103,600	103,600
Total, Secure transportation asset	**282,732**	**282,732**
Defense nuclear security		
Operations and maintenance	657,133	657,133
Construction:		
14–D–710 Device assembly facility argus installation project, NV	13,000	13,000
Total, Defense nuclear security	**670,133**	**670,133**
Information technology and cybersecurity	176,592	176,592
Legacy contractor pensions	248,492	248,492
Rescission of prior year balances	–42,000	–42,000
Total, Weapons Activities	**9,243,147**	**9,235,397**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Defense Nuclear Nonproliferation R&D		
Global material security	337,108	337,108
Material management and minimization	341,094	341,094
Nonproliferation and arms control	124,703	124,703
Defense Nuclear Nonproliferation R&D	393,922	393,922
Nonproliferation Construction:		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	270,000	340,000
MOX Fuel Fabrication Facility Construction		[70,000]
Total, Nonproliferation construction	**270,000**	**340,000**
Total, Defense Nuclear Nonproliferation Programs	**1,466,827**	**1,536,827**
Legacy contractor pensions	83,208	83,208
Nuclear counterterrorism and incident response program	271,881	271,881
Rescission of prior year balances	–14,000	–14,000
Total, Defense Nuclear Nonproliferation	**1,807,916**	**1,877,916**
Naval Reactors		
Naval reactors operations and infrastructure	449,682	449,682
Naval reactors development	437,338	437,338
Ohio replacement reactor systems development	213,700	213,700
S8G Prototype refueling	124,000	124,000
Program direction	47,100	47,100
Construction:		
17–D–911, BL Fire System Upgrade	1,400	1,400
15–D–904 NRF Overpack Storage Expansion 3	700	700
15–D–902 KS Engineroom team trainer facility	33,300	33,300
14–D–901 Spent fuel handling recapitalization project, NRF	100,000	100,000
10-D–903, Security upgrades, KAPL	12,900	12,900
Total, Construction	**148,300**	**148,300**
Total, Naval Reactors	**1,420,120**	**1,420,120**
Federal Salaries And Expenses		
Program direction	412,817	412,817
Total, Office Of The Administrator	**412,817**	**412,817**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	9,389	9,389
Hanford site:		
River corridor and other cleanup operations	69,755	69,755
Central plateau remediation	620,869	620,869
Richland community and regulatory support	14,701	14,701
Construction:		
15–D–401 Containerized sludge removal annex, RL	11,486	11,486
Total, Hanford site	**716,811**	**716,811**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	359,088	359,088
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	**362,088**	**362,088**
Los Alamos National Laboratory		
EMLA cleanup activities	185,606	195,606
Program Increase		[10,000]
EMLA community and regulatory support	3,394	3,394
Total, Los Alamos National Laboratory	**189,000**	**199,000**
NNSA sites		
Lawrence Livermore National Laboratory	1,396	1,396
Separations Process Research Unit	3,685	3,685
Nevada	62,176	62,176
Sandia National Laboratories	4,130	4,130
Total, NNSA sites and Nevada off-sites	**71,387**	**71,387**
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR Nuclear facility D & D	93,851	93,851
Construction:		
14–D–403 Outfall 200 Mercury Treatment Facility	5,100	5,100
Total, OR Nuclear facility D & D	**98,951**	**98,951**
U233 Disposition Program	37,311	37,311
OR cleanup and disposition	54,557	54,557
OR reservation community and regulatory support	4,400	4,400
Oak Ridge technology development	3,000	3,000
Total, Oak Ridge Reservation	**198,219**	**198,219**
Office of River Protection:		
Waste treatment and immobilization plant		
WTP operations	3,000	3,000
15–D–409 Low activity waste pretreatment system, ORP	73,000	73,000
01–D–416 A-D/ORP-0060 / Major construction	690,000	690,000
Total, Waste treatment and immobilization plant	**766,000**	**766,000**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Tank farm activities		
Rad liquid tank waste stabilization and disposition	721,456	721,456
Total, Tank farm activities	**721,456**	**721,456**
Total, Office of River protection	**1,487,456**	**1,487,456**
Savannah River sites:		
Nuclear Material Management	311,062	311,062
Environmental Cleanup	152,504	152,504
SR community and regulatory support	11,249	11,249
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	645,332	645,332
Construction:		
15–D–402—Saltstone Disposal Unit #6, SRS	7,577	7,577
17–D–401—Saltstone Disposal Unit #7	9,729	9,729
05–D–405 Salt waste processing facility, Savannah River Site	160,000	160,000
Total, Construction	**177,306**	**177,306**
Total, Radioactive liquid tank waste	**822,638**	**822,638**
Total, Savannah River site	**1,297,453**	**1,297,453**
Waste Isolation Pilot Plant		
Operations and maintenance	257,188	267,188
Program increase		[10,000]
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	2,532	2,532
15–D–412 Exhaust shaft, WIPP	2,533	2,533
Total, Construction	**5,065**	**5,065**
Total, Waste Isolation Pilot Plant	**262,253**	**272,253**
Program direction	290,050	290,050
Program support	14,979	14,979
Safeguards and Security	255,973	255,973
Technology development	30,000	30,000
Infrastructure recapitalization	41,892	41,892
Defense Uranium enrichment D&D	155,100	0
Program decrease		[–155,100]
Total, Defense Environmental Cleanup	**5,382,050**	**5,246,950**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,693	130,693
Program direction	66,519	66,519
Total, Environment, Health, safety and security	**197,212**	**197,212**
Independent enterprise assessments		
Independent enterprise assessments	24,580	24,580
Program direction	51,893	51,893
Total, Independent enterprise assessments	**76,473**	**76,473**
Specialized security activities	237,912	237,912
Office of Legacy Management		
Legacy management	140,306	140,306
Program direction	14,014	14,014
Total, Office of Legacy Management	**154,320**	**154,320**
Defense-related activities		
Defense related administrative support		
Chief financial officer	23,642	23,642
Chief information officer	93,074	93,074
Project management oversight and Assessments	3,000	3,000
Total, Defense related administrative support	**116,716**	**116,716**
Office of hearings and appeals	5,919	5,919
Subtotal, Other defense activities	**791,552**	**791,552**
Total, Other Defense Activities	**791,552**	**791,552**

DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Military Justice Act of 2016''.

TITLE LI—GENERAL PROVISIONS

SEC. 5101. DEFINITIONS.

(a) MILITARY JUDGE.—Paragraph (10) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended to read as follows:

''(10) The term 'military judge' means a judge advocate designated under section 826(c) of this title (article 26(c)) who is detailed under section 826(a) or section 830a of this title (article 26(a) or 30a).''.

(b) JUDGE ADVOCATE.—Paragraph (13) of such section (article) is amended—

(1) in subparagraph (A), by striking ''the Army or the Navy'' and inserting ''the Army, the Navy, or the Air Force''; and

(2) in subparagraph (B), by striking ''the Air Force or''.

SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ WHILE ON INACTIVE-DUTY TRAINING.

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

''(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B)—

''(i) members of a reserve component; and

''(ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service.

''(B) The periods referred to in subparagraph (A) are the following:

''(i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations.

''(ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations.

''(iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.''.

SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION DUE TO PRIOR INVOLVEMENT IN CASE.

Subsection (c) of section 806 of title 10, United States Code (article 6 of the Uniform Code of Military Justice), is amended to read as follows:

''(c)(1) No person who, with respect to a case, serves in a capacity specified in paragraph (2) may later serve as a staff judge advocate or legal officer to any reviewing or convening authority upon the same case.

''(2) The capacities referred to in paragraph (1) are, with respect to the case involved, any of the following:

''(A) Preliminary hearing officer, court member, military judge, military magistrate, or appellate judge.

''(B) Counsel who have acted in the same case or appeared in any proceeding before a military judge, military magistrate, preliminary hearing officer, or appellate court.''.

SEC. 5104. CONFORMING AMENDMENT RELATING TO MILITARY MAGISTRATES.

The first sentence of section 806a(a) of title 10, United States Code (article 6a(a) of the Uniform Code of Military Justice), is amended by striking ''military judge'' and all that follows through the end of the sentence and inserting ''military appellate judge, military judge, or military magistrate to perform the duties of the position involved.''.

SEC. 5105. RIGHTS OF VICTIM.

(a) DESIGNATION OF REPRESENTATIVE.—Subsection (c) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended in the first sentence by striking ''the military judge'' and all that follows through the end of the sentence and inserting the following: ''the legal guardians of the victim or the representatives of the victim's estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section.''.

(b) RULE OF CONSTRUCTION.—Subsection (d) of such section (article) is amended—

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

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

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

''(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34).''.

(c) INTERVIEW OF VICTIM.—Such section (article) is amended by adding at the end the following new subsection:

''(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victims' Counsel or other counsel for the victim, if applicable.

''(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Government, a counsel for the victim, or, if applicable, a victim advocate.''.

TITLE LII—APPREHENSION AND RESTRAINT

SEC. 5121. RESTRAINT OF PERSONS CHARGED.

Section 810 of title 10, United States Code (article 10 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 810. Art. 10. Restraint of persons charged

''(a) IN GENERAL.—(1) Subject to paragraph (2), any person subject to this chapter who is charged with an offense under this chapter may be ordered into arrest or confinement as the circumstances require.

''(2) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

''(b) NOTIFICATION TO ACCUSED AND RELATED PROCEDURES.—(1) When a person subject to this chapter is ordered into arrest or confinement before trial, immediate steps shall be taken—

''(A) to inform the person of the specific offense of which the person is accused; and

''(B) to try the person or to dismiss the charges and release the person.

''(2) To facilitate compliance with paragraph (1), the President shall prescribe regulations setting forth procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under section 832 of this title (article 32).''.

SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINEMENT OF MEMBERS OF THE ARMED FORCES WITH ENEMY PRISONERS AND CERTAIN OTHERS.

Section 812 of title 10, United States Code (article 12 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others

''No member of the armed forces may be placed in confinement in immediate association with—

''(1) enemy prisoners; or

''(2) other individuals—

''(A) who are detained under the law of war and are foreign nationals; and

''(B) who are not members of the armed forces.''.

TITLE LIII—NON-JUDICIAL PUNISHMENT

SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDICIAL PUNISHMENT.

Section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking ''on bread and water or diminished rations''; and

(B) in the undesignated matter after paragraph (2), by striking ''on bread and water or diminished rations'' in the sentence beginning ''No two or more''; and

(2) in subsection (d), by striking ''on bread and water or diminished rations'' in paragraphs (2) and (3).

TITLE LIV—COURT-MARTIAL JURISDICTION

SEC. 5161. COURTS-MARTIAL CLASSIFIED.

Section 816 of title 10, United States Code (article 16 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 816. Art 16. Courts-martial classified

''(a) IN GENERAL.—The three kinds of courts-martial in each of the armed forces are the following:

''(1) General courts-martial, as described in subsection (b).

''(2) Special courts-martial, as described in subsection (c).

''(3) Summary courts-martial, as described in subsection (d).

''(b) GENERAL COURTS-MARTIAL.—General courts-martial are of the following three types:

''(1) A general court-martial consisting of a military judge and eight members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

''(2) In a capital case, a general court-martial consisting of a military judge and the number of members determined under section 825a of this title (article 25a), subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

''(3) A general court-martial consisting of a military judge alone, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

''(c) SPECIAL COURTS-MARTIAL.—Special courts-martial are of the following two types:

''(1) A special court-martial, consisting of a military judge and four members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

''(2) A special court-martial consisting of a military judge alone—

''(A) if the case is so referred by the convening authority, subject to section 819 of this title (article 19) and such limitations as the President may prescribe by regulation; or

''(B) if the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

''(d) SUMMARY COURT-MARTIAL.—A summary court-martial consists of one commissioned officer.''.

SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.

Section 818 of title 10, United States Code (article 18 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by striking ''section 816(1)(B) of this title (article 16(1)(B))'' and inserting ''section 816(b)(3) of this title (article 16(b)(3))''; and

(2) by striking subsection (c) and inserting the following new subsection (c):

''(c) Consistent with sections 819 and 820 of this title (articles 19 and 20), only general courts-martial have jurisdiction over the following offenses:

''(1) A violation of subsection (a) or (b) of section 920 of this title (article 120).

''(2) A violation of subsection (a) or (b) of section 920b of this title (article 120b).

''(3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section 880 of this title (article 80).''.

SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.

Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) by striking ''Subject to'' in the first sentence and inserting the following:

''(a) IN GENERAL.—Subject to'';

(2) by striking ''A bad-conduct discharge'' and all that follows through the end; and

(3) by adding after subsection (a), as designated by paragraph (1), the following new subsections:

''(b) ADDITIONAL LIMITATION.—Neither a bad-conduct discharge, nor confinement for

more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)).

''(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.''.

SEC. 5164. SUMMARY COURT-MARTIAL AS NON-CRIMINAL FORUM.

Section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Subject to''; and

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

''(b) NON-CRIMINAL FORUM.—A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial does not constitute a criminal conviction.''.

TITLE LV—COMPOSITION OF COURTS-MARTIAL

SEC. 5181. TECHNICAL AMENDMENT RELATING TO PERSONS AUTHORIZED TO CONVENE GENERAL COURTS-MARTIAL.

Section 822(a)(6) of title 10, United States Code (article 22(a)(6) of the Uniform Code of Military Justice), is amended by striking ''in chief''.

SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RELATED MATTERS.

(a) WHO MAY SERVE ON COURTS-MARTIAL.—Subsection (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), is amended to read as follows:

''(c)(1) Any enlisted member on active duty is eligible to serve on a general or special court-martial for the trial of any other enlisted member.

''(2) Before a court-martial with a military judge and members is assembled for trial, an enlisted member who is an accused may personally request, orally on the record or in writing, that—

''(A) the membership of the court-martial be comprised entirely of officers; or

''(B) enlisted members comprise at least one-third of the membership of the court-martial, regardless of whether enlisted members have been detailed to the court-martial.

''(3) Except as provided in paragraph (4), after such a request, the accused may not be tried by a general or special court-martial if the membership of the court-martial is inconsistent with the request.

''(4) If, because of physical conditions or military exigencies, a sufficient number of eligible officers or enlisted members, as the case may be, are not available to carry out paragraph (2), the trial may nevertheless be held. In that event, the convening authority shall make a detailed written statement of the reasons for nonavailability. The statement shall be appended to the record.''.

(b) DETAIL OF MEMBERS.—Subsection (d) of such section (article) is amended by adding at the end the following new paragraph:

''(3) The convening authority shall detail not less than the number of members necessary to impanel the court-martial under section 829 of this title (article 29).''.

SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAPITAL CASES.

Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), is amended to read as follows:

''§ 825a. Art. 25a. Number of court-martial members in capital cases

''(a) IN GENERAL.—In a case in which the accused may be sentenced to death, the number of members shall be 12.

''(b) CASE NO LONGER CAPITAL.—Subject to section 829 of this title (article 29)—

''(1) if a case is referred for trial as a capital case and, before the members are impaneled, the accused may no longer be sentenced to death, the number of members shall be eight; and

''(2) if a case is referred for trial as a capital case and, after the members are impaneled, the accused may no longer be sentenced to death, the number of members shall remain 12.''.

SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MATTERS RELATING TO MILITARY JUDGES.

(a) DETAIL TO SPECIAL COURTS-MARTIAL.—Subsection (a) of section 826 of title 10, United States Code (article 26 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by inserting after ''each general'' the following: ''and special''; and

(2) by striking the second sentence.

(b) QUALIFICATIONS.—Subsection (b) of such section (article) is amended by striking ''qualified for duty'' and inserting ''qualified, by reason of education, training, experience, and judicial temperament, for duty''.

(c) DETAIL AND ASSIGNMENT.—Subsection (c) of such section (article) is amended to read as follows:

''(c)(1) In accordance with regulations prescribed under subsection (a), a military judge of a general or special court-martial shall be designated for detail by the Judge Advocate General of the armed force of which the military judge is a member.

''(2) Neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to the military judge's performance of duty as a military judge.

''(3) A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial—

''(A) may perform such duties only when the officer is assigned and directly responsible to the Judge Advocate General of the armed force of which the military judge is a member; and

''(B) may perform duties of a judicial or nonjudicial nature other than those relating to the officer's primary duty as a military judge of a general court-martial when such duties are assigned to the officer by or with the approval of that Judge Advocate General.

''(4) In accordance with regulations prescribed by the President, assignments of military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.''.

(d) DETAIL TO A DIFFERENT ARMED FORCE.—Such section (article) is further amended by adding at the end the following new subsection:

''(f) A military judge may be detailed under subsection (a) to a court-martial or a proceeding under section 830a of this title (article 30a) that is convened in a different armed force, when so permitted by the Judge Advocate General of the armed force of which the military judge is a member.''.

(e) CHIEF TRIAL JUDGES.—Such section (article), as amended by subsection (d), is further amended by adding at the end the following new subsection:

''(g) In accordance with regulations prescribed by the President, each Judge Advocate General shall designate a chief trial judge from among the members of the applicable trial judiciary.''.

SEC. 5185. QUALIFICATIONS OF TRIAL COUNSEL AND DEFENSE COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking ''No person'' and all that follows through ''trial counsel,'' the first place it appears and inserting ''No person who, with respect to a case, has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge, may later serve as trial counsel,'';

(2) in the first sentence of subsection (b), by striking ''Trial counsel or defense counsel'' and inserting ''Trial counsel, defense counsel, or assistant defense counsel''; and

(3) by striking subsection (c) and inserting the following new subsections:

''(c)(1) Defense counsel and assistant defense counsel detailed for a special court-martial shall have the qualifications set forth in subsection (b).

''(2) Trial counsel and assistant trial counsel detailed for a special court-martial and assistant trial counsel detailed for a general court-martial must be determined to be competent to perform such duties by the Judge Advocate General, under such rules as the President may prescribe.

''(d) To the greatest extent practicable, in any capital case, at least one defense counsel shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.''.

SEC. 5186. ASSEMBLY AND IMPANELING OF MEMBERS AND RELATED MATTERS.

Section 829 of title 10, United States Code (article 29 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 829. Art 29. Assembly and impaneling of members; detail of new members and military judges

''(a) ASSEMBLY.—The military judge shall announce the assembly of a general or special court-martial with members. After such a court-martial is assembled, no member may be absent, unless the member is excused—

''(1) as a result of a challenge;

''(2) under subsection (b)(1)(B); or

''(3) by order of the military judge or the convening authority for disability or other good cause.

''(b) IMPANELING.—(1) Under rules prescribed by the President, the military judge of a general or special court-martial with members shall—

''(A) after determination of challenges, impanel the court-martial; and

''(B) excuse the members who, having been assembled, are not impaneled.

''(2) In a general court-martial, the military judge shall impanel—

''(A) 12 members in a capital case; and

''(B) eight members in a noncapital case.

''(3) In a special court-martial, the military judge shall impanel four members.

''(c) ALTERNATE MEMBERS.—In addition to members under subsection (b), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

''(d) DETAIL OF NEW MEMBERS.—(1) If, after members are impaneled, the membership of the court-martial is reduced to—

''(A) fewer than 12 members with respect to a general court-martial in a capital case;

''(B) fewer than six members with respect to a general court-martial in a noncapital case; or

''(C) fewer than four members with respect to a special court-martial;

the trial may not proceed unless the convening authority details new members and, from among the members so detailed, the military judge impanels new members sufficient in number to provide the membership specified in paragraph (2).

''(2) The membership referred to in paragraph (1) is as follows:

''(A) 12 members with respect to a general court-martial in a capital case.

''(B) At least six but not more than eight members with respect to a general court-martial in a noncapital case.

''(C) Four members with respect to a special court-martial.

''(e) DETAIL OF NEW MILITARY JUDGE.—If the military judge is unable to proceed with the trial because of disability or otherwise, a new military judge shall be detailed to the court-martial.

''(f) EVIDENCE.—(1) In the case of new members under subsection (d), the trial may proceed with the new members present after the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new members, the military judge, the accused, and counsel for both sides.

''(2) In the case of a new military judge under subsection (e), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new military judge, the accused, and counsel for both sides.''.

SEC. 5187. MILITARY MAGISTRATES.

Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 826 (article 26 of the Uniform Code of Military Justice) the following new section (article):

''§ 826a. Art. 26a. Military magistrates

''(a) QUALIFICATIONS.—A military magistrate shall be a commissioned officer of the armed forces who—

''(1) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

''(2) is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the Judge Advocate General of the armed force of which the officer is a member.

''(b) DUTIES.—In accordance with regulations prescribed by the Secretary concerned, in addition to duties when designated under section 819 or 830a of this title (article 19 or 30a), a military magistrate may be assigned to perform other duties of a nonjudicial nature.''.

TITLE LVI—PRE-TRIAL PROCEDURE

SEC. 5201. CHARGES AND SPECIFICATIONS.

Section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 830. Art 30. Charges and specifications

''(a) IN GENERAL.—Charges and specifications—

''(1) may be preferred only by a person subject to this chapter; and

''(2) shall be preferred by presentment in writing, signed under oath before a commissioned officer of the armed forces who is authorized to administer oaths.

''(b) REQUIRED CONTENT.—The writing under subsection (a) shall state that—

''(1) the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications; and

''(2) the matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.

''(c) DUTY OF PROPER AUTHORITY.—When charges and specifications are preferred under subsection (a), the proper authority shall, as soon as practicable—

''(1) inform the person accused of the charges and specifications; and

''(2) determine what disposition should be made of the charges and specifications in the interest of justice and discipline.''.

SEC. 5202. PROCEEDINGS CONDUCTED BEFORE REFERRAL.

Subchapter VI of chapter 47 of title 10, United States Code, is amended by inserting after section 830 (article 30 of the Uniform Code of Military Justice) the following new section (article):

''§ 830a. Art. 30a. Proceedings conducted before referral

''(a) IN GENERAL.—(1) The President shall prescribe regulations for proceedings conducted before referral of charges and specifications to court-martial for trial.

''(2) The regulations prescribed under paragraph (1) shall—

''(A) set forth the matters that a military judge may rule upon in such proceedings;

''(B) include procedures for the review of such rulings;

''(C) include appropriate limitations to ensure that proceedings under this section extend only to matters that would be subject to consideration by a military judge in a general or special court-martial; and

''(D) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.

''(3) If any matter in a proceeding under paragraph (1) becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed to the court-martial.

''(b) DETAIL OF MILITARY JUDGE.—The Secretary concerned shall prescribe regulations providing for the manner in which military judges are detailed to proceedings under subsection (a)(1).

''(c) DISCRETION TO DESIGNATE MAGISTRATE TO PRESIDE.—In accordance with regulations prescribed by the Secretary concerned, a military judge detailed to a proceeding under subsection (a)(1) may designate a military magistrate to preside over the proceeding.''.

SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE REFERRAL TO GENERAL COURT-MARTIAL.

(a) IN GENERAL.—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended by striking the section heading and subsections (a), (b), and (c) and inserting the following:

''§ 832. Art. 32. Preliminary hearing required before referral to general court-martial

''(a) IN GENERAL.—(1)(A) Except as provided in subparagraph (B), a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial. The preliminary hearing shall be conducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (b).

''(B) Under regulations prescribed by the President, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines that a hearing is not required.

''(2) The issues for determination at a preliminary hearing are limited to the following:

''(A) Whether or not the specification alleges an offense under this chapter.

''(B) Whether or not there is probable cause to believe that the accused committed the offense charged.

''(C) Whether or not the convening authority has court-martial jurisdiction over the accused and over the offense.

''(b) HEARING OFFICER.—(1) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who—

''(A) whenever practicable, shall be a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)); or

''(B) when it is not practicable to appoint a judge advocate because of exceptional circumstances, is not a judge advocate so certified.

''(2) In the case of a hearing officer under paragraph (1)(B), a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)) shall be available to provide legal advice to the hearing officer.

''(3) Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the Government at the preliminary hearing.

''(c) REPORT TO CONVENING AUTHORITY.—After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report (accompanied by a recording of the preliminary hearing under subsection (e)) that includes the following:

''(1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (a)(2), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

''(2) Recommendations for any necessary modifications to the form of the charges or specifications.

''(3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense, that, under such rules as the President may prescribe, is relevant to disposition under sections 830 and 834 of this title (articles 30 and 34).

''(4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (f).''.

(b) SUNDRY AMENDMENTS.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking ''subsection (a)'' in the first sentence and inserting ''this section'';

(2) in paragraph (2), by striking ''in defense'' and all that follows through the end and inserting ''that is relevant to the issues for determination under subsection (a)(2).'';

(3) in paragraph (3), by adding at the end the following new sentence: ''A declination under this paragraph shall not serve as the sole basis for ordering a deposition under section 849 of this title (article 49).''; and

(4) in paragraph (4), by striking ''the limited purposes of the hearing, as provided in subsection (a)(2)'' and inserting ''determinations under subsection (a)(2)''.

(c) REFERENCE TO MCM.—Subsection (e) of such section (article) is amended by striking ''as prescribed by the Manual for Courts-Martial'' in the second sentence and inserting ''under such rules as the President may prescribe''.

(d) EFFECT OF VIOLATION.—Subsection (g) of such section (article) is amended by adding at the end the following new sentence: ''A defect in a report under subsection (c) is not a basis for relief if the report is in substantial compliance with that subsection.''.

(e) CONFORMING AMENDMENTS.—The following provisions are each amended by striking ''investigating officer'' and inserting ''preliminary heating officer'':

(1) Section 806b(a)(3) of title 10, United States Code (article 6b(a)(3) of the Uniform Code of Military Justice).

(2) Section 825(d)(2) of such title (article 25(d)(2) of the Uniform Code of Military Justice).

(3) Section 826(d) of such title (article 26(d) of the Uniform Code of Military Justice).

SEC. 5204. DISPOSITION GUIDANCE.

Section 833 of title 10, United States Code (article 33 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 833. Art 33. Disposition guidance

''The President shall direct the Secretary of Defense to issue, in consultation with the Secretary of Homeland Security, non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates should take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline under sections 830 and 834 of this title (articles 30 and 34). Such guidance shall take into account, with appropriate consideration of military requirements, the principles contained in official guidance of the Attorney General to attorneys for the Government with respect to disposition of Federal criminal cases in accordance with the principle of fair and evenhanded administration of Federal criminal law.''.

SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 834. Art. 34. Advice to convening authority before referral for trial

''(a) GENERAL COURT-MARTIAL.—

''(1) STAFF JUDGE ADVOCATE ADVICE REQUIRED BEFORE REFERRAL.—Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority may not refer a specification under a charge to a general court-martial unless the staff judge advocate advises the convening authority in writing that—

''(A) the specification alleges an offense under this chapter;

''(B) there is probable cause to believe that the accused committed the offense charged; and

''(C) a court-martial would have jurisdiction over the accused and the offense.

''(2) STAFF JUDGE ADVOCATE RECOMMENDATION AS TO DISPOSITION.—Together with the written advice provided under paragraph (1), the staff judge advocate shall provide a written recommendation to the convening authority as to the disposition that should be made of the specification in the interest of justice and discipline.

''(3) STAFF JUDGE ADVOCATE ADVICE AND RECOMMENDATION TO ACCOMPANY REFERRAL.—When a convening authority makes a referral for trial by general court-martial, the written advice of the staff judge advocate under paragraph (1) and the written recommendation of the staff judge advocate under paragraph (2) with respect to each specification shall accompany the referral.

''(b) SPECIAL COURT-MARTIAL; CONVENING AUTHORITY CONSULTATION WITH JUDGE ADVOCATE.—Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.

''(c) GENERAL AND SPECIAL COURTS-MARTIAL; CORRECTION OF CHARGES AND SPECIFICATIONS BEFORE REFERRAL.—Before referral for trial by general court-martial or special court-martial, changes may be made to charges and specifications—

''(1) to correct errors in form; and

''(2) when applicable, to conform to the substance of the evidence contained in a report under section 832(c) of this title (article 32(c)).

''(d) REFERRAL DEFINED.—In this section, the term 'referral' means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.''.

SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF TRIAL.

Section 835 of title 10, United States Code (article 35 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 835. Art. 35. Service of charges; commencement of trial

''(a) IN GENERAL.—Trial counsel detailed for a court-martial under section 827 of this title (article 27) shall cause to be served upon the accused a copy of the charges and specifications referred for trial.

''(b) COMMENCEMENT OF TRIAL.—(1) Subject to paragraphs (2) and (3), no trial or other proceeding of a general court-martial or a special court-martial (including any session under section 839(a) of this title (article 39(a)) may be held over the objection of the accused—

''(A) with respect to a general court-martial, from the time of service through the fifth day after the date of service; or

''(B) with respect to a special court-martial, from the time of service through the third day after the date of service.

''(2) An objection under paragraph (1) may be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under paragraph (1)(A) or (1)(B). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

''(3) This subsection shall not apply in time of war.''.

TITLE LVII—TRIAL PROCEDURE

SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.

Section 838(e) of title 10, United States Code (article 38(e) of the Uniform Code of Military Justice), is amended by striking '', under the direction'' and all that follows through ''(article 27),''.

SEC. 5222. SESSIONS.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

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

(B) by striking paragraph (3) and inserting the following new paragraphs:

''(3) holding the arraignment and receiving the pleas of the accused;

''(4) conducting a sentencing proceeding and sentencing the accused; and''; and

(2) in the second sentence of subsection (c), by striking '', in cases in which a military judge has been detailed to the court,''.

SEC. 5223. TECHNICAL AMENDMENT RELATING TO CONTINUANCES.

Section 840 of title 10, United States Code (article 40 of the Uniform Code of Military Justice), is amended by striking ''court-martial without a military judge'' and inserting ''summary court-martial''.

SEC. 5224. CONFORMING AMENDMENTS RELATING TO CHALLENGES.

Section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), in the second sentence, by striking '', or, if none, the court,'';

(2) in subsection (a)(2), in the first sentence, by striking ''minimum''; and

(3) in subsection (b)(2), by striking ''minimum''.

SEC. 5225. STATUTE OF LIMITATIONS.

(a) INCREASE IN PERIOD FOR CHILD ABUSE OFFENSES.—Subsection (b)(2)(A) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking ''five years'' and inserting ''ten years''.

(b) INCREASE IN PERIOD FOR FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—Such section (article) is further amended by adding at the end the following new subsection:

''(h) FRAUDULENT ENLISTMENT OR APPOINTMENT.—A person charged with fraudulent enlistment or fraudulent appointment under section 904a(1) of this title (article 104a(1)) may be tried by court-martial if the sworn charges and specifications are received by an officer exercising summary court-martial jurisdiction with respect to that person, as follows:

''(1) In the case of an enlisted member, during the period of the enlistment or five years, whichever provides a longer period.

''(2) In the case of an officer, during the period of the appointment or five years, whichever provides a longer period.''.

(c) DNA EVIDENCE.—Such section (article), as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

''(i) DNA EVIDENCE.—If DNA testing implicates an identified person in the commission of an offense punishable by confinement for more than one year, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.''.

(d) CONFORMING AMENDMENTS.—Subsection (b)(2)(B) of such section (article) is amended by striking clauses (i) through (v) and inserting the following new clauses:

''(i) Any offense in violation of section 920, 920a, 920b, 920c, or 930 of this title (article 120, 120a, 120b, 120c, or 130), unless the offense is covered by subsection (a).

''(ii) Maiming in violation of section 928a of this title (article 128a).

''(iii) Aggravated assault, assault consummated by a battery, or assault with intent to commit specified offenses in violation of section 928 of this title (article 128).

''(iv) Kidnapping in violation of section 925 of this title (article 125).''.

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''NO LIMITATION FOR CERTAIN OFFENSES.—'' after ''(a)'';

(2) in subsection (b), by inserting ''FIVE-YEAR LIMITATION FOR TRIAL BY COURT-MARTIAL.—'' after ''(b)'';

(3) in subsection (c), by inserting ''TOLLING FOR ABSENCE WITHOUT LEAVE OR FLIGHT FROM JUSTICE.—'' after ''(c)'';

(4) in subsection (d), by inserting ''TOLLING FOR ABSENCE FROM US OR MILITARY JURISDICTION.—'' after ''(d)'';

(5) in subsection (e), by inserting ''EXTENSION FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO PROSECUTION OF WAR.—'' after ''(e)'';

(6) in subsection (f), by inserting ''EXTENSION FOR OTHER OFFENSES IN TIME OF WAR.—'' after ''(f)''; and

(7) in subsection (g), by inserting ''DEFECTIVE OR INSUFFICIENT CHARGES.—'' after ''(g)''.

(e) APPLICATION.—The amendments made by subsections (a), (b), (c), and (d) shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this subsection if the applicable limitation period has not yet expired.

SEC. 5226. FORMER JEOPARDY.

Subsection (c) of section 844 of title 10, United States Code (article 44 of the Uniform Code of Military Justice), is amended to read as follows:

''(c)(1) A court-martial with a military judge alone is a trial in the sense of this section (article) if, without fault of the accused—

''(A) after introduction of evidence; and

''(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

''(2) A court-martial with a military judge and members is a trial in the sense of this section (article) if, without fault of the accused—

''(A) after the members, having taken an oath as members under section 842 of this title (article 42) and after completion of challenges under section 841 of this title (article 41), are impaneled; and

''(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.''.

SEC. 5227. PLEAS OF THE ACCUSED.

(a) PLEAS OF GUILTY.—Subsection (b) of section 845 of title 10, United States Code (article 45 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking ''may be adjudged'' and inserting ''is mandatory''; and

(2) in the second sentence—

(A) by striking ''or by a court-martial without a military judge''; and

(B) by striking '', if permitted by regulations of the Secretary concerned,''.

(b) HARMLESS ERROR.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) HARMLESS ERROR.—A variance from the requirements of this article is harmless error if the variance does not materially prejudice the substantial rights of the accused.''.

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''IRREGULAR AND SIMILAR PLEAS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''PLEAS OF GUILTY.—'' after ''(b)''.

SEC. 5228. SUBPOENA AND OTHER PROCESS.

(a) AMENDMENTS TO UCMJ ARTICLE.—

(1) IN GENERAL.—Subsection (a) of section 846 of title 10, United States Code (article 46 of the Uniform Code of Military Justice), is amended by striking ''The counsel for the Government, the counsel for the accused,'' and inserting ''In a case referred for trial by court-martial, the trial counsel, the defense counsel,''.

(2) SUBPOENA AND OTHER PROCESS GENERALLY.—Subsection (b) of such section (article) is amended to read as follows:

''(b) SUBPOENA AND OTHER PROCESS GENERALLY.—Any subpoena or other process issued under this section (article)—

''(1) shall be similar to that which courts of the United States having criminal jurisdiction may issue;

''(2) shall be executed in accordance with regulations prescribed by the President; and

''(3) shall run to any part of the United States and to the Commonwealths and possessions of the United States.''.

(3) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—Subsection (c) of such section (article) is amended to read as follows:

''(c) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—A subpoena or other process may be issued to compel a witness to appear and testify—

''(1) before a court-martial, military commission, or court of inquiry;

''(2) at a deposition under section 849 of this title (article 49); or

''(3) as otherwise authorized under this chapter.''.

(4) OTHER MATTERS.—Such section (article) is further amended by adding at the end the following new subsections:

''(d) SUBPOENA AND OTHER PROCESS FOR EVIDENCE.—

''(1) IN GENERAL.—A subpoena or other process may be issued to compel the production of evidence—

''(A) for a court-martial, military commission, or court of inquiry;

''(B) for a deposition under section 849 of this title (article 49);

''(C) for an investigation of an offense under this chapter; or

''(D) as otherwise authorized under this chapter.

''(2) INVESTIGATIVE SUBPOENA.—An investigative subpoena under paragraph (1)(C) may be issued before referral of charges to a court-martial only if a general court-martial convening authority has authorized counsel for the Government to issue such a subpoena.

''(3) WARRANT OR ORDER FOR WIRE OR ELECTRONIC COMMUNICATIONS.—With respect to an investigation of an offense under this chapter, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) may issue warrants or court orders for the contents of, and records concerning, wire or electronic communications in the same manner as such warrants and orders may be issued by a district court of the United States under chapter 121 of title 18, subject to such limitations as the President may prescribe by regulation.

''(e) REQUEST FOR RELIEF FROM SUBPOENA OR OTHER PROCESS.—If a person requests relief from a subpoena or other process under this section (article) on grounds that compliance is unreasonable or oppressive or is prohibited by law, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) shall review the request and shall—

''(1) order that the subpoena or other process be modified or withdrawn, as appropriate; or

''(2) order the person to comply with the subpoena or other process.''.

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

''§ 846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial''.

(b) CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) Section 2703 of title 18, United States Code, is amended—

(A) in the first sentence of subsection (a);

(B) in subsection (b)(1)(A); and

(C) in subsection (c)(1)(A);

by inserting after ''warrant procedures'' the following: ''and, in the case of a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice), issued under section 846 of that title, in accordance with regulations prescribed by the President''.

(D) Section 2711(3) of title 18, United States Code, is amended—

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

(ii) in subparagraph (B), by striking ''and'' at the end and inserting ''or''; and

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

''(C) a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice) to which a military judge has been detailed; and''.

SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO APPEAR, TESTIFY, OR PRODUCE EVIDENCE.

(a) IN GENERAL.—Subsection (a) of section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended to read as follows:

''(a) IN GENERAL.—(1) Any person described in paragraph (2) who—

''(A) willfully neglects or refuses to appear; or

''(B) willfully refuses to qualify as a witness or to testify or to produce any evidence which that person is required to produce;

is guilty of an offense against the United States.

''(2) The persons referred to in paragraph (1) are the following:

''(A) Any person not subject to this chapter who—

''(i) is issued a subpoena or other process described in subsection (c) of section 846 of this title (article 46); and

''(ii) is provided a means for reimbursement from the Government for fees and mileage at the rates allowed to witnesses attending the courts of the United States or, in the case of extraordinary hardship, is advanced such fees and mileage.

''(B) Any person not subject to this chapter who is issued a subpoena or other process described in subsection (d) of section 846 of this title (article 46).''.

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

''§ 847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence''.

SEC. 5230. CONTEMPT.

(a) AUTHORITY TO PUNISH.—Subsection (a) of section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

''(a) AUTHORITY TO PUNISH.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—

''(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

''(B) disturbs the proceeding by any riot or disorder; or

''(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

''(2) A judicial officer referred to in paragraph (1) is any of the following:

''(A) Any judge of the Court of Appeals for the Armed Forces and any judge of a Court of Criminal Appeals under section 866 of this title (article 66).

''(B) Any military judge detailed to a court-martial, a provost court, a military commission, or any other proceeding under this chapter.

''(C) Any military magistrate designated to preside under section 819 or 830a of this title (article 19 or 30a).

''(D) Any commissioned officer detailed as a summary court-martial.

''(E) The president of a court of inquiry.''.

(b) REVIEW.—Such section (article) is further amended—

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

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

''(c) REVIEW.—A punishment under this section—

''(1) if imposed by a military judge or military magistrate, may be reviewed by the Court of Criminal Appeals in accordance with the uniform rules of procedure for the Courts of Criminal Appeals under section 866(i) of this title (article 66(i));

''(2) if imposed by a judge of the Court of Appeals for the Armed Forces or a judge of a Court of Criminal Appeals, shall constitute a judgment of the court, subject to review under the applicable provisions of section 867 or 867a of this title (article 67 or 67a); and

''(3) if imposed by a summary court-martial or court of inquiry, shall be subject to review by the convening authority in accordance with rules prescribed by the President.''.

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

''§ 848. Art. 48. Contempt''.

SEC. 5231. DEPOSITIONS.

Section 849 of title 10, United States Code (article 49 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 849. Art. 49. Depositions

''(a) IN GENERAL.—(1) Subject to paragraph (2), a convening authority or a military judge may order depositions at the request of any party.

''(2) A deposition may be ordered under paragraph (1) only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board.

''(3) A party who requests a deposition under this section shall give to every other party reasonable written notice of the time and place for the deposition.

''(4) A deposition under this section shall be taken before, and authenticated by, an impartial officer, as follows:

''(A) Whenever practicable, by an impartial judge advocate certified under section 827(b) of this title (article 27(b)).

''(B) In exceptional circumstances, by an impartial military or civil officer authorized to administer oaths by (i) the laws of the United States or (ii) the laws of the place where the deposition is taken.

''(b) REPRESENTATION BY COUNSEL.—Representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under section 827 of this title (article 27). In addition, the accused shall have the right to be represented by civilian or military counsel in the same manner as such counsel are provided for in section 838(b) of this title (article 38(b)).

''(c) ADMISSIBILITY AND USE AS EVIDENCE.—A deposition order under subsection (a) does not control the admissibility of the deposition in a court-martial or other proceeding under this chapter. Except as provided by subsection (d), a party may use all or part of a deposition as provided by the rules of evidence.

''(d) CAPITAL CASES.—Testimony by deposition may be presented in capital cases only by the defense.''.

SEC. 5232. ADMISSIBILITY OF SWORN TESTIMONY BY AUDIOTAPE OR VIDEOTAPE FROM RECORDS OF COURTS OF INQUIRY.

(a) IN GENERAL.—Section 850 of title 10, United States Code (article 50 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony that—

''(1) is recorded by audiotape, videotape, or similar method; and

''(2) is contained in the duly authenticated record of proceedings of a court of inquiry;

is admissible before a court-martial, military commission, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence before any such body under subsection (a), (b), or (c).''.

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

''§ 850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry''.

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''USE AS EVIDENCE BY ANY PARTY.—'' after ''(a)'';

(2) in subsection (b), by inserting ''USE AS EVIDENCE BY DEFENSE.—'' after ''(b)''; and

(3) in subsection (c), by inserting ''USE IN COURTS OF INQUIRY AND MILITARY BOARDS.—'' after ''(c)''.

SEC. 5233. CONFORMING AMENDMENT RELATING TO DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

Section 850a(c) of title 10, United States Code (article 50a(c) of the Uniform Code of Military Justice), is amended by striking '', or the president of a court-martial without a military judge,''.

SEC. 5234. VOTING AND RULINGS.

Section 851 of title 10, United States Code (article 51 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking '', and by members of a court-martial without a military judge upon questions of challenge,'' in the first sentence;

(2) in subsection (b)—

(A) in the first sentence, by striking ''and, except for questions of challenge, the president of a court-martial without a military judge''; and

(B) in the second sentence, by striking '', or by the president'' and all that follows through the end of the subsection and inserting ''is final and constitutes the ruling of the court, except that the military judge may change a ruling at any time during trial.''; and

(3) in subsection (c), by striking ''or the president of a court-martial without a military judge'' in the matter before paragraph (1).

SEC. 5235. VOTES REQUIRED FOR CONVICTION, SENTENCING, AND OTHER MATTERS.

Section 852 of title 10, United States Code (article 52 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 852. Art. 52. Votes required for conviction, sentencing, and other matters

''(a) IN GENERAL.—No person may be convicted of an offense in a general or special court-martial, other than—

''(1) after a plea of guilty under section 845(b) of this title (article 45(b));

''(2) by a military judge in a court-martial with a military judge alone, under section 816 of this title (article 16); or

''(3) in a court-martial with members under section 816 of this title (article 16), by the concurrence of at least three-fourths of the members present when the vote is taken.

''(b) LEVEL OF CONCURRENCE REQUIRED.—

''(1) IN GENERAL.—Except as provided in subsection (a) and in paragraph (2), all matters to be decided by members of a general or special court-martial shall be determined by a majority vote, but a reconsideration of a finding of guilty or reconsideration of a sentence, with a view toward decreasing the sentence, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

''(2) SENTENCING.—A sentence of death requires (A) a unanimous finding of guilty of an offense in this chapter expressly made punishable by death and (B) a unanimous determination by the members that the sentence for that offense shall include death. All other sentences imposed by members shall be determined by the concurrence of at least three-fourths of the members present when the vote is taken.''.

SEC. 5236. FINDINGS AND SENTENCING.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 853. Art. 53. Findings and sentencing

''(a) ANNOUNCEMENT.—A court-martial shall announce its findings and sentence to the parties as soon as determined.

''(b) SENTENCING GENERALLY.—(1) Except as provided in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the accused. The sentence determined by the military judge constitutes the sentence of the court-martial.

''(2) If the accused is convicted of an offense in a trial by summary court-martial, the court-martial shall sentence the accused.

''(c) SENTENCING FOR CAPITAL OFFENSES.—(1) In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death—

''(A) the members shall determine whether the sentence for that offense shall be death, life in prison without eligibility for parole, or a lesser punishment determined by the military judge; and

''(B) the military judge shall sentence the accused for that offense in accordance with the determination of the members under subparagraph (A).

''(2) In accordance with regulations prescribed by the President, the military judge may include in any sentence to death or life in prison without eligibility for parole other lesser punishments authorized under this chapter.''.

SEC. 5237. PLEA AGREEMENTS.

Subchapter VII of chapter 47 of title 10, United States Code, is amended by inserting after section 853 (article 53 of the Uniform Code of Military Justice) the following new section:

''§ 853a. Art. 53a. Plea agreements

''(a) IN GENERAL.—(1) At any time before the announcement of findings under section 853 of this title (article 53), the convening authority and the accused may enter into a plea agreement with respect to such matters as—

''(A) the manner in which the convening authority will dispose of one or more charges and specifications; and

''(B) limitations on the sentence that may be adjudged for one or more charges and specifications.

''(2) The military judge of a general or special court-martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

''(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by the parties, except that—

''(1) in the case of an offense with a sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence that is outside the sentencing parameter if the military judge determines that the proposed sentence is plainly unreasonable; and

''(2) in the case of an offense with no sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the proposed sentence is plainly unreasonable.

''(c) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge of a general or special court-martial shall reject a plea agreement that—

''(1) contains a provision that has not been accepted by both parties;

''(2) contains a provision that is not understood by the accused;

''(3) except as provided in subsection (d), contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in section 856(b)(2) of this title (article 56(b)(2)); or

''(4) is prohibited by law or by regulation prescribed by the President.

''(d) LIMITED CONDITIONS FOR ACCEPTANCE OF PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY MINIMUM FOR CERTAIN OFFENSES.—With respect to an offense referred to in section 856(b)(2) of this title (article 56(b)(2))—

''(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and

''(2) upon recommendation of the trial counsel, in exchange for substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the military judge may accept a plea agreement that provides for a sentence that is less than the mandatory minimum sentence for the offense charged.

''(e) BINDING EFFECT OF PLEA AGREEMENT.—Upon acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the military judge.''.

SEC. 5238. RECORD OF TRIAL.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) GENERAL AND SPECIAL COURTS-MARTIAL.—Each general or special court-martial shall keep a separate record of the proceedings in each case brought before it. The record shall be certified by a court-reporter, except that in the case of death, disability, or absence of a court reporter, the record shall be certified by an official selected as the President may prescribe by regulation.'';

(2) in subsection (b)—

(A) by striking ''(b) Each special and summary court-martial'' and inserting ''(b) SUMMARY COURT-MARTIAL.—Each summary court-martial''; and

(B) by striking ''authenticated'' and inserting ''certified'';

(3) by striking subsection (c) and inserting the following new subsection (c):

''(c) CONTENTS OF RECORD.—(1) Except as provided in paragraph (2), the record shall contain such matters as the President may prescribe by regulation.

''(2) In accordance with regulations prescribed by the President, a complete record of proceedings and testimony shall be prepared in any case of a sentence of death, dismissal, discharge, confinement for more than six months, or forfeiture of pay for more than six months.'';

(4) in subsection (d)—

(A) by striking ''(d) A copy'' and inserting ''(d) COPY TO ACCUSED.—A copy''; and

(B) by striking ''authenticated'' and inserting ''certified''; and

(5) in subsection (e)—

(A) by striking ''(e) In the case'' and inserting ''(e) COPY TO VICTIM.—In the case'';

(B) by striking ''involving a sexual assault or other offense covered by section 920 of this title (article 120)'' in the first sentence and inserting ''upon request,''; and

(C) by striking ''authenticated'' in the second sentence and inserting ''certified''.

TITLE LVIII—SENTENCES

SEC. 5261. SENTENCING.

(a) IN GENERAL.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 856. Art. 56. Sentencing

''(a) SENTENCE MAXIMUMS.—The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

''(b) SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—

''(1) IN GENERAL.—Except as provided in section 853a(d) of this title (article 53a(d)), punishment for any offense specified in paragraph (2) shall include dismissal or dishonorable discharge, as applicable.

''(2) OFFENSES.—The offenses referred to in paragraph (1) are as follows:

''(A) Rape under subsection (a) of section 920 of this title (article 120).

''(B) Sexual assault under subsection (b) of such section (article).

''(C) Rape of a child under subsection (a) of section 920b of this title (article 120b).

''(D) Sexual assault of a child under subsection (b) of such section (article).

''(E) An attempt to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 880 of this title (article 80).

''(c) IMPOSITION OF SENTENCE.—

''(1) IN GENERAL.—In sentencing an accused under section 853 of this title (article 53), a court-martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration—

''(A) the nature and circumstances of the offense and the history and characteristics of the accused;

''(B) the impact of the offense on—

''(i) the financial, social, psychological, or medical well-being of any victim of the offense; and

''(ii) the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

''(C) the need for the sentence—

''(i) to reflect the seriousness of the offense;

''(ii) to promote respect for the law;

''(iii) to provide just punishment for the offense;

''(iv) to promote adequate deterrence of misconduct;

''(v) to protect others from further crimes by the accused;

''(vi) to rehabilitate the accused; and

''(vii) to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service;

''(D) the sentences available under this chapter; and

''(E) the applicable sentencing parameters or sentencing criteria prescribed under this section.

''(2) APPLICATION OF SENTENCING PARAMETERS IN GENERAL AND SPECIAL COURTS-MARTIAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in a general or special court-martial in which the accused is convicted of an offense with a sentencing parameter under subsection (d), the military judge shall sentence the accused for that offense within the applicable parameter.

''(B) EXCEPTION.—The military judge may impose a sentence outside a sentencing parameter upon finding specific facts that warrant such a sentence. The military judge shall include in the record a written statement of the factual basis for any sentence under this subparagraph.

''(3) USE OF SENTENCING CRITERIA IN GENERAL AND SPECIAL COURTS-MARTIAL.—In a general or special court-martial in which the accused is convicted of an offense with sentencing criteria under subsection (d), the military judge shall consider the applicable sentencing criteria in determining the sentence for that offense.

''(4) OFFENSE BASED SENTENCING IN GENERAL AND SPECIAL COURTS-MARTIAL.—In announcing the sentence under section 853 of this title (article 53) in a general or special court-martial, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

''(5) NONAPPLICABILITY TO DEATH PENALTY.—Sentencing parameters and sentencing criteria are not applicable to the issue of whether an offense should be punished by death.

''(6) SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.—

''(A) IN GENERAL.—If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

''(B) CONFINEMENT.—An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

''(i) the sentence is set aside or otherwise modified as a result of—

''(I) action taken by the convening authority or the Secretary concerned; or

''(II) any other action taken during post-trial procedure and review under any other provision of subchapter IX of this chapter;

''(ii) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

''(iii) the accused is pardoned.

''(d) ESTABLISHMENT OF SENTENCING PARAMETERS AND SENTENCING CRITERIA.—

''(1) IN GENERAL.—The President shall prescribe regulations establishing sentencing parameters and sentencing criteria in accordance with this subsection.

''(2) SENTENCING PARAMETERS.—

''(A) IN GENERAL.—A sentencing parameter provides a delineated sentencing range for an offense that is appropriate for a typical violation of the offense, taking into consideration—

''(i) the severity of the offense;

''(ii) the guideline or offense category that would apply to the offense if the offense were tried in a United States district court;

''(iii) any military-specific sentencing factors; and

''(iv) the need for the sentencing parameter to be sufficiently broad to allow for individualized consideration of the offense and the accused.

''(B) ELEMENTS AND SCOPE.—Sentencing parameters established under paragraph (1)—

''(i) shall include no fewer than seven and no more than twelve offense categories;

''(ii) other than for offenses identified under paragraph (5)(B), shall assign each offense under this chapter to an offense category;

''(iii) shall delineate the confinement range for each offense category by setting an upper confinement limit and a lower confinement limit; and

''(iv) shall be neutral as to the race, sex, national origin, creed, sexual orientation, and socioeconomic status of offenders.

''(3) SENTENCING CRITERIA.—Sentencing criteria are factors concerning available punishments that may aid the military judge in determining an appropriate sentence when there is no applicable sentencing parameter for a specific offense.

''(4) MILITARY SENTENCING PARAMETERS AND CRITERIA BOARD.—

''(A) IN GENERAL.—There is established within the Department of Defense a board, to be known as the 'Military Sentencing Parameters and Criteria Board' (in this subsection referred to as 'Board').

''(B) VOTING MEMBERS.—The Board shall have five voting members, as follows:

''(i) The four chief trial judges designated under section 826(g) of this title (article 26(g)), except that, if the chief trial judge of the Coast Guard is not available, the Judge Advocate General of the Coast Guard may designate as a voting member a judge advocate of the Coast Guard with substantial military justice experience.

''(ii) A trial judge of the Navy, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Navy.

''(iii) A trial judge of the Marine Corps, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Marine Corps.

''(C) NONVOTING MEMBERS.—The Attorney General, the Chief Judge of the Court of Appeals for the Armed Forces, the Chairman of the Joint Chiefs of Staff, and the General Counsel of the Department of Defense shall each designate one nonvoting member of the Board.

''(D) CHAIR AND VICE-CHAIR.—The Secretary of Defense shall designate one voting member as chair of the Board and one voting member as vice-chair of the Board.

''(5) DUTIES OF BOARD.—

''(A) IN GENERAL.—As directed by the President, the Board shall submit to the President for approval—

''(i) sentencing parameters for all offenses under this chapter, other than offenses that are identified by the Board as unsuitable for sentencing parameters; and

''(ii) sentencing criteria to be used by military judges in determining appropriate sentences for offenses that are identified as unsuitable for sentencing parameters.

''(B) OFFENSES UNSUITABLE FOR SENTENCING PARAMETERS.—For purposes of this paragraph, an offense is unsuitable for sentencing parameters if—

''(i) the nature of the offense is indeterminate and unsuitable for categorization; and

''(ii) there is no similar criminal offense under the laws of the United States or the laws of the District of Columbia.

''(C) SCOPE OF DUTIES.—The Board shall consider the appropriateness of sentencing parameters for punitive discharges, fines, reductions, forfeitures, and other punishments authorized under this chapter.

''(D) REGULAR REVIEW OF PARAMETERS AND CRITERIA.—The Board shall regularly review, and propose revision to, in consideration of comments and data coming to its attention, the sentencing parameters and sentencing criteria prescribed under subsection (d)(1).

''(E) ASSESSMENT OF EFFECTIVENESS.—The Board shall develop means of measuring the degree to which applicable sentencing, penal, and correctional practices are effective with respect to the sentencing factors and policies set forth in this section.

''(F) CONSULTATION.—In fulfilling its duties and in exercising its powers, the Board shall consult authorities on, and individual and institutional representatives of, various aspects of the military criminal justice system. The Board shall establish separate advisory groups consisting of individuals with current or recent experience in command and in senior enlisted positions, individuals with experience in the trial of courts-martial, and such other groups as the Board deems appropriate.

''(G) PROPOSALS FOR AMENDMENTS TO RULES FOR COURTS-MARTIAL.—The Board shall submit to the President proposed amendments to the rules for courts-martial with respect to sentencing proceedings and maximum punishments, together with statements explaining the basis for the proposed amendments.

''(H) PROPOSALS FOR AMENDMENTS TO PARAMETERS AND CRITERIA.—The Board shall submit to the President proposed amendments to the sentencing parameters and sentencing criteria, together with statements explaining the basis for the proposed amendments.

''(I) NONBINDING GUIDANCE.—The Board may issue nonbinding policy statements to achieve the Board's purposes and to guide military judges in fashioning appropriate sentences, including guidance on factors that may be relevant in determining where in a sentencing parameter a specification may fall, or whether a deviation outside of the sentencing range may be warranted.

''(J) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act shall not apply with respect to the Board or any advisory group established by the Board.

''(6) VOTING REQUIREMENT.—An affirmative vote of at least three members is required for any action of the Board under this subsection.

''(e) REVIEW OF CERTAIN SENTENCES.—

''(1) IN GENERAL.—The Judge Advocate General concerned may send a case to the Court of Criminal Appeals for review of the sentence on the grounds that—

''(A) the sentence violates the law;

''(B) in the case of a sentence for an offense with a sentencing parameter under this section, the sentence is a result of an incorrect application of the parameter; or

''(C) the sentence is plainly unreasonable.

''(2) TIMELINESS.—A case submitted for review under this subsection must be filed within 60 days after the date on which the judgment of a court-martial is entered into the record under section 860c of this title (article 60c).''.

(b) CONFORMING REPEAL.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is repealed.

(c) IMPLEMENTATION OF SENTENCING PARAMETERS AND CRITERIA.—

(1) REGULATIONS.—Not later than four years after the date of the enactment of this Act, the President shall prescribe the regulations for sentencing parameters and criteria required by subsection (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section.

(2) INTERIM GUIDANCE.—Not later than two years after the date of the enactment of this Act, the President shall prescribe interim guidance for use in sentencing at courts-martial before the implementation of sentencing parameters and criteria pursuant to the regulations referred to in paragraph (1). Insofar as the President considers practicable, the interim guidance shall be consistent with the purposes and procedures set forth in subsections (c) and (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as so amended, taking into account the interim nature of the guidance. For purposes of sentencing under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the interim guidance shall be treated as sentencing parameters and criteria.

(3) EFFECTIVE DATES.—The President shall prescribe the effective dates of the regulations referred to in paragraph (1) and of the interim guidance referred to in paragraph (2).

(d) PROSPECTIVE REPEAL OF SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—Upon the taking effect of the interim guidance prescribed under subsection (c)(2) for offenses specified in paragraph (2) of subsection (b) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as in effect on the day after the date of the enactment of this Act—

(1) section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section, is further amended—

(A) in subsection (a), by striking ''(a) SENTENCE MAXIMUMS.—''; and

(B) by striking subsection (b); and

(2) section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as added by section 5237 of this Act, is amended by striking subsections (c) and (d) and inserting the following new subsection:

''(c) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge shall reject a plea agreement that—

''(1) contains a provision that has not been accepted by both parties;

''(2) contains a provision that is not understood by the accused; or

''(3) is prohibited by law or by regulation prescribed by the President.''.

(e) APPLICABILITY OF AUTHORITY FOR REVIEW OF CERTAIN SENTENCES.—A case may be sent to the Court of Criminal Appeals for review of the sentence in accordance with subsection (e) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a), only if the sentence is adjudged on or after the effective date of the interim guidance prescribed under subsection (c)(2).

SEC. 5262. EFFECTIVE DATE OF SENTENCES.

(a) IN GENERAL.—Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 857. Art. 57. Effective date of sentences

''(a) EXECUTION OF SENTENCES.—A court-martial sentence shall be executed and take effect as follows:

''(1) FORFEITURE AND REDUCTION.—A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

''(A) the date that is 14 days after the date on which the sentence is adjudged; or

''(B) in the case of a summary court-martial, the date on which the sentence is approved by the convening authority.

''(2) CONFINEMENT.—Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

''(3) APPROVAL OF SENTENCE OF DEATH.—If the sentence of the court-martial extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as the President sees fit. That part of the sentence providing for death may not be suspended.

''(4) APPROVAL OF DISMISSAL.—If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal, that part of the sentence providing for dismissal may not be executed until approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by the Secretary concerned. In such a case, the Secretary, Under Secretary, or Assistant Secretary, as the case may be, may commute, remit, or suspend the sentence, or any part of the sentence, as the Secretary sees fit. In time of war or national emergency he or she may

commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

''(5) COMPLETION OF APPELLATE REVIEW.—If a sentence extends to death, dismissal, or a dishonorable or bad-conduct discharge, that part of the sentence extending to death, dismissal, or a dishonorable or bad-conduct discharge may be executed, in accordance with service regulations, after completion of appellate review (and, with respect to death or dismissal, approval under paragraph (3) or (4), as appropriate).

''(6) OTHER SENTENCES.—Except as otherwise provided in this subsection, a general or special court-martial sentence is effective upon entry of judgment and a summary court-martial sentence is effective when the convening authority acts on the sentence.

''(b) DEFERRAL OF SENTENCES.—

''(1) IN GENERAL.—On application by an accused, the convening authority or, if the accused is no longer under his or her jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may, in his or her sole discretion, defer the effective date of a sentence of confinement, reduction, or forfeiture. The deferment shall terminate upon entry of judgment or, in the case of a summary court-martial, when the convening authority acts on the sentence. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his or her jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

''(2) DEFERRAL OF CERTAIN PERSONS SENTENCED TO CONFINEMENT.—In any case in which a court-martial sentences a person referred to in paragraph (3) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

''(3) COVERED PERSONS.—Paragraph (2) applies to a person subject to this chapter who—

''(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

''(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

''(4) STATE DEFINED.—In this subsection, the term 'State' includes the District of Columbia and any Commonwealth, territory, or possession of the United States.

''(5) DEFERRAL WHILE REVIEW PENDING.—In any case in which a court-martial sentences a person to confinement, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.

''(c) APPELLATE REVIEW.—

''(1) COMPLETION OF APPELLATE REVIEW.—Appellate review is complete under this section when—

''(A) a review under section 865 of this title (article 65) is completed; or

''(B) an appeal is filed with a Court of Criminal Appeals or the sentence includes death, and review is completed by a Court of Criminal Appeals and—

''(i) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

''(ii) such a petition is rejected by the Court of Appeals for the Armed Forces; or

''(iii) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

''(I) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

''(II) such a petition is rejected by the Supreme Court; or

''(III) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(2) COMPLETION AS FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 857a of title 10, United States Code (article 57a of the Uniform Code of Military Justice), is repealed.

(2) Section 871 of title 10, United States Code, (article 71 of the Uniform Code of Military Justice), is repealed.

(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is amended by striking ''section 857(a) of this title (article 57(a))'' and inserting ''section 857 of this title (article 57)''.

SEC. 5263. SENTENCE OF REDUCTION IN ENLISTED GRADE.

Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by striking ''as approved by the convening authority'' and inserting ''as set forth in the judgment of the court-martial entered into the record under section 860c of this title (article 60c)''; and

(B) in the matter after paragraph (3), by striking ''of that approval'' and inserting ''on which the judgment is so entered''; and

(2) in subsection (b), by striking ''disapproved, or, as finally approved'' and inserting ''reduced, or, as finally affirmed''.

SEC. 5264. REPEAL OF SENTENCE REDUCTION PROVISION WHEN INTERIM GUIDANCE TAKES EFFECT.

Effective on the effective date of the interim guidance prescribed by the President pursuant to section 5261(c)(2):

(1) Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is repealed.

(2) The table of sections at the beginning of subchapter VIII of chapter 47 of such title is amended by striking the item relating to section 858a.

TITLE LIX—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

SEC. 5281. POST-TRIAL PROCESSING IN GENERAL AND SPECIAL COURTS-MARTIAL.

Section 860 of title 10, United States Code (article 60 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 860. Art 60. Post-trial processing in general and special courts-martial

''(a) STATEMENT OF TRIAL RESULTS.—(1) The military judge of a general or special court-martial shall enter into the record of trial a document entitled 'Statement of Trial Results', which shall set forth—

''(A) each plea and finding;

''(B) the sentence, if any; and

''(C) such other information as the President may prescribe by regulation.

''(2) Copies of the Statement of Trial Results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

''(b) POST-TRIAL MOTIONS.—In accordance with regulations prescribed by the President, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that—

''(1) may affect a plea, a finding, the sentence, the Statement of Trial Results, the record of trial, or any post-trial action by the convening authority; and

''(2) are subject to resolution by the military judge before entry of judgment.''.

SEC. 5282. LIMITED AUTHORITY TO ACT ON SENTENCE IN SPECIFIED POST-TRIAL CIRCUMSTANCES.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860 (article 60 of the Uniform Code of Military Justice), as amended by section 5281 of this Act, the following new section (article):

''§ 860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances

''(a) IN GENERAL.—(1) The convening authority of a general or special court-martial described in paragraph (2)—

''(A) may act on the sentence of the court-martial only as provided in subsection (b), (c), or (d); and

''(B) may not act on the findings of the court-martial.

''(2) The courts-martial referred to in paragraph (1) are the following:

''(A) A general or special court-martial in which the maximum sentence of confinement established under section 856(a) of this title (article 56(a)) for any offense of which the accused is found guilty is more than two years.

''(B) A general or special court-martial in which the total of the sentences of confinement imposed, running consecutively, is more than six months.

''(C) A general or special court-martial in which the sentence imposed includes a dismissal, dishonorable discharge, or bad-conduct discharge.

''(D) A general or special court-martial in which the accused is found guilty of a violation of subsection (a) or (b) of section 920 of this title (article 120), section 920b of this title (article 120b), or such other offense as the Secretary of Defense may specify by regulation.

''(3) Except as provided in subsection (d), the convening authority may act under this section only before entry of judgment.

''(4) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

''(b) REDUCTION, COMMUTATION, AND SUSPENSION OF SENTENCES GENERALLY.—(1) Except as provided in subsection (c) or (d), the convening authority may not reduce, commute, or suspend any of the following sentences:

''(A) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months.

''(B) A sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

''(C) A sentence of death.

''(2) The convening authority may reduce, commute, or suspend any sentence not specified in paragraph (1).

''(c) SUSPENSION OF CERTAIN SENTENCES UPON RECOMMENDATION OF MILITARY JUDGE.—(1) Upon recommendation of the military judge, as included in the Statement of Trial Results, together with an explanation of the facts supporting the recommendation, the convening authority may suspend—

''(A) a sentence of confinement, in whole or in part; or

''(B) a sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

''(2) The convening authority may not, under paragraph (1)—

''(A) suspend a mandatory minimum sentence; or

''(B) suspend a sentence to an extent in excess of the suspension recommended by the military judge.

''(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE BY ACCUSED.—(1) Upon a recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

''(2) Upon a recommendation by a trial counsel, designated in accordance with rules prescribed by the President, if the accused, after entry of judgment, provides substantial assistance in the investigation or prosecution of another person, a convening authority, designated under such regulations, may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

''(3) In evaluating whether the accused has provided substantial assistance under this subsection, the convening authority may consider the presentence assistance of the accused.

''(e) SUBMISSIONS BY ACCUSED AND VICTIM.—(1) In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense. Such rules shall include—

''(A) procedures for notice of the opportunity to make such submissions;

''(B) the deadlines for such submissions; and

''(C) procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of, or access to, any admitted, unsealed exhibits.

''(2) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial.

''(f) DECISION OF CONVENING AUTHORITY.—(1) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

''(2) If, under this section, the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for such action.

''(3) If, under subsection (d)(2), the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the chief trial judge for appropriate modification of the entry of judgment, which shall be transmitted to the Judge Advocate General for appropriate action.''.

SEC. 5283. POST-TRIAL ACTIONS IN SUMMARY COURTS-MARTIAL AND CERTAIN GENERAL AND SPECIAL COURTS-MARTIAL.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860a (article 60a of the Uniform Code of Military Justice), as added by section 5282 of this Act, the following new section (article):

''§ 860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial

''(a) IN GENERAL.—(1) In a court-martial not specified in section 860a(a)(2) of this title (article 60a(a)(2)), the convening authority may—

''(A) dismiss any charge or specification by setting aside the finding of guilty;

''(B) change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;

''(C) disapprove the findings and the sentence and dismiss the charges and specifications;

''(D) disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;

''(E) disapprove, commute, or suspend the sentence, in whole or in part; or

''(F) disapprove the sentence and order a rehearing as to the sentence.

''(2) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under paragraph (1).

''(3) Except as provided in paragraph (4), the convening authority may act under this section only before entry of judgment.

''(4) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under section 860a(d)(2) of this title (article 60a(d)(2)). Such action shall be forwarded to the chief trial judge, who shall ensure appropriate modification to the entry of judgment and shall transmit the entry of judgment to the Judge Advocate General for appropriate action.

''(5) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

''(b) LIMITATIONS ON REHEARINGS.—The convening authority may not order a rehearing under this section—

''(1) as to the findings, if there is insufficient evidence in the record to support the findings;

''(2) to reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

''(3) to reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this chapter.

''(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense. Such rules shall include the matter required by section 860a(e) of this title (article 60a(e)).

''(d) DECISION OF CONVENING AUTHORITY.—(1) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

''(2) If the convening authority acts on the findings or the sentence under subsection (a)(1), the decision of the convening authority shall include a written explanation of the reasons for such action.''.

SEC. 5284. ENTRY OF JUDGMENT.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860b (article 60b of the Uniform Code of Military Justice), as added by section 5283 of this Act, the following new section (article):

''§ 860c. Art. 60c. Entry of judgment

''(a) ENTRY OF JUDGMENT OF GENERAL OR SPECIAL COURT-MARTIAL.—(1) In accordance with rules prescribed by the President, in a general or special court-martial, the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

''(A) The Statement of Trial Results under section 860 of this title (article 60).

''(B) Any modifications of, or supplements to, the Statement of Trial Results by reason of—

''(i) any post-trial action by the convening authority; or

''(ii) any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.

''(2) Under rules prescribed by the President, the judgment under paragraph (1) shall be—

''(A) provided to the accused and to any victim of the offense; and

''(B) made available to the public.

''(b) SUMMARY COURT-MARTIAL JUDGMENT.—The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section 860b of this title (article 60b), constitutes the judgment of the court-martial and shall be recorded and distributed under rules prescribed by the President.''.

SEC. 5285. WAIVER OF RIGHT TO APPEAL AND WITHDRAWAL OF APPEAL.

Section 861 of title 10, United States Code (article 61 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 861. Art. 61. Waiver of right to appeal; withdrawal of appeal

''(a) WAIVER OF RIGHT TO APPEAL.—After entry of judgment in a general or special court-martial, under procedures prescribed by the Secretary concerned, the accused may waive the right to appeal. Such a waiver shall be—

''(1) signed by the accused and by defense counsel; and

''(2) attached to the record of trial.

''(b) WITHDRAWAL OF APPEAL.—In a general or special court-martial, the accused may withdraw an appeal at any time.

''(c) DEATH PENALTY CASE EXCEPTION.—Notwithstanding subsections (a) and (b), an accused may not waive the right to appeal or withdraw an appeal with respect to a judgment that includes a sentence of death.

''(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver or withdrawal under this section bars review under section 866 of this title (article 66).''.

SEC. 5286. APPEAL BY THE UNITED STATES.

Section 862 of title 10, United States Code (article 62 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking ''court-martial'' and all that follows through the colon at the end and inserting ''general or special court-martial or in a pretrial proceeding under section 830a of this title (article 30a), the United States may appeal the following:''; and

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

''(G) An order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members.''; and

(B) in paragraph (2)—

(i) by striking ''(2)'' and inserting ''(2)(A)''; and

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

''(B) An appeal of an order or ruling may not be taken when prohibited by section 844 of this title (article 44).'';

(2) in subsection (b), by striking ''section 866(c) of this title (article 66(c))'' and inserting ''section 866 of this title (article 66))''; and

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

''(d) The United States may appeal a ruling or order of a military magistrate in the same manner as had the ruling or order been made by a military judge, except that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

''(e) The provisions of this section (article) shall be liberally construed to effect its purposes.''.

SEC. 5287. REHEARINGS.

Section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each rehearing'';

(2) in the second sentence, by striking ''may be approved'' and inserting ''may be adjudged'';

(3) by striking the third sentence; and

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

''(b) PLEA AGREEMENTS.—If the sentence adjudged by the first court-martial was in accordance with a plea agreement under section 853a of this title (article 53a) and the accused at the rehearing does not comply with the agreement, or if a plea of guilty was entered for an offense at the first court-martial and a plea of not guilty was entered at the rehearing, the sentence as to those charges or specifications may include any punishment not in excess of that which could have been adjudged at the first court-martial.

''(c) SENTENCES SET ASIDE ON APPEAL BY GOVERNMENT.—If, after review of a sentence under section 866(b)(2) of this title (article 66(b)(2)), the sentence adjudged is set aside and a rehearing on sentence is ordered by the Court of Criminal Appeals or Court of Appeals for the Armed Forces, the court-martial may impose any sentence that is in accordance with the order or ruling setting aside the adjudged sentence.''.

SEC. 5288. JUDGE ADVOCATE REVIEW OF FINDING OF GUILTY IN SUMMARY COURT-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform Code of Military Justice), is amended by striking the first two sentences and inserting the following:

''(a) IN GENERAL.—Under regulations prescribed by the Secretary concerned, each summary court-martial in which there is a finding of guilty shall be reviewed by a judge advocate. A judge advocate may not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The heading of such section (article) is amended to read as follows:

''§ 864. Art. 64. Judge advocate review of finding of guilty in summary court-martial''.

(2) Subsection (b) of such section is amended—

(A) by striking ''(b) The record'' and inserting ''(b) RECORD.—The record'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

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

(3) Subsection (c)(3) of such section (article) is amended by striking ''section 869(b) of this title (article 69(b)).'' and inserting ''section 869 of this title (article 69).''.

SEC. 5289. TRANSMITTAL AND REVIEW OF RECORDS.

Section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 865. Art. 65. Transmittal and review of records

''(a) TRANSMITTAL OF RECORDS.—

''(1) FINDING OF GUILTY IN GENERAL OR SPECIAL COURT-MARTIAL.—If the judgment of a general or special court-martial entered under section 860c of this title (article 60c) includes a finding of guilty, the record shall be transmitted to the Judge Advocate General.

''(2) OTHER CASES.—In all other cases, records of trial by court-martial and related documents shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.

''(b) CASES ELIGIBLE FOR DIRECT APPEAL.—

''(1) MANDATORY REVIEW.—If the judgment includes a sentence of death, the Judge Advocate General shall forward the record of trial to the Court of Criminal Appeals for review under section 866(b)(3) of this title (article 66(b)(3)).

''(2) CASES ELIGIBLE FOR DIRECT APPEAL REVIEW.—

''(A) IN GENERAL.—If the case is eligible for direct review under section 866(b)(1) of this title (article 66(b)(1)), the Judge Advocate General shall—

''(i) forward a copy of the record of trial to an appellate defense counsel who shall be detailed to review the case and, upon request of the accused, to represent the accused before the Court of Criminal Appeals; and

''(ii) upon written request of the accused, forward a copy of the record of trial to civilian counsel provided by the accused.

''(B) INAPPLICABILITY.—Subparagraph (A) shall not apply if the accused—

''(i) waives the right to appeal under section 861 of this title (article 61); or

''(ii) declines in writing the detailing of appellate defense counsel under subparagraph (A)(i).

''(c) NOTICE OF RIGHT TO APPEAL.—

''(1) IN GENERAL.—The Judge Advocate General shall provide notice to the accused of the right to file an appeal under section 866(b)(1) of this title (article 66(b)(1)) by means of depositing in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in the official service record of the accused.

''(2) INAPPLICABILITY UPON WAIVER OF APPEAL.—Paragraph (1) shall not apply if the accused waives the right to appeal under section 861 of this title (article 61).

''(d) REVIEW BY JUDGE ADVOCATE GENERAL.—

''(1) BY WHOM.—A review conducted under this subsection may be conducted by an attorney within the Office of the Judge Advocate General or another attorney designated under regulations prescribed by the Secretary concerned.

''(2) REVIEW OF CASES NOT ELIGIBLE FOR DIRECT APPEAL.—

''(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial that is not eligible for direct appeal under paragraph (1) or (3) of section 866(b) of this title (article 66(b)).

''(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision providing each of the following:

''(i) A conclusion as to whether the court had jurisdiction over the accused and the offense.

''(ii) A conclusion as to whether the charge and specification stated an offense.

''(iii) A conclusion as to whether the sentence was within the limits prescribed as a matter of law.

''(iv) A response to each allegation of error made in writing by the accused.

''(3) REVIEW WHEN DIRECT APPEAL IS WAIVED, WITHDRAWN, OR NOT FILED.—

''(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial if—

''(i) the accused waives the right to appeal or withdraws appeal under section 861 of this title (article 61); or

''(ii) the accused does not file a timely appeal in a case eligible for direct appeal under subparagraph (A), (B), or (C) of section 866(b)(1) of this title (article 66(b)(1)).

''(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision limited to providing conclusions on the matters specified in clauses (i), (ii), and (iii) of paragraph (2)(B).

''(e) REMEDY.—

''(1) IN GENERAL.—If after a review of a record under subsection (d), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the Judge Advocate General, who may set aside the findings or sentence, in whole or in part.

''(2) REHEARING.—In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

''(3) REMEDY WITHOUT REHEARING.—

''(A) DISMISSAL WHEN NO REHEARING ORDERED.—If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

''(B) DISMISSAL WHEN REHEARING IMPRACTICAL.—If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.''.

SEC. 5290. COURTS OF CRIMINAL APPEALS.

(a) APPELLATE MILITARY JUDGES.—Subsection (a) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking ''subsection (f)'' and inserting ''subsection (i)'';

(2) in the fourth sentence, by inserting after ''highest court of a State'' the following: ''and must be certified by the Judge Advocate General as qualified, by reason of education, training, experience, and judicial temperament, for duty as an appellate military judge''; and

(3) by adding at the end the following new sentence: ''In accordance with regulations prescribed by the President, assignments of appellate military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.''.

(b) REVISION OF APPELLATE PROCEDURES.—Such section (article) is further amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (h), (i), (j), and (k), respectively; and

(2) by striking subsections (b), (c), and (d) and inserting the following new subsections:

''(b) REVIEW.—

''(1) APPEALS BY ACCUSED.—A Court of Criminal Appeals shall have jurisdiction of a timely appeal from the judgment of a court-martial, entered into the record under section 860c of this title (article 60c), as follows:

''(A) On appeal by the accused in a case in which the sentence extends to dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for more than six months.

''(B) On appeal by the accused in a case in which the Government previously filed an appeal under section 862 of this title (article 62).

''(C) On appeal by the accused in a case that the Judge Advocate General has sent to

the Court of Criminal Appeals for review of the sentence under section 856(e) of this title (article 56(e)).

''(D) In a case in which the accused filed an application for review with the Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and the application has been granted by the Court.

''(2) REVIEW OF CERTAIN SENTENCES.—A Court of Criminal Appeals shall have jurisdiction of all cases that the Judge Advocate General orders sent to the Court for review under section 856(e) of this title (article 56(e)).

''(3) REVIEW OF CAPITAL CASES.—A Court of Criminal Appeals shall have jurisdiction of a court-martial in which the judgment entered into the record under section 860c of this title (article 60c) includes a sentence of death.

''(c) TIMELINESS.—An appeal under subsection (b) is timely if it is filed as follows:

''(1) In the case of an appeal by the accused under subsection (b)(1)(A) or (b)(1)(B), if filed before the later of—

''(A) the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)); or

''(B) the date set by the Court of Criminal Appeals by rule or order.

''(2) In the case of an appeal by the accused under subsection (b)(1)(C), if filed before the later of—

''(A) the end of the 90-day period beginning on the date the accused is notified that the application for review has been granted by letter placed in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record; or

''(B) the date set by the Court of Criminal Appeals by rule or order.

''(d) DUTIES.—

''(1) CASES APPEALED BY ACCUSED.—In any case before the Court of Criminal Appeals under paragraph (1) of subsection (b), the Court shall affirm, set aside, or modify the findings, sentence, or order appealed.

''(2) CAPITAL CASES.—In any case before the Court of Criminal Appeals under paragraph (3) of subsection (b), the Court shall review the record of trial and affirm, set aside, or modify the findings or sentence.

''(3) ERROR OR EXCESSIVE DELAY.—In any case before the Court of Criminal Appeals under paragraph (1), (2), or (3) of subsection (b), the Court may provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the court-martial after the judgment was entered into the record under section 860c of this title (article 60c).

''(e) CONSIDERATION OF THE EVIDENCE.—

''(1) IN GENERAL.—In an appeal of a finding of guilty under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court of Criminal Appeals, upon request of the accused, may consider the weight of the evidence upon a specific showing by the accused of deficiencies in proof. The Court may set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. The Court may affirm a lesser finding. A rehearing may not be ordered.

''(2) DEFERENCE IN CONSIDERATION.—When considering a case under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court may weigh the evidence and determine controverted questions of fact, subject to—

''(A) appropriate deference to the fact that the court-martial saw and heard the witnesses and other evidence; and

''(B) appropriate deference to findings of fact entered into the record by the military judge.

''(f) CONSIDERATION OF SENTENCE.—

''(1) IN GENERAL.—In considering a sentence on appeal or review under subsection (b)(1) or (b)(3), the Court of Criminal Appeals may consider—

''(A) whether the sentence violates the law;

''(B) whether the sentence is inappropriately severe—

''(i) if the sentence is for an offense for which there is no sentencing parameter under section 856(d) of this title (article 56(d)); or

''(ii) in the case of an offense with a sentencing parameter under section 856(d) of this title (article 56(d)), if the sentence is above the upper range under paragraph (2)(B)(iii) of such section (article).

''(C) in the case of a sentence for an offense with a sentencing parameter under this section, whether the sentence is a result of an incorrect application of the parameter;

''(D) whether the sentence is plainly unreasonable; and

''(E) in review of a sentence to death or to life in prison without eligibility for parole determined by the members in a capital case under section 853(c) of this title (article 53(c)), whether the sentence is otherwise appropriate, under rules prescribed by the President.

''(2) RECORD ON APPEAL OR REVIEW.—In an appeal or review under subsection (b)(1) or (b)(3), the record on appeal or review shall consist of—

''(A) any portion of the record in the case that is designated as pertinent by either of the parties;

''(B) the information submitted during the sentencing proceeding; and

''(C) any information required by rule or order of the Court of Criminal Appeals.

''(g) LIMITS OF AUTHORITY.—

''(1) SET ASIDE OF FINDINGS.—

''(A) IN GENERAL.—If the Court of Criminal Appeals sets aside the findings, the Court—

''(i) may affirm any lesser included offense; and

''(ii) may, except when prohibited by section 844 of this title (article 44), order a rehearing.

''(B) DISMISSAL WHEN NO REHEARING ORDERED.—If the Court of Criminal Appeals sets aside the findings and does not order a rehearing, the Court shall order that the charges be dismissed.

''(C) DISMISSAL WHEN REHEARING IMPRACTICABLE.—If the Court of Criminal Appeals orders a rehearing on a charge and the convening authority finds a rehearing impracticable, the convening authority may dismiss the charge.

''(2) SET ASIDE OF SENTENCE.—If the Court of Criminal Appeals sets aside the sentence, the Court may—

''(A) modify the sentence to a lesser sentence; or

''(B) order a rehearing.

''(3) ADDITIONAL PROCEEDINGS.—If the Court determines that additional proceedings are warranted, the Court may order a hearing as may be necessary to address a substantial issue, subject to such limitations as the Court may direct and under such regulations as the President may prescribe.''.

(c) ACTION WHEN REHEARING IMPRACTICABLE AFTER REHEARING ORDER.—Subsection (h) of such section (article), as redesignated by subsection (b)(1) of this section, is amended—

(1) in the first sentence, by striking ''convening authority'' and inserting ''appropriate authority''; and

(2) by striking the last sentence.

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

''§ 866. Art. 66. Courts of Criminal Appeals''.

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''COURTS OF CRIMINAL APPEALS.—'' after ''(a)'';

(2) in subsection (h), as redesignated by subsection (b)(1) of this section, by inserting ''ACTION IN ACCORDANCE WITH DECISIONS OF COURTS.—'' after ''(h)'';

(3) in subsection (i), as so redesignated, by inserting ''RULES OF PROCEDURE.—'' after ''(i)'';

(4) in subsection (j), as so redesignated, by inserting ''PROHIBITION ON EVALUATION OF OTHER MEMBERS OF COURTS.—'' after ''(j)''; and

(5) in subsection (k), as so redesignated, by inserting ''INELIGIBILITY OF MEMBERS OF COURTS TO REVIEW RECORDS OF CASES INVOLVING CERTAIN PRIOR MEMBER SERVICE.—'' after ''(k)''.

SEC. 5291. REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.

(a) JAG NOTIFICATION.—Subsection (a)(2) of section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by inserting after ''the Judge Advocate General'' the following: '', after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps,''.

(b) BASIS FOR REVIEW.—Subsection (c) of such section (article) is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the fourth sentence as paragraph (4); and

(5) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''only with respect to'' and all that follows through the end of the sentence and inserting ''only with respect to—

''(A) the findings and sentence set forth in the entry of judgment, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals; or

''(B) a decision, judgment, or order by a military judge, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals.''.

SEC. 5292. SUPREME COURT REVIEW.

The second sentence of section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by inserting before ''Court of Appeals'' the following: ''United States''.

SEC. 5293. REVIEW BY JUDGE ADVOCATE GENERAL.

Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 869. Art. 69. Review by Judge Advocate General

''(a) IN GENERAL.—Upon application by the accused and subject to subsections (b), (c), and (d), the Judge Advocate General may modify or set aside, in whole or in part, the findings and sentence in a court-martial that is not reviewed under section 866 of this title (article 66).

''(b) TIMING.—To qualify for consideration, an application under subsection (a) must be submitted to the Judge Advocate General not later than one year after the date of completion of review under section 864 or 865 of this title (article 64 or 65), as the case may be. The Judge Advocate General may, for good cause shown, extend the period for submission of an application, but may not consider an application submitted more than three years after such completion date.

''(c) SCOPE.—(1)(A) In a case reviewed under section 864 or 865(d) of this title (article 64 or 65(d)), the Judge Advocate General may set aside the findings or sentence, in whole or in part, on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.

''(B) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

''(C) If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

''(D) If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.

''(2) In a case reviewed under section 865(d) of this title (article 65(d)), review under this section is limited to the issue of whether the waiver, withdrawal, or failure to file an appeal was invalid under the law. If the Judge Advocate General determines that the waiver, withdrawal, or failure to file an appeal was invalid, the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President.

''(d) COURT OF CRIMINAL APPEALS.—(1) A Court of Criminal Appeals may review the action taken by the Judge Advocate General under subsection (c)—

''(A) in a case sent to the Court of Criminal Appeals by order of the Judge Advocate General; or

''(B) in a case submitted to the Court of Criminal Appeals by the accused in an application for review.

''(2) The Court of Criminal Appeals may grant an application under paragraph (1)(B) only if—

''(A) the application demonstrates a substantial basis for concluding that the action on review under subsection (c) constituted prejudicial error; and

''(B) the application is filed not later than the earlier of—

''(i) 60 days after the date on which the accused is notified of the decision of the Judge Advocate General; or

''(ii) 60 days after the date on which a copy of the decision of the Judge Advocate General is deposited in the United States mails for delivery by first-class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record.

''(3) The submission of an application for review under this subsection does not constitute a proceeding before the Court of Criminal Appeals for purposes of section 870(c)(1) of this title (article 70(c)(1)).

''(e) ACTION ONLY ON MATTERS OF LAW.—Notwithstanding section 866 of this title (article 66), in any case reviewed by a Court of Criminal Appeals under subsection (d), the Court may take action only with respect to matters of law.''.

SEC. 5294. APPELLATE DEFENSE COUNSEL IN DEATH PENALTY CASES.

Section 870 of title 10, United States Code (article 70 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(f) To the greatest extent practicable, in any capital case, at least one defense counsel under subsection (c) shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.''.

SEC. 5295. AUTHORITY FOR HEARING ON VACATION OF SUSPENSION OF SENTENCE TO BE CONDUCTED BY QUALIFIED JUDGE ADVOCATE.

(a) IN GENERAL.—Subsection (a) of section 872 of title 10, United States Code (article 72) of the Uniform Code of Military Justice), is amended by inserting after the first sentence the following new sentence: ''The special court-martial convening authority may detail a judge advocate, who is certified under section 827(b) of this title (article 27(b)), to conduct the hearing.''.

(b) TECHNICAL AMENDMENTS.—Such section (article) is further amended—

(1) in the last sentence of subsection (a), by striking ''if he so desires'' and inserting ''if the probationer so desires''; and

(2) in the second sentence of subsection (b)—

(A) by striking ''If he'' and inserting ''If the officer exercising general court-martial jurisdiction''; and

(B) by striking ''section 871(c) of this title (article 71(c))'' and inserting ''section 857 of this title (article 57))''.

SEC. 5296. EXTENSION OF TIME FOR PETITION FOR NEW TRIAL.

The first sentence of section 873 of title 10, United States Code (article 73 of the Uniform Code of Military Justice), is amended by striking ''two years after approval by the convening authority of a court-martial sentence'' and inserting ''three years after the date of the entry of judgment under section 860c of this title (article 60c)''.

SEC. 5297. RESTORATION.

Section 875 of title 10, United States Code (article 75 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(d) The President shall prescribe regulations, with such limitations as the President considers appropriate, governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside.''.

SEC. 5298. LEAVE REQUIREMENTS PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS.

Section 876a of title 10, United States Code (article 76a of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking '', as approved under section 860 of this title (article 60),''; and

(2) in the second sentence, by striking ''on which the sentence is approved under section 860 of this title (article 60)'' and inserting ''of the entry of judgment under section 860c of this title (article 60c)''.

TITLE LX—PUNITIVE ARTICLES

SEC. 5301. REORGANIZATION OF PUNITIVE ARTICLES.

Sections of subchapter X of chapter 47 of title 10, United States Code (articles of the Uniform Code of Military Justice), are transferred within subchapter X and redesignated as follows:

(1) ENLISTMENT AND SEPARATION.—Sections 883 and 884 (articles 83 and 84) are transferred so as to appear (in that order) after section 904 (article 104) and are redesignated as sections 904a and 904b (articles 104a and 104b), respectively.

(2) RESISTANCE, FLIGHT, BREACH OF ARREST, AND ESCAPE.—Section 895 (article 95) is transferred so as to appear after section 887 (article 87) and is redesignated as section 887a (article 87a).

(3) NONCOMPLIANCE WITH PROCEDURAL RULES.—Section 898 (article 98) is transferred so as to appear after section 931 (article 131) and is redesignated as section 931f (article 131f).

(4) CAPTURED OR ABANDONED PROPERTY.—Section 903 (article 103) is transferred so as to appear after section 908 (article 108) and is redesignated as section 908a (article 108a).

(5) AIDING THE ENEMY.—Section 904 (article 104) is redesignated as section 903b (article 103b).

(6) MISCONDUCT AS PRISONER.—Section 905 (article 105) is transferred so as to appear after section 897 (article 97) and is redesignated as section 898 (article 98).

(7) SPIES; ESPIONAGE.—Sections 906 and 906a (articles 106 and 106a) are transferred so as to appear (in that order) after section 902 (article 102) and are redesignated as sections 903 and 903a (articles 103 and 103a), respectively.

(8) MISBEHAVIOR OF SENTINEL.—Section 913 (article 113) is transferred so as to appear after section 894 (article 94) and is redesignated as section 895 (article 95).

(9) DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (article 111) is transferred so as to appear after section 912a (article 912a) and is redesignated as section 913 (article 113).

(10) HOUSEBREAKING.—Section 930 (article 130) is redesignated as section 929a (article 129a).

(11) STALKING.—Section 920a (article 120a) is transferred so as to appear after section 929a (article 129a), as redesignated by paragraph (10), and is redesignated as section 930 (article 130).

(12) FORGERY.—Section 923 (article 123) is transferred so as to appear after section 904b (article 104b), as transferred and redesignated by paragraph (1), and is redesignated as section 905 (article 105).

(13) MAIMING.—Section 924 (article 124) is transferred so as to appear after section 928 (article 128) and is redesignated as section 928a (article 128a).

(14) FRAUDS AGAINST THE UNITED STATES.—Section 932 of (article 132) is transferred so as to appear after section 923a (article 123a) and is redesignated as section 924 (article 124).

SEC. 5302. CONVICTION OF OFFENSE CHARGED, LESSER INCLUDED OFFENSES, AND ATTEMPTS.

Section 879 of title 10, United States Code (article 79 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts

''(a) IN GENERAL.—An accused may be found guilty of any of the following:

''(1) The offense charged.

''(2) A lesser included offense.

''(3) An attempt to commit the offense charged.

''(4) An attempt to commit a lesser included offense, if the attempt is an offense in its own right.

''(b) LESSER INCLUDED OFFENSE DEFINED.—In this section (article), the term 'lesser included offense' means—

''(1) an offense that is necessarily included in the offense charged; and

''(2) any lesser included offense so designated by regulation prescribed by the President.

''(c) REGULATORY AUTHORITY.—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.''.

SEC. 5303. SOLICITING COMMISSION OF OFFENSES.

Section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 882. Art. 82. Soliciting commission of offenses

''(a) SOLICITING COMMISSION OF OFFENSES GENERALLY.—Any person subject to this chapter who solicits or advises another to commit an offense under this chapter (other

than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

''(b) SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 99 of this title (article 99)—

''(1) if the offense solicited or advised is attempted or is committed, shall be punished with the punishment provided for the commission of the offense; and

''(2) if the offense solicited or advised is not attempted or committed, shall be punished as a court-martial may direct.''.

SEC. 5304. MALINGERING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 882 (article 82 of the Uniform Code of Military Justice), as amended by section 5303 of this Act, the following new section (article):

''§ 883. Art. 83. Malingering

''Any person subject to this chapter who, with the intent to avoid work, duty, or service—

''(1) feigns illness, physical disablement, mental lapse, or mental derangement; or

''(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.''.

SEC. 5305. BREACH OF MEDICAL QUARANTINE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 883 (article 83 of the Uniform Code of Military Justice), as added by section 5304 of this Act, the following new section (article):

''§ 884. Art. 84. Breach of medical quarantine

''Any person subject to this chapter—

''(1) who is ordered into medical quarantine by a person authorized to issue such order; and

''(2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.''.

SEC. 5306. MISSING MOVEMENT; JUMPING FROM VESSEL.

Section 887 of title 10, United States Code (article 87 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 887. Art. 87. Missing movement; jumping from vessel

''(a) MISSING MOVEMENT.—Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

''(b) JUMPING FROM VESSEL INTO THE WATER.—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces shall be punished as a court-martial may direct.''.

SEC. 5307. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 887a (article 87a of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(2) of this Act, the following new section (article):

''§ 887b. Art. 87b. Offenses against correctional custody and restriction

''(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any person subject to this chapter—

''(1) who is placed in correctional custody by a person authorized to do so;

''(2) who, while in correctional custody, is under physical restraint; and

''(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

''(b) BREACH OF CORRECTIONAL CUSTODY.—Any person subject to this chapter—

''(1) who is placed in correctional custody by a person authorized to do so;

''(2) who, while in correctional custody, is under restraint other than physical restraint; and

''(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority;

shall be punished as a court-martial may direct.

''(c) BREACH OF RESTRICTION.—Any person subject to this chapter—

''(1) who is ordered to be restricted to certain limits by a person authorized to do so; and

''(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.''.

SEC. 5308. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.

Section 889 of title 10, United States Code (article 89 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer

''(a) DISRESPECT.—Any person subject to this chapter who behaves with disrespect toward that person's superior commissioned officer shall be punished as a court-martial may direct.

''(b) ASSAULT.—Any person subject to this chapter who strikes that person's superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer's office shall be punished—

''(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

''(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.''.

SEC. 5309. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

Section 890 of title 10, United States Code (article 90 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 890. Art. 90. Willfully disobeying superior commissioned officer

''Any person subject to this chapter who willfully disobeys a lawful command of that person's superior commissioned officer shall be punished—

''(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

''(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.''.

SEC. 5310. PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 893 (article 93 of the Uniform Code of Military Justice) the following new section (article):

''§ 893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust

''(a) ABUSE OF TRAINING LEADERSHIP POSITION.—Any person subject to this chapter—

''(1) who is an officer, a noncommissioned officer, or a petty officer;

''(2) who is in a training leadership position with respect to a specially protected junior member of the armed forces; and

''(3) who engages in prohibited sexual activity with such specially protected junior member of the armed forces;

shall be punished as a court-martial may direct.

''(b) ABUSE OF POSITION AS MILITARY RECRUITER.—Any person subject to this chapter—

''(1) who is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or

''(2) who is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program;

shall be punished as a court-martial may direct.

''(c) CONSENT.—Consent is not a defense for any conduct at issue in a prosecution under this section (article).

''(d) DEFINITIONS.—In this section (article):

''(1) SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES.—The term 'specially protected junior member of the armed forces' means—

''(A) a member of the armed forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

''(B) a member of the armed forces who is a cadet, a midshipman, an officer candidate, or a student in any other officer qualification program; and

''(C) a member of the armed forces in any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

''(2) TRAINING LEADERSHIP POSITION.—The term 'training leadership position' means, with respect to a specially protected junior member of the armed forces, any of the following:

''(A) Any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers' training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

''(B) Faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

''(3) APPLICANT FOR MILITARY SERVICE.—The term 'applicant for military service' means a person who, under regulations prescribed by the Secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

''(4) PROHIBITED SEXUAL ACTIVITY.—The term 'prohibited sexual activity' means, as specified in regulations prescribed by the Secretary concerned, inappropriate physical intimacy under circumstances described in such regulations.''.

SEC. 5311. OFFENSES BY SENTINEL OR LOOKOUT.

Section 895 of title 10, United States Code (article 95 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(8) of this Act, is amended to read as follows:

''§ 895. Art. 95. Offenses by sentinel or lookout

''(a) DRUNK OR SLEEPING ON POST, OR LEAVING POST BEFORE BEING RELIEVED.—Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved, shall be punished—

''(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

''(2) if the offense is committed other than in time of war, by such punishment, other than death, as a court-martial may direct.

''(b) LOITERING OR WRONGFULLY SITTING ON POST.—Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as a court-martial may direct.''.

SEC. 5312. DISRESPECT TOWARD SENTINEL OR LOOKOUT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 895 (article 95 of the Uniform Code of Military Justice), as amended by section 5311 of this Act, the following new section (article):

''§ 895a. Art. 95a. Disrespect toward sentinel or lookout

''(a) DISRESPECTFUL LANGUAGE TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.

''(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.''.

SEC. 5313. RELEASE OF PRISONER WITHOUT AUTHORITY; DRINKING WITH PRISONER.

Section 896 of title 10, United States Code (article 96 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 896. Art. 96. Release of prisoner without authority; drinking with prisoner

''(a) RELEASE OF PRISONER WITHOUT AUTHORITY.—Any person subject to this chapter—

''(1) who, without authority to do so, releases a prisoner; or

''(2) who, through neglect or design, allows a prisoner to escape;

shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with the law.

''(b) DRINKING WITH PRISONER.—Any person subject to this chapter who unlawfully drinks any alcoholic beverage with a prisoner shall be punished as a court-martial may direct.''.

SEC. 5314. PENALTY FOR ACTING AS A SPY.

Section 903 of title 10, United States Code (article 103 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(7) of this Act, is amended by inserting before the period at the end of the first sentence the following: ''or such other punishment as a court-martial or a military commission may direct''.

SEC. 5315. PUBLIC RECORDS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 903b (article 103b of the Uniform Code of Military Justice), as redesignated by section 5301(5) of this Act, the following new section (article):

''§ 904. Art. 104. Public records offenses

''Any person subject to this chapter who, willfully and unlawfully—

''(1) alters, conceals, removes, mutilates, obliterates, or destroys a public record; or

''(2) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record;

shall be punished as a court-martial may direct.''.

SEC. 5316. FALSE OR UNAUTHORIZED PASS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905 (article 105 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(12) of this Act, the following new section (article):

''§ 905a. Art. 105a. False or unauthorized pass offenses

''(a) WRONGFUL MAKING, ALTERING, ETC.—Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as a court-martial may direct.

''(b) WRONGFUL SALE, ETC.—Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.

''(c) WRONGFUL USE OR POSSESSION.—Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.''.

SEC. 5317. IMPERSONATION OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905a (article 105a of the Uniform Code of Military Justice), as added by section 5316 of this Act, the following new section (article):

''§ 906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official

''(a) IN GENERAL.—Any person subject to this chapter who, wrongfully and willfully, impersonates—

''(1) an officer, a noncommissioned officer, or a petty officer;

''(2) an agent of superior authority of one of the armed forces; or

''(3) an official of a government;

shall be punished as a court-martial may direct.

''(b) IMPERSONATION WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and with intent to defraud, impersonates any person referred to in paragraph (1), (2), or (3) of subsection (a) shall be punished as a court-martial may direct.

''(c) IMPERSONATION OF GOVERNMENT OFFICIAL WITHOUT INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and without intent to defraud, impersonates an official of a government by committing an act that exercises or asserts the authority of the office that the person claims to have shall be punished as a court-martial may direct.''.

SEC. 5318. INSIGNIA OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 906 (article 106 of the Uniform Code of Military Justice), as added by section 5317 of this Act, the following new section (article):

''§ 906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button

''Any person subject to this chapter—

''(1) who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button; and

''(2) who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing;

shall be punished as a court-martial may direct.''.

SEC. 5319. FALSE OFFICIAL STATEMENTS; FALSE SWEARING.

Section 907 of title 10, United States Code (article 107 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 907. Art. 107. False official statements; false swearing

''(a) FALSE OFFICIAL STATEMENTS.—Any person subject to this chapter who, with intent to deceive—

''(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or

''(2) makes any other false official statement knowing it to be false;

shall be punished as a court-martial may direct.

''(b) FALSE SWEARING.—Any person subject to this chapter—

''(1) who takes an oath that—

''(A) is administered in a matter in which such oath is required or authorized by law; and

''(B) is administered by a person with authority to do so; and

''(2) who, upon such oath, makes or subscribes to a statement;

if the statement is false and at the time of taking the oath, the person does not believe the statement to be true, shall be punished as a court-martial may direct.''.

SEC. 5320. PAROLE VIOLATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 907 (article 107 of the Uniform Code of Military Justice), as amended by section 5319 of this Act, the following new section (article):

''§ 907a. Art. 107a. Parole violation

''Any person subject to this chapter—

''(1) who, having been a prisoner as the result of a court-martial conviction or other criminal proceeding, is on parole with conditions; and

''(2) who violates the conditions of parole;

shall be punished as a court-martial may direct.''.

SEC. 5321. WRONGFUL TAKING, OPENING, ETC. OF MAIL MATTER.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 909 (article 109 of the Uniform Code of Military Justice), the following new section (article):

''§ 909a. Art. 109a. Mail matter: wrongful taking, opening, etc.

''(a) TAKING.—Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.

''(b) OPENING, SECRETING, DESTROYING, STEALING.—Any person subject to this chapter who wrongfully opens, secretes, destroys, or steals mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.''.

SEC. 5322. IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.

Section 910 of title 10, United States Code (article 110 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 910. Art. 110. Improper hazarding of vessel or aircraft

''(a) WILLFUL AND WRONGFUL HAZARDING.—Any person subject to this chapter who, willfully and wrongfully, hazards or suffers to be

hazarded any vessel or aircraft of the armed forces shall be punished by death or such other punishment as a court-martial may direct.

''(b) NEGLIGENT HAZARDING.—Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished as a court-martial may direct.''.

SEC. 5323. LEAVING SCENE OF VEHICLE ACCIDENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 910 (article 110 of the Uniform Code of Military Justice), as amended by section 5322 of this Act, the following new section (article):

''§ 911. Art. 111. Leaving scene of vehicle accident

''(a) DRIVER.—Any person subject to this chapter—

''(1) who is the driver of a vehicle that is involved in an accident that results in personal injury or property damage; and

''(2) who wrongfully leaves the scene of the accident—

''(A) without providing assistance to an injured person; or

''(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.

''(b) SENIOR PASSENGER.—Any person subject to this chapter—

''(1) who is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

''(2) who is the superior commissioned or noncommissioned officer of the driver of the vehicle or is the commander of the vehicle; and

''(3) who wrongfully and unlawfully orders, causes, or permits the driver to leave the scene of the accident—

''(A) without providing assistance to an injured person; or

''(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.''.

SEC. 5324. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.

Section 912 of title 10, United States Code (article 112 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 912. Art. 112. Drunkenness and other incapacitation offenses

''(a) DRUNK ON DUTY.—Any person subject to this chapter who is drunk on duty shall be punished as a court-martial may direct.

''(b) INCAPACITATION FOR DUTY FROM DRUNKENNESS OR DRUG USE.—Any person subject to this chapter who, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as a court-martial may direct.

''(c) DRUNK PRISONER.—Any person subject to this chapter who is a prisoner and, while in such status, is drunk shall be punished as a court-martial may direct.''.

SEC. 5325. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR CONVICTION OF DRUNKEN OR RECKLESS OPERATION OF VEHICLE, AIRCRAFT, OR VESSEL.

Subsection (b)(3) of section 913 of title 10, United States Code (article 113 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(9) of this Act, is amended—

(1) by striking ''0.10 grams'' both places it appears and inserting ''0.08 grams''; and

(2) by adding at the end the following new sentence: ''The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.''.

SEC. 5326. ENDANGERMENT OFFENSES.

Section 914 of title 10, United States Code (article 114 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 914. Art. 114. Endangerment offenses

''(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

''(1) is wrongful and reckless or is wanton; and

''(2) is likely to produce death or grievous bodily harm to another person;

shall be punished as a court-martial may direct.

''(b) DUELING.—Any person subject to this chapter—

''(1) who fights or promotes, or is concerned in or connives at fighting, a duel; or

''(2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority;

shall be punished as a court-martial may direct.

''(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

''(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.''.

SEC. 5327. COMMUNICATING THREATS.

Section 915 of title 10, United States Code (article 115 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 915. Art. 115. Communicating threats

''(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully communicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

''(b) COMMUNICATING THREAT TO USE EXPLOSIVE, ETC.—Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

''(c) COMMUNICATING FALSE THREAT CONCERNING USE OF EXPLOSIVE, ETC.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term 'false threat' means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.''.

SEC. 5328. TECHNICAL AMENDMENT RELATING TO MURDER.

Section 918(4) of title 10, United States Code (article 118(4) of the Uniform Code of Military Justice), is amended by striking ''forcible sodomy,''.

SEC. 5329. CHILD ENDANGERMENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 919a (article 119a of the Uniform Code of Military Justice), the following new section (article):

''§ 919b. Art. 119b. Child endangerment

''Any person subject to this chapter—

''(1) who has a duty for the care of a child under the age of 16 years; and

''(2) who, through design or culpable negligence, endangers the child's mental or physical health, safety, or welfare;

shall be punished as a court-martial may direct.''.

SEC. 5330. RAPE AND SEXUAL ASSAULT OFFENSES.

(a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(2) in paragraph (2)—

(A) by striking ''another person when'' and inserting ''another person—

''(B) when'';

(B) by inserting before subparagraph (B), as added by subparagraph (A) of this paragraph, the following new subparagraph:

''(A) without the consent of the other person; or''; and

(C) in subparagraph (B), as so added, by striking ''or'' at the end; and

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

''(4) commits a sexual act upon another person by wrongfully using position, rank, or authority to coerce the acquiescence of the other person in the sexual act;''.

(b) DEFINITIONS.—

(1) SEXUAL ACT.—Paragraph (1) of subsection (g) of such section (article) is amended to read as follows:

''(1) SEXUAL ACT.—The term 'sexual act' means—

''(A) the penetration, however slight, of the penis into the vulva or anus or mouth;

''(B) contact between the mouth and the penis, vulva, scrotum, or anus; or

''(C) the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.''.

(2) SEXUAL CONTACT.—Paragraph (2) of such subsection is amended to read as follows:

''(2) SEXUAL CONTACT.—The term 'sexual contact' means touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, brest, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.''.

(3) REPEAL OF DEFINITION OF BODILY HARM.—Such subsection is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(4) CONSENT.—Paragraph (7) of such subsection, as redesignated by paragraph (3)(B) of this subsection, is further amended—

(A) in subparagraph (A)—

(i) in the second sentence, by striking ''or submission resulting from the use of force, threat of force, or placing another in fear'';

(ii) by inserting after the second sentence, as amended by clause (i) of this subparagraph the following new sentence: ''Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent.''; and

(iii) in the last sentence, by striking ''shall not'' and inserting ''does not''.

(B) in subparagraph (B), by striking ''subparagraph (B) or (D)'' and inserting ''subparagraph (B) or (C)''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) in the last sentence, by striking ''. or whether'' and all that follows and inserting a period.

(5) INCAPABLE OF CONSENTING.—Such subsection is further amended by adding at the end the following new paragraph (8):

''(8) INCAPABLE OF CONSENTING.—The term 'incapable of consenting' means the person is—

''(A) incapable of appraising the nature of the conduct at issue; or

''(B) physically incapable of declining participation in, or communicating unwillingess to engage in, the sexual act at issue.''.

(c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Subsection (h)(1) of section 920b of title 10, United States Code (article 120b of the Uniform Code of Military Justice), is amended by inserting before the period at the end the following: '', except that the term 'sexual act' also includes the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person''.

SEC. 5331. DEPOSIT OF OBSCENE MATTER IN THE MAIL.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 920 (article 120 of the Uniform Code of Military Justice), the following new section (article):

''§ 920a. Art. 120a. Mails: deposit of obscene matter

''Any person subject to this chapter who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.''.

SEC. 5332. FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, AND OTHER ACCESS DEVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921 (article 121 of the Uniform Code of Military Justice), the following new section (article):

''§ 921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices

''(a) IN GENERAL.—Any person subject to this chapter who, knowingly and with intent to defraud, uses—

''(1) a stolen credit card, debit card, or other access device;

''(2) a revoked, cancelled, or otherwise invalid credit card, debit card, or other access device; or

''(3) a credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use;

to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

''(b) ACCESS DEVICE DEFINED.—In this section (article), the term 'access device' has the meaning given that term in section 1029 of title 18.''.

SEC. 5333. FALSE PRETENSES TO OBTAIN SERVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921a (article 121a of the Uniform Code of Military Justice), as added by section 5332 of this Act, the following new section (article):

''§ 921b. Art. 121b. False pretenses to obtain services

''Any person subject to this chapter who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.''.

SEC. 5334. ROBBERY.

Section 922 of title 10, United States Code (article 122 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 922. Art. 122. Robbery

''Any person subject to this chapter who takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.''.

SEC. 5335. RECEIVING STOLEN PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922 (article 122 of the Uniform Code of Military Justice), as amended by section 5334 of this Act, the following new section (article):

''§ 922a. Art. 122a. Receiving stolen property

''Any person subject to this chapter who wrongfully receives, buys, or conceals stolen property, knowing the property to be stolen property, shall be punished as a court-martial may direct.''.

SEC. 5336. OFFENSES CONCERNING GOVERNMENT COMPUTERS.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922a (article 122a of the Uniform Code of Military Justice), as added by section 5335 of this Act, the following new section (article):

''§ 923. Art. 123. Offenses concerning Government computers

''(a) IN GENERAL.—Any person subject to this chapter who—

''(1) knowingly accesses a Government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it;

''(2) intentionally accesses a Government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any such Government computer; or

''(3) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a Government computer;

shall be punished as a court-martial may direct.

''(b) DEFINITIONS.—In this section:

''(1) The term 'computer' has the meaning given that term in section 1030 of title 18.

''(2) The term 'Government computer' means a computer owned or operated by or on behalf of the United States Government.

''(3) The term 'damage' has the meaning given that term in section 1030 of title 18.''.

SEC. 5337. BRIBERY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924 (article 124 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(14) of this Act, the following new section (article):

''§ 924a. Art. 124a. Bribery

''(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

''(1) who occupies an official position or who has official duties; and

''(2) who wrongfully asks, accepts, or receives a thing of value with the intent to have the person's decision or action influenced with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

''(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, with the intent to influence the decision or action of the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.''.

SEC. 5338. GRAFT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924a (article 124a of the Uniform Code of Military Justice), as added by section 5337 of this Act, the following new section (article):

''§ 924b. Art. 124b. Graft

''(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

''(1) who occupies an official position or who has official duties; and

''(2) who wrongfully asks, accepts, or receives a thing of value as compensation for or in recognition of services rendered or to be rendered by the person with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

''(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, as compensation for or in recognition of services rendered or to be rendered by the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.''.

SEC. 5339. KIDNAPPING.

Section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 925. Art. 125. Kidnapping

''Any person subject to this chapter who wrongfully—

''(1) seizes, confines, inveigles, decoys, or carries away another person; and

''(2) holds the other person against that person's will;

shall be punished as a court-martial may direct.''.

SEC. 5340. ARSON; BURNING PROPERTY WITH INTENT TO DEFRAUD.

Section 926 of title 10, United States Code (article 126 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 926. Art. 126. Arson; burning property with intent to defraud

''(a) AGGRAVATED ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein, to the knowledge of that person, there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

''(b) SIMPLE ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets fire to the property of another is guilty of simple arson and shall be punished as a court-martial may direct.

''(c) BURNING PROPERTY WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, willfully, maliciously, and with intent to defraud, burns or sets fire to any property shall be punished as a court-martial may direct.''.

SEC. 5341. ASSAULT.

Section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 928. Art. 128. Assault

''(a) ASSAULT.—Any person subject to this chapter who, unlawfully and with force or violence—

''(1) attempts to do bodily harm to another person;

''(2) offers to do bodily harm to another person; or

''(3) does bodily harm to another person;

is guilty of assault and shall be punished as a court-martial may direct.

''(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

''(1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon; or

''(2) who, in committing an assault, inflicts substantial bodily harm, or grievous bodily harm on another person;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

''(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—

''(1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.

''(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault, rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.''.

SEC. 5342. BURGLARY AND UNLAWFUL ENTRY.

Section 929 of title 10, United States Code (article 129 of the Uniform Code of Military Justice), and section 929a of such title (article 129a), as redesignated by section 5301(10) of this Act, are amended to read as follows:

"§ 929. Art. 129. Burglary; unlawful entry

''(a) BURGLARY.—Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

''(b) UNLAWFUL ENTRY.—Any person subject to this chapter who unlawfully enters—

''(1) the real property of another; or

''(2) the personal property of another which amounts to a structure usually used for habitation or storage;

shall be punished as a court-martial may direct.''.

SEC. 5343. STALKING.

Section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(11) of this Act, is amended to read as follows:

"§ 930. Art. 130. Stalking

''(a) IN GENERAL.—Any person subject to this chapter—

''(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

''(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner; and

''(3) whose conduct induces reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

is guilty of stalking and shall be punished as a court-martial may direct.

''(b) DEFINITIONS.—In this section:

''(1) The term 'conduct' means conduct of any kind, including use of surveillance, the mails, an interactive computer service, an electronic communication service, or an electronic communication system.

''(2) The term 'course of conduct' means—

''(A) a repeated maintenance of visual or physical proximity to a specific person;

''(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person; or

''(C) a pattern of conduct composed of repeated acts evidencing a continuity of purpose.

''(3) The term 'repeated', with respect to conduct, means two or more occasions of such conduct.

''(4) The term 'immediate family', in the case of a specific person, means—

''(A) that person's spouse, parent, brother or sister, child, or other person to whom he or she stands in loco parentis; or

''(B) any other person living in his or her household and related to him or her by blood or marriage.

''(5) The term 'intimate partner' in the case of a specific person, means—

''(A) a former spouse of the specific person, a person who shares a child in common with the specific person, or a person who cohabits with or has cohabited as a spouse with the specific person; or

''(B) a person who has been in a social relationship of a romantic or intimate nature with the specific person, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.''.

SEC. 5344. SUBORNATION OF PERJURY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931 (article 131 of the Uniform Code of Military Justice), the following new section (article):

"§ 931a. Art. 131a. Subornation of perjury

''(a) IN GENERAL.—Any person subject to this chapter who induces and procures another person—

''(1) to take an oath; and

''(2) to falsely testify, depose, or state upon such oath;

shall, if the conditions specified in subsection (b) are satisfied, be punished as a court-martial may direct.

''(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

''(1) The oath is administered with respect to a matter for which such oath is required or authorized by law.

''(2) The oath is administered by a person having authority to do so.

''(3) Upon the oath, the other person willfully makes or subscribes a statement.

''(4) The statement is material.

''(5) The statement is false.

''(6) When the statement is made or subscribed, the person subject to this chapter and the other person do not believe that the statement is true.''.

SEC. 5345. OBSTRUCTING JUSTICE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931a (article 131a of the Uniform Code of Military Justice), as added by section 5344 of this Act, the following new section (article):

"§ 931b. Art. 131b. Obstructing justice

''Any person subject to this chapter who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct.''.

SEC. 5346. MISPRISION OF SERIOUS OFFENSE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931b (article 131b of the Uniform Code of Military Justice), as added by section 5345 of this Act, the following new section (article):

"§ 931c. Art. 131c. Misprision of serious offense

''Any person subject to this chapter—

''(1) who knows that another person has committed a serious offense; and

''(2) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible;

shall be punished as a court-martial may direct.''.

SEC. 5347. WRONGFUL REFUSAL TO TESTIFY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931c (article 131c of the Uniform Code of Military Justice), as added by section 5346 of this Act, the following new section (article):

"§ 931d. Art. 131d. Wrongful refusal to testify

''Any person subject to this chapter who, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, preliminary hearing, or an officer taking a deposition, of or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.''.

SEC. 5348. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931d (article 131d of the Uniform Code of Military Justice), as added by section 5347 of this Act, the following new section (article):

"§ 931e. Art. 131e. Prevention of authorized seizure of property

''Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.''.

SEC. 5349. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931f (article 131f of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(3) of this Act, the following new section (article):

"§ 931g. Art. 131g. Wrongful interference with adverse administrative proceeding

''Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding is pending against any person subject to this chapter, wrongfully acts with the intent—

''(1) to influence, impede, or obstruct the conduct of the proceeding; or

''(2) otherwise to obstruct the due administration of justice;

shall be punished as a court-martial may direct.''.

SEC. 5350. RETALIATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931g (article 131g of the Uniform Code of Military Justice), as added by section 5349 of this Act, the following new section (article):

"§ 932. Art. 132. Retaliation

''(a) IN GENERAL.—Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication—

''(1) wrongfully takes or threatens to take an adverse personnel action against any person; or

''(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person;

shall be punished as a court-martial may direct.

''(b) DEFINITIONS.—In this section:

''(1) The term 'protected communication' means the following:

''(A) A lawful communication to a Member of Congress or an Inspector General.

''(B) A communication to a covered individual or organization in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

''(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

''(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(2) The term 'Inspector General' has the meaning given that term in section 1034(h) of this title.

''(3) The term 'covered individual or organization' means any recipient of a communication specified in clauses (i) through (v) of section 1034(b)(1)(B) of this title.

''(4) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin.''.

SEC. 5351. EXTRATERRITORIAL APPLICATION OF CERTAIN OFFENSES.

Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: ''As used in the preceding sentence, the term 'crimes and offenses not capital' includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.''.

SEC. 5352. TABLE OF SECTIONS.

The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

''SUBCHAPTER X—PUNITIVE ARTICLES

''Sec. Art.
''877. Art. 77. Principals.
''878. Art. 78. Accessory after the fact.
''879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts.
''880. Art. 80. Attempts.
''881. Art. 81. Conspiracy.
''882. Art. 82. Soliciting commission of offenses.
''883. Art. 83. Malingering.
''884. Art. 84. Breach of medical quarantine.
''885. Art. 85. Desertion.
''886. Art. 86. Absence without leave.
''887. Art. 87. Missing movement; jumping from vessel.
''887a. Art. 87a. Resistence, flight, breach of arrest, and escape.
''887b. Art. 87b. Offenses against correctional custody and restriction.
''888. Art. 88. Contempt toward officials.
''889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
''890. Art. 90. Willfully disobeying superior commissioned officer.
''891. Art. 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.
''892. Art. 92. Failure to obey order or regulation.
''893. Art. 93. Cruelty and maltreatment.
''893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust.
''894. Art. 94. Mutiny or sedition.
''895. Art. 95. Offenses by sentinel or lookout.
''895a. Art. 95a. Disrespect toward sentinel or lookout.
''896. Art. 96. Release of prisoner without authority; drinking with prisoner.
''897. Art. 97. Unlawful detention.
''898. Art. 98. Misconduct as prisoner.
''899. Art. 99. Misbehavior before the enemy.
''900. Art. 100. Subordinate compelling surrender.
''901. Art. 101. Improper use of countersign.
''902. Art. 102. Forcing a safeguard.
''903. Art. 103. Spies.
''903a. Art. 103a. Espionage.
''903b. Art. 103b. Aiding the enemy.
''904. Art. 104. Public records offenses.
''904a. Art. 104a. Fraudulent enlistment, appointment, or separation.
''904b. Art. 104b. Unlawful enlistment, appointment, or separation.
''905. Art. 105. Forgery.
''905a. Art. 105a. False or unauthorized pass offenses.
''906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official.
''906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.
''907. Art. 107. False official statements; false swearing.
''907a. Art. 107a. Parole violation.
''908. Art. 108. Military property of the United States—Loss damage, destruction, or wrongful disposition.
''908a. Art. 108a. Captured or abandoned property.
''909. Art. 109. Property other than military property of the United States—Waste, spoilage, or destruction.
''909a. Art. 109a. Mail matter: wrongful taking, opening, etc..
''910. Art. 110. Improper hazarding of vessel or aircraft.
''911. Art. 111. Leaving scene of vehicle accident.
''912. Art. 112. Drunkenness and other incapacitation offenses.
''912a. Art. 112a. Wrongful use, possession, etc., of controlled substances.
''913. Art. 113. Drunken or reckless operation of a vehicle, aircraft, or vessel.
''914. Art. 114. Endangerment offenses.
''915. Art. 115. Communicating threats.
''916. Art. 116. Riot or breach of peace.
''917. Art. 117. Provoking speeches or gestures.
''918. Art. 118. Murder.
''919. Art. 119. Manslaughter.
''919a. Art. 119a. Death or injury of an unborn child.
''919b. Art. 119b. Child endangerment.
''920. Art. 120. Rape and sexual assault generally.
''920a. Art. 120a. Mails: deposit of obscene matter.
''920b. Art. 120b. Rape and sexual assault of a child.
''920c. Art. 120c. Other sexual misconduct.
''921. Art. 121. Larceny and wrongful appropriation.
''921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices.
''921b. Art. 121b. False pretenses to obtain services.
''922. Art. 122. Robbery.
''922a. Art. 122a. Receiving stolen property.
''923. Art. 123. Offenses concerning Government computers.
''923a. Art. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.
''924. Art. 124. Frauds against the United States.
''924a. Art. 124a. Bribery.
''924b. Art. 124b. Graft.
''925. Art. 125. Kidnapping.
''926. Art. 126. Arson; burning property with intent to defraud.
''927. Art. 127. Extortion.
''928. Art. 128. Assault.
''928a. Art 128a. Maiming.
''929. Art. 129. Burglary; unlawful entry.
''930. Art. 130. Stalking.
''931. Art. 131. Perjury.
''931a. Art. 131a. Subornation of perjury.
''931b. Art. 131b. Obstructing justice.
''931c. Art. 131c. Misprision of serious offense.
''931d. Art. 131d. Wrongful refusal to testify.
''931e. Art. 131e. Prevention of authorized seizure of property.
''931f. Art. 131f. Noncompliance with procedural rules.
''931g. Art. 131g. Wrongful interference with adverse administrative proceeding.
''932. Art. 132. Retaliation.
''933. Art. 133. Conduct unbecoming an officer and a gentleman.
''934. Art. 134. General article.''.

TITLE LXI—MISCELLANEOUS PROVISIONS

SEC. 5401. TECHNICAL AMENDMENTS RELATING TO COURTS OF INQUIRY.

Section 935(c) of title 10, United States Code (article 135(c) of the Uniform Code of Military Justice), is amended—

(1) by striking ''(c) Any person'' and inserting ''(c)(1) Any person'';

(2) by designating the second and third sentences as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as so designated, by striking ''subject to this chapter or employed by the Department of Defense'' and inserting ''who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) employed by the Department of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, and''.

SEC. 5402. TECHNICAL AMENDMENT TO ARTICLE 136.

The heading of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by striking the last five words.

SEC. 5403. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE TO BE EXPLAINED TO OFFICERS UPON COMMISSIONING.

Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking ''(a)(1) The sections of this title (articles of the Uniform Code of Military Justice)'' and inserting ''(a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice)'';

(2) by striking subsection (b); and

(3) by adding after subsection (a) the following new subsections:

''(b) OFFICERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice) specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

''(A) the initial entrance of the officer on active duty as an officer; or

''(B) the initial commissioning of the officer in a reserve component.

''(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3) and such other sections (articles) as the Secretary concerned may prescribe by regulation.

''(c) TRAINING FOR CERTAIN OFFICERS.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose nonjudicial punishment shall receive periodic training regarding the purposes and administration of this chapter. Under regulations prescribed by the Secretary of Defense, officers assigned to duty in a joint command or a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter with respect to joint commands and the combatant commands.

''(d) AVAILABILITY AND MAINTENANCE OF TEXT.—The text of this chapter (the Uniform Code of Military Justice) and the text of the regulations prescribed by the President under this chapter shall be—

''(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member's personal examination; and

''(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.''.

SEC. 5404. MILITARY JUSTICE CASE MANAGEMENT; DATA COLLECTION AND ACCESSIBILITY.

(a) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

''§ 940a. Art. 140a. Case management; data collection and accessibility

''The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

''(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

''(2) Case processing and management.

''(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

''(4) Facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.''.

(b) IMPLEMENTATION.—

(1) IMPLEMENTATION.—The Secretary of Defense shall commence carrying out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), by not later than two years after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF STANDARDS AND CRITERIA.—The standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as so added, shall take effect on such date, not later than four years after the date of the enactment of this Act, as the Secretary shall provide in implementing such section (article).

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

SEC. 5421. MILITARY JUSTICE REVIEW PANEL.

Section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 946. Art. 146. Military Justice Review Panel

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to conduct independent periodic reviews and assessments of the operation of this chapter. The panel shall be known as the 'Military Justice Review Panel' (in this section referred to as the 'Panel').

''(b) MEMBERS.—

''(1) NUMBER OF MEMBERS.—The Panel shall be composed of thirteen members.

''(2) APPOINTMENT OF CERTAIN MEMBERS.—Each of the following shall appoint one member of the Panel:

''(A) The Secretary of Defense (in consultation with the Secretary of Homeland Security).

''(B) The Attorney General.

''(C) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.

''(3) APPOINTMENT OF REMAINING MEMBERS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall appoint the remaining members of the Panel, taking into consideration recommendations made by each of the following:

''(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(B) The Chief Justice of the United States.

''(C) The Chief Judge of the United States Court of Appeals for the Armed Forces.

''(c) QUALIFICATIONS OF MEMBERS.—The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, prosecution, defense, victim representation, or adjudication with respect to courts-martial, Federal civilian courts, or State courts.

''(d) CHAIR.—The Secretary of Defense shall select the chair of the Panel from among the members.

''(e) TERM; VACANCIES.—Each member shall be appointed for a term of eight years, and no member may serve more than one term. Any vacancy shall be filled in the same manner as the original appointment.

''(f) REVIEWS AND REPORTS.—

''(1) INITIAL REVIEW OF RECENT AMENDMENTS TO UCMJ.—During fiscal year 2020, the Panel shall conduct an initial review and assessment of the implementation of the amendments made to this chapter during the preceding five years. In conducting the initial review and assessment, the Panel may review such other aspects of the operation of this chapter as the Panel considers appropriate.

''(2) PERIODIC COMPREHENSIVE REVIEWS.—During fiscal year 2024 and every eight years thereafter, the Panel shall conduct a comprehensive review and assessment of the operation of this chapter.

''(3) PERIODIC INTERIM REVIEWS.—During fiscal year 2028 and every eight years thereafter, the Panel shall conduct an interim review and assessment of such other aspects of the operation of this chapter as the Panel considers appropriate. In addition, at the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of this chapter.

''(4) REPORTS.—Not later than December 31 of each year during which the Panel conducts a review and assessment under this subsection, the Panel shall submit a report on the results, including the Panel's findings and recommendations, through the Secretary of Defense to the Committees on Armed Services of the Senate and the House of Representatives.

''(g) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties under this section.

''(h) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the chair of the Panel, a department or agency of the Federal Government shall provide information that the Panel considers necessary to carry out its duties under this section.

''(i) ADMINISTRATIVE MATTERS.—

''(1) MEMBERS TO SERVE WITHOUT PAY.—Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

''(2) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the Panel.

''(j) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.''.

SEC. 5422. ANNUAL REPORTS.

Subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

''§ 946. Art. 146a. Annual reports

''(a) COURT OF APPEALS FOR THE ARMED FORCES.—Not later than December 31 of each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

''(b) SERVICE REPORTS.—Not later than December 31 of each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

''(1) Data on the number and status of pending cases.

''(2) Information on the appellate review process, including—

''(A) information on compliance with processing time goals;

''(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies; and

''(C) an analysis of each case in which a provision of this chapter was held unconstitutional.

''(3)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—

''(i) to participate competently as trial counsel and defense counsel in cases under this chapter;

''(ii) to preside as military judges in cases under this chapter; and

''(iii) to perform the duties of Special Victims' Counsel, when so designated under section 1044e of this title.

''(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security

cases, sexual assault cases, and proceedings of military commissions.

''(4) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.

''(5) Such other matters regarding the operation of this chapter as may be appropriate.

''(c) SUBMISSION.—Each report under this section shall be submitted—

''(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

''(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Homeland Security.''.

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 5441. AMENDMENTS TO UCMJ SUBCHAPTER TABLES OF SECTIONS.

The tables of sections for the specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), are amended as follows:

(1) SUBCHAPTER II; APPREHENSION AND RESTRAINT.—The table of sections at the beginning of subchapter II is amended—

(A) by striking the item relating to section 810 (article 10) and inserting the following new item:

''810. Art. 10. Restraint of persons charged.''; and

(B) by striking the item relating to section 812 (article 12) and inserting the following new item:

''812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others.''.

(2) SUBCHAPTER V; COMPOSITION OF COURTS-MARTIAL.—The table of sections at the beginning of subchapter V is amended—

(A) by striking the item relating to section 825a (article 25a) and inserting the following new item:

''825. Art. 25a. Number of court-martial members in capital cases.'';

(B) by inserting after the item relating to section 826 (article 26) the following new item:

''826a. Art. 26a. Military magistrates.''; and

(C) by striking the item relating to section 829 (article 29) and inserting the following new item:

''829. Art. 29. Assembly and impaneling of members; detail of new members and military judges.''.

(3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VI is amended—

(A) by inserting after the item relating to section 830 (article 30) the following new item:

''830. Art. 30a. Proceedings conducted before referral.''; and

(B) by striking the items relating to sections 832 through 835 (articles 32 through 35) and inserting the following new items:

''832. Art. 32. Preliminary hearing required before referral to general court-martial.

''833. Art. 33. Disposition guidance.

''834. Art. 34. Advice to convening authority before referral for trial.

''835. Art. 35. Service of charges; commencement of trial.''.

(4) SUBCHAPTER VII; TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VII is amended—

(A) by striking the items relating to sections 846 through 848 (articles 46 through 48) and inserting the following new items:

''846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial.

''847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence.

''848. Art. 48. Contempt.'';

(B) by striking the item relating to section 850 (article 50) and inserting the following new item:

''850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry.''; and

(C) by striking the items relating to sections 852 and 853 (articles 52 and 53) and inserting the following new items:

''852. Art. 52. Votes required for conviction, sentencing, and other matters.

''853. Art. 53. Findings and sentencing.

''853a. Art. 53a. Plea agreements.''.

(5) SUBCHAPTER VIII; SENTENCES.—The table of sections at the beginning of subchapter VIII is amended—

(A) by striking the item relating to section 856 (article 56) and inserting the following new item:

''856. Art. 56. Sentencing.''; and

(B) by striking the items relating to sections 856a and 857a (articles 56a and 57a).

(6) SUBCHAPTER IX; POST-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter IX is amended—

(A) by striking the items relating to sections 860 and 61 (articles 60 and 61) and inserting the following new items:

''860. Art. 60. Post-trial processing in general and special courts-martial.

''860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances.

''860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial.

''860c. Art. 60c. Entry of judgment.

''861. Art. 61. Waiver of right to appeal; withdrawal of appeal.'';

(B) by striking the items relating to sections 864 through 866 (articles 64 through 66) and inserting the following new items:

''864. Art. 64. Judge advocate review of finding of guilty in summary court-martial.

''865. Art. 65. Transmittal and review of records.

''866. Art. 66. Courts of Criminal Appeals.'';

(C) by striking the item relating to section 869 (article 69) and inserting the following new item:

''869. Art. 69. Review by Judge Advocate General.''; and

(D) by striking the item relating to section 871 (article 71).

(7) SUBCHAPTER XI; MISCELLANEOUS PROVISIONS.—The table of sections at the beginning of subchapter XI is amended—

(A) by striking the item relating to section 936 (article 136) and inserting the following new item:

''936. Art. 136. Authority to administer oaths.''; and

(B) by inserting after the item relating to section 940 (article 140) the following new item:

''940a. Art. 140a. Case management; data collection and accessibility.''.

(8) SUBCHAPTER XII; UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—The table of sections at the beginning of subchapter XII is amended by striking the item relating to section 946 (article 146) and inserting the following new items:

''946. Art. 146. Military Justice Review Panel.

''946a. Art. 146a. Annual reports.''.

SEC. 5442. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this division, the amendments made by this division shall take effect on the date designated by the President, which date shall be not later than the first day of the first calendar month that begins two years after the date of the enactment of this Act.

(b) IMPLEMENTING REGULATIONS.—The President shall prescribe regulations implementing this division and the amendments made by this division by not later than one year after the date of the enactment of this Act, except as otherwise provided in this division.

(c) APPLICABILITY.—

(1) IN GENERAL.—Subject to the provisions of this division and the amendments made by this division, the President shall prescribe in regulations whether, and to what extent, the amendments made by this division shall apply to a case in which one or more actions under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), have been taken before the effective date of such amendments.

(2) INAPPLICABILITY TO CASES IN WHICH CHARGES ALREADY REFERRED TO TRIAL ON EFFECTIVE DATE.—Except as otherwise provided by this division or the amendments made by this division, the amendments made by this division shall not apply to any case in which charges are referred to trial by court-martial before the effective date of such amendments. Proceedings in any such case shall be held in the same manner and with the same effect as if such amendments had not been enacted.

(3) PUNITIVE ARTICLE AMENDMENTS.—

(A) IN GENERAL.—The amendments made by title LX shall not apply to any offense committed before the effective date of such amendments.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to invalidate the prosecution of any offense committed before the effective date of such amendments.

(4) SENTENCING AMENDMENTS.—The regulations prescribing the authorized punishments for any offense committed before the effective date of the amendments made by title LVIII shall apply the authorized punishments for the offense, as in effect at the time the offense is committed.

ORDERS FOR THURSDAY, JUNE 16, 2016

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, June 16; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate resume consideration of H.R. 2578.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROUNDS. Mr. President, if there is no further business to come before

the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2:13 a.m., adjourned until Thursday, June 16, 2016, at 10 a.m.

EXTENSIONS OF REMARKS

CELEBRATING PRIDE MONTH

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2016

Ms. LEE. Mr. Speaker, each June, our nation celebrates the extraordinary achievements of the LGBT community and their allies.

Thanks to the tireless activism of individuals and groups fighting for LGBT rights, we can all take pride in our nation's progress toward full LGBT equality. Just one year ago, the Supreme Court joined a growing number of Americans who recognize that love is love. Now millions have the security of knowing their rights and dignity are recognized and affirmed by our federal government.

There has never been a better time to rejoice in these hard fought victories. However, there is still work to be done.

Congress must pass the Equality Act to ensure that LGBT individuals are protected from discrimination. And we must take strong action to protect transgender Americans from an epidemic of violence, particularly transgender women of color.

All people deserve to live without fear and with dignity. We must continue the march towards LGBT equality in the United States and across the world.

I am honored to join with my colleagues in the Congressional LGBT Equality Caucus and all Americans in celebrating PRIDE month. I am confident that if we stand united, we will win the fight for equality and justice.

CELEBRATING THE CENTENNIAL ANNIVERSARY OF FARM CREDIT

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2016

Mr. GOODLATTE. Mr. Speaker, in rural communities, like those in the Sixth Congressional District of Virginia, the Farm Credit provides a variety of financial services to folks in their own communities. Since 1916, the Farm Credit System has served communities throughout the United States, playing an integral role in helping our country remain the world's greatest producer of food and fiber products while preserving our agricultural heritage.

Agriculture is by far the largest industry in the Commonwealth of Virginia, supplying nearly 311,000 jobs and making an economic impact of $52 billion annually. The Farm Credit of the Virginias plays an important part in ensuring this industry continues to grow by providing more than $1.5 billion in financing to rural homeowners, farmers, and landowners in 96 counties in Virginia, West Virginia, and Maryland. It has been a pleasure working with this group over the years.

Farm Credit has a decidedly local feel, and it is clear that the representatives know and understand the communities they are serving. As a cooperative, members of the Farm Credit are also the customers and borrowers. They are uniquely invested in ensuring Farm Credit is best serving its borrowers.

Whether a farmer is looking to purchase a new piece of equipment, a family is buying a new home, or a new agritourism business is trying to find the capital to take root, the Farm Credit has been there every step of the way, helping families live out the American dream. Thank you to Farm Credit organizations in Virginia and across the country for their hard work on behalf of America's rural communities. Congratulations to the Farm Credit on 100 years of promoting American agriculture.

CELEBRATING THE CENTENNIAL ANNIVERSARY OF FARM CREDIT

SPEECH OF

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2016

Mr. KELLY of Mississippi. Mr. Speaker, as we near its 100th anniversary, I rise today to commend the cooperative owners and the employees of the Farm Credit System for their continuing service in meeting the credit and financial-services needs of rural communities and agriculture.

I was pleased to cosponsor House Resolution 591, commending the cooperative owners and employees of the Farm Credit System for 100 years of service. The legislation was introduced by House Agriculture Committee Chairman MIKE CONAWAY, Ranking Member COLLIN PETERSON, as well as the Chairman and Ranking Member of the Subcommittee for Commodity Exchanges, Energy & Credit, Chairman AUSTIN SCOTT and Ranking Member DAVID SCOTT.

The Farm Credit System plays a vital role in the national success of agriculture and the economic vibrancy of rural communities throughout all 50 States and Puerto Rico, providing more than $237 billion in loans to more than 500,000 customers. For example, in my home state of Mississippi, Farm Credit serves 6,379 borrower-customers, providing $1.2 billion in credit.

Farm Credit's mission also extends to supporting rural communities by financing vital infrastructure, bringing clean water to rural communities, providing reliable energy to farms and rural towns, and offering modern high-speed telecommunications that connect rural America to the rest of the world.

CELEBRATING THE CENTENNIAL ANNIVERSARY OF FARM CREDIT

SPEECH OF

HON. ANDY HARRIS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2016

Mr. HARRIS. Mr. Speaker, I rise today to celebrate the 100 year anniversary of the establishment of the Farm Credit System. I was pleased to cosponsor House Resolution 591, commending the cooperative owners and employees of the Farm Credit System for 100 years of service.

The Farm Credit System was established by Congress through the Federal Farm Loan Act of 1916, signed into law on July 17, 1916, by President Woodrow Wilson, making 2016 the centennial anniversary of the founding of the cooperatively owned and operated Farm Credit System. Congress intended the Farm Credit System be designed as a permanent means to support the well-being and prosperity of the Nation's rural communities and agricultural producers of all types and sizes. It was designed as a network of cooperatives, independently owned and controlled by its borrowers, and meant to be responsive to individual needs for credit and financial services.

Since its inception the Farm Credit system has, and continues to, continually adapt in order to meet the changing needs of rural communities and agriculture. Today, the Farm Credit System plays a vital role in the success of the United States agricultural sector and the economic vibrancy of rural communities throughout all 50 States and Puerto Rico. The system provides more than $237 billion in loans to more than 500,000 customers across the nation. In Maryland, Farm Credit serves nearly 5000 borrower-owners representing over $1.3 billion in loan volume. In my district alone, MidAtlantic Farm Credit serves over 2000 borrower-owners, representing over $633 million in loan volume.

The Farm Credit System actively supports the next generation of agricultural producers by annually providing billions of dollars in loans to young and beginning farmers and ranchers and through its ongoing financial support for organizations like 4–H and Future Farmers of America. In Maryland, Farm Credit serves over 3200 young/beginning/small farmers representing over $648 million in loan volume.

For all these reasons, Mr. Speaker, it is my pleasure to rise today in celebration of the 100th anniversary or the establishment of the modern American Farm Credit System.

CELEBRATING THE CENTENNIAL ANNIVERSARY OF FARM CREDIT

SPEECH OF

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to commend the cooperative owners and employees of the Farm Credit System for their continuing service in meeting the credit and financial-services needs of rural communities and agriculture.

Since 1916, the Farm Credit System has served rural Americans.

I was pleased to cosponsor House Resolution 591, introduced by House Agriculture Committee Chairman MIKE CONAWAY & Ranking Member COLLIN PETERSON, as well as the Chairman and Ranking Member of the Subcommittee for Commodity Exchanges, Energy & Credit, Chairman AUSTIN SCOTT and Ranking Member DAVID SCOTT.

This resolution recognizes the cooperative owners and employees of the Farm Credit System for their 100 years of service to Rural America.

Today, the Farm Credit System plays a vital role in the success of United States agriculture, providing more than $237 billion in loans to more than 500,000 customers.

For example, in my home state of Alabama, Farm Credit makes over 7,000 loans per year. Almost 10 percent of the farmers they serve are considered Young Operators.

Since 2011, Farm Credit has returned $10.9 million dollars back to their borrowers. I applaud the Farm Credit System's dedication to providing farmers with the means to serve America.

RECOGNIZING THE CALIFORNIA STATE UNIVERSITY, BAKERSFIELD MEN'S BASKETBALL TEAM'S 2015–2016 SEASON

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. MCCARTHY. Mr. Speaker, I rise today to recognize the California State University, Bakersfield (CSUB) men's basketball team and its unprecedented success in the 2015–2016 season. I commend the hard work of the Roadrunners and strong leadership of Head Coach Rod Barnes, Assistant Coaches Jeff Conarroe, James Alford, and Mark Hsu, and Director of Basketball Operations JD Pollock. The Roadrunner men's basketball team has represented our community well, and brought national attention to Bakersfield through dedication that was always reflected in their games. I am honored—as an alumnus myself—to be able to add my voice to the chorus of praise, and to congratulate their season of accomplishment.

On March 18, 2016, the Roadrunners clashed against the number two seed in Oklahoma, on day one of the 2016 National Collegiate Athletic Association (NCAA) Basketball Tournament. I witnessed firsthand the perseverance and grit they became famous for throughout the season. The Roadrunners fiercely fought to match basket-for-basket against their heavily-favored opponents, even snatching the lead midway through the second half, but were ultimately outscored in the final few minutes.

As the Roadrunners celebrate their historic 24 victories in the Western Athletic Conference, and their first appearance in the NCAA Division I Tournament, I want to acknowledge the remarkable determination and incredible teamwork of Aly Ahmed, Jaylin Airington, Bray Barnes, Dedrick Basile, Damiyne Durham, Kyle Ferreira, Darryl Geyen, Justin Hollins, Kevin Mays, PJ Posey, Justin Pride, Matt Smith, and Brent Wrapp. A remarkable winning percentage of .727 reflects upon the immense amount of hard work they demonstrated throughout the entirety of the season.

The CSUB men's basketball team exemplifies our community's commitment to hard work, perseverance, and teamwork. The Roadrunners should be proud of their achievements this season, and I know that the community of Bakersfield joins me in congratulating them on their athletic accomplishments. My fellow Roadrunner alumni and our community look forward to watching their continued success in the seasons to follow.

IN HONOR OF CAPTAIN JEFF KUSS

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. TIPTON. Mr. Speaker, I rise today to honor the late Marine Corps Captain Jeff Kuss. Captain Kuss was a native of Durango, CO where he attended Durango High School and graduated from Ft. Lewis College with a degree in economics. His life was tragically cut short during a training accident on June 2, 2016 while he and the other Blue Angel pilots were practicing for an air show near Smyrna, Tennessee. Captain Kuss was a loving family man and is survived by his wife Christina Ferrarese Kuss, their two young children Calvin and Sloan, and his parents Michael and Janet of Durango.

Captain Kuss possessed a passion for aviation which took root at a young age. After a great deal of hard work and perseverance, he became one of the Navy's most talented pilots, being selected in 2014 to join the elite Navy Flight Demonstration Squadron. The Blue Angels are one of the world's most renowned squadrons, representing the men and women who serve in the nation's Armed Forces and showcasing the incredible training, skill and capability of our nation's elite military pilots. Since 1946, the Blue Angels have inspired patriotism and wonder in millions of fascinated spectators. Each pilot is hand-picked by current members of the squadron to join—a selection process that is a testament to the respect that his colleagues had for the talent and ability Captain Kuss possessed.

The entire Durango community is incredibly proud of Captain Kuss for his service to our nation and what he was able to achieve. When he was brought home to rest in Durango citizens lined the streets to pay their respects to this fallen hero, a testament to Captain Kuss' service, deep ties to the community and a life well-lived. The host of active duty members that have and continue to pay tribute to Captain Kuss are a tribute to the many lives he impacted over the course of his career.

Mr. Speaker, Captain Jeff Kuss exemplified the very best of Colorado's Third Congressional District and of the brave men and women who risk all in service to our nation each day. We honor his service and memory, and offer our condolences and prayers for his family and friends. May they find peace during this most difficult time.

CONGRATULATIONS TO BISHOP SAMUEL BLAKES

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. RICHMOND. Mr. Speaker, I rise today to congratulate Pastor Samuel Blakes on his Episcopal Consecration to the office of Bishop. He is the loving husband of Stacy Blakes and an outstanding father to his two daughters. Bishop Samuel Blakes is the youngest son of Bishop Blakes, Sr. and has been pastoring for more than 21 years.

He and his brother Bishop Robert Blakes, Jr. serve as Co-Pastors at the New Home Family Worship Center, a ministry encompassing six locations across Louisiana and Texas. Bishop Samuel Blakes has the pleasure of serving as Pastor to both the New Orleans and Baton Rouge Ministries.

Bishop Samuel Blakes was called to ministry at a young age when he attended St. Augustine High School in New Orleans. His work in ministry began when he received his Bachelors of Theology from Christian Bible College of Louisiana and then went on to receive his Master's Degree in theology from the same institution. His dedication and love of God has allowed him to travel across the U.S. and abroad to spread the word of God. Not only does he travel to spread his message, but he and his brother, Bishop Robert Blakes, Jr. host their own weekly television show.

I join with the Blakes family in congratulating Bishop Samuel Blakes for his remarkable accomplishment.

HONORING MR. GARRY SAUNER UPON HIS RETIREMENT

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. DENT. Mr. Speaker, I rise today to pay tribute to a very special and remarkable civil servant on the occasion of his retirement. After forty-one years of service to the Nation, Mr. Garry Sauner will complete a most distinguished career as a financial manager and congressional liaison for the United States Air Force. For the past sixteen years, Mr. Sauner served as the Deputy Director and Chief of the Budget and Research Branch of the Air Force Office of Appropriations Liaison. In this role, Mr. Sauner has acted as the Air Force's principal liaison to this subcommittee.

From personal experience, I can state that his tireless efforts, wise counsel, and attention to detail led to the successful completion of

hundreds of hearings, thousands of questions for the record, and countless requests for information which all helped our subcommittee make the best informed resourcing decisions.

Mr. Sauner led engagement efforts for senior Air Force leadership in defense of the Air Force budget request for military construction, housing, environment, and BRAC. Hundreds of Air Force officers, enlisted, civilians, and contractors have benefitted from his experience and counsel as a strong and capable mentor, resulting in a bond of trust between this subcommittee and the Air Force that will have lasting positive effects well into the future.

Prior to his dedicated service in his current role, Mr. Sauner served twenty-five years in the United States Air Force, rising to the rank of Lieutenant Colonel. With his four years as a Congressional Liaison Officer on active duty, Mr. Sauner can claim twenty years of experience working with the Congress—a rare feat indeed. Mr. Sauner leaves a lasting legacy both in the Executive and Legislative Branches of our government as a result of his quiet professionalism and embodiment of the Air Force core values of Integrity First, Service Before Self, and Excellence.

Mr. Speaker, I ask that the House please join me in extending our most sincere thanks for his service and best wishes for the days and years ahead as he begins a new journey.

IN OPPOSITION TO THE REPUBLICAN ANTI-POVERTY AGENDA

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. SEWELL of Alabama. Mr. Speaker, last week, a group of 8 Republicans traveled to the House of Help City of Hope, a private residential drug and alcohol treatment program here in Southeast DC. There they unveiled their proposal to reduce poverty in America.

Make no mistake: the Republican Party has simply repackaged the same proposals that have locked our most underserved populations in poverty for generations.

I appreciate the group's advocacy for drug and alcohol treatment, but it is misguided and offensive to associate poverty with addiction. We should not be surprised that they are clinging to the tired narrative that victims of poverty are too lazy or irresponsible to pull themselves up by their own bootstraps. The "bootstraps" narrative leaves out the reality that too many children in America are born without bootstraps to parents who never had bootstraps themselves. In the cycle of poverty, opportunity rarely presents itself.

From the schoolhouse to the workplace, children from wealthier and well-educated families arrive at every door with a very different set of skills and expectations than those from underserved backgrounds. For example, research suggests that children from low-income families hear 30 million fewer words than their wealthy peers by the age of 3. Other studies show that less than 50 percent of children living in poverty arrive at school prepared with the math and reading skills, emotional and behavioral control, and the physical well-being necessary to learn. These gaps persist into adulthood.

These are not excuses. They are facts.

The children of the wealthy are provided tutors, lawyers, contraceptives, therapy, and more when they stumble socially, physically, and academically. Their less affluent counterparts are instead met with financially struggling parents, probation officers, and ill-access to basic health services. Social scientists call the protections afforded to wealthier children in times of trouble "air bags."

It's time to dispel the blanket notion that the poor are to blame for their poverty. The government has a role to play, and for many, it is the star of the show.

When opportunity presents itself in low-income communities, it comes via a Head Start teacher, an after-school program, a Job Corps coach, a Pell grant, a Social Security check, a child tax credit, and through other resource programs implemented during and after the War on Poverty.

Our friends across the aisle want the American people to believe that the effective anti-poverty programs of the War on Poverty have been a waste of taxpayer dollars. In truth, the safety net's effectiveness at reducing poverty has grown nearly ten-fold since 1967.

Pell grants, senior centers, the breast and cervical cancer early detection program, grants to improve water and waste disposal systems, Job Corps, and the Foster Grandparent program are just some of the programs that have been effective in helping millions of Americans into the middle class. Despite the progress made under these programs, the Republicans deem them all as welfare.

The Social Security program has lifted 27 million Americans out of poverty, including 1.6 million children yet Republicans have proposed to privatize and cut the program.

The Earned Income Tax Credit has lifted 9 million working Americans out of poverty and has reduced poverty for 22 million more. Despite these tremendous benefits, the Republicans did not include this program in their proposal.

The SNAP program, which the proposal cuts, has lifted 10 million Americans out of poverty and 5 million more out of deep poverty.

Seventy percent of Americans will turn to the safety net at some point in their lifetimes. Attempts to cut these programs are rooted in dangerous and misguided ideology.

I was sent to Congress to build upon programs that work and craft new proposals to create ladders of opportunity into the middle class for my constituents.

On the contrary, the Republican blaming strategy is not "A Better Way"—it's the wrong way. On behalf of the hardworking Alabamians I represent, I urge all of my colleagues to reject this dangerous agenda.

HONORING RICHARD TWISS ON THE OCCASION OF HIS RETIREMENT AS CHIEF OF POLICE FOR THE CITY OF INDIO POLICE DEPARTMENT

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. RUIZ. Mr. Speaker, today I am honored to congratulate City of Indio Police Chief Richard Twiss who is retiring after 32 years of service to the people of California and the citizens of the United States. Throughout his career, Chief Twiss has been an exemplary public servant. He has taken on his vocation to service with a sense of duty and a strength of character that is needed to accomplish such a noble calling.

Richard Twiss' time in uniform began in 1984 as a United States Marine and continued as a police officer with the City of Indio Police Department. Through his leadership, Chief Twiss led a police force that helps build a safer community and is an incredible influence on the lives of hundreds of residents in the Coachella Valley located in California's 36th Congressional District.

Chief Twiss' distinguished career in law enforcement spans from his time as an officer at the Indio Police Department, to an investigator for the County of Riverside District Attorney's Office, to a special agent for the California Department of Justice, and for the last four years as the Chief of Police for the City of Indio.

At a national level, Chief Twiss has lent his expertise to help advance the cause of public safety. Chief Twiss participated in the President's National Committee on 21st Century Policing and served as a member of the California Attorney General's Community Oriented Policing Subcommittee. Most recently, he was appointed to the California Police Chief Association Homelessness and Mental Health working group. Chief Twiss implemented the Community Outreach Resource Program as a way to reduce homelessness and provide resources to the most vulnerable members of our society. This program received local, national, and international recognition.

Mr. Speaker, I am proud to recognize and honor Chief Richard Twiss for his service. And on behalf of the thousands of families of California's 36th Congressional District, I offer my sincerest thanks and congratulate Chief Twiss for his exceptional commitment to public safety. I wish him and his wife, Anna, all the best on his well-deserved retirement.

THIS IS THE WEEK WE MOURN TOGETHER IN REMEMBRANCE OF THE 49 LIVES LOST JUNE 12, 2016

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, this is the week we mourn together. As one nation. This week we know no party, we know no prejudice. This is the week we all as Americans suffer loss together, come together, and resolve together that we will not fall to the architects of terror.

Mr. Speaker, this is our Paris.

The mass shooting in Orlando is now one more defining moment of our time. One more defining moment of terror. And one more defining moment in the fabric of modern America. Innocent brothers and sisters were targeted by evil, in the name of a radical Islamic jihad against America that despicably perverts religion to justify taking the life of innocent people. But this is the week we resolve to destroy terror forever, to destroy those who wish to destroy us.

In an election year, its natural for anger to divide us, to draw us into a partisan divide.

But let's rise above the politics of division and remain one united people. Let's not fall prey this week to politicians casting blame, seeking credit, or drawing division. The debate over national security, over guns and the constitution, over surveillance, over crimes of hate, these debates will rightfully occur over the coming weeks and months. And they should.

We must defeat our enemies before they defeat us. We must protect our communities from violence of any kind, at the cause of any weapon. We must always vet those who come here legally and we must secure our borders. And we must ensure we apprehend homegrown agents of terror in all 50 states.

But we do this together as a nation. United, not divided. Committed to the cause of freedom envisioned by our founders and granted by our Creator. We are one people. We stand with the victims of Orlando. They will forever be in our hearts. And in their loss, we resolve to honor their memories with vigilance, with fidelity, to make our nation safer, stronger, and forever united against hate, against evil, and against our enemies.

May God bless the souls of our departed fellow Americans. May God hold close their families and loved ones. And may God forever protect our nation and forever preserve our freedom.

Stanley Almodovar III, 23 years old
Amanda Alvear, 25 years old
Oscar A. Aracena-Montero, 26 years old
Rodolfo Ayala-Ayala, 33 years old
Antonio Davon Brown, 29 years old
Darryl Roman Burt II, 29 years old
Angel L. Candelario-Padro, 28 years old
Juan Chevez-Martinez, 25 years old
Luis Daniel Conde, 39 years old
Cory James Connell, 21 years old
Tevin Eugene Crosby, 25 years old
Deonka Deidra Drayton, 32 years old
Simon Adrian Carrillo Fernandez, 31 years old
Leroy Valentin Fernandez, 25 years old
Mercedez Marisol Flores, 26 years old
Peter O. Gonzalez-Cruz, 22 years old
Juan Ramon Guerrero, 22 years old
Paul Terrell Henry, 41 years old
Frank Hernandez, 27 years old
Miguel Angel Honorato, 30 years old
Javier Jorge-Reyes, 40 years old
Jason Benjamin Josaphat, 19 years old
Eddie Jamoldroy Justice, 30 years old
Anthony Luis Laureanodisla, 25 years old
Christopher Andrew Leinonen, 32 years old
Alejandro Barrios Martinez, 21 years old
Brenda Lee Marquez McCool, 49 years old
Gilberto Ramon Silva Menendez, 25 years old
Kimberly Morris, 37 years old
Akyra Monet Murray, 18 years old
Luis Omar Ocasio-Capo, 20 years old
Geraldo A. Ortiz-Jimenez, 25 years old
Eric Ivan Ortiz-Rivera, 36 years old
Joel Rayon Paniagua, 32 years old
Jean Carlos Mendez Perez, 35 years old
Enrique L. Rios, Jr., 25 years old
Jean C. Nives Rodriguez, 27 years old
Xavier Emmanuel Serrano Rosado, 35 years old
Christopher Joseph Sanfeliz, 24 years old
Yilmary Rodriguez Solivan, 24 years old
Edward Sotomayor Jr., 34 years old
Shane Evan Tomlinson, 33 years old
Martin Benitez Tones, 33 years old
Jonathan Antonio Camuy Vega, 24 years old
Juan P. Rivera Velazquez, 37 years old
Luis S. Vielma, 22 years old
Franky Jimmy Dejesus Velazquez, 50 years old
Luis Daniel Wilson-Leon, 37 years old
Jerald Arthur Wright, 31 years old

TRIBUTE TO JORDAN ANDERZHON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jordan Anderzhon of Farragut, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Jordan is one of six State of Iowa honor students selected to attend.

Jordan is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Jordan Anderzhon as a luminary in the advanced study of medicine.

Jordan Anderzhon is a student at Farragut Community High School in Farragut, Iowa. He was nominated by school officials and The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Jordan Anderzhon makes a difference by serving others. It is with great honor that I recognize him today. I know that my colleagues in the U.S. House of Representatives join me in honoring Jordan Anderzhon's accomplishments. Jordan Anderzhon will obtain the goals and dreams of many medical professionals.

HONORING ILEEN KODISH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, communities thrive when hard work, dedication, and sacrifice are set by voluntary example. Ileen Kodish's actions embody these ideals for her community and it is why she is being awarded the Gates of Hope Award as Shaarei Tikvah's Volunteer of the Year.

Ileen grew up in Akron, Ohio, where she and her family became active in the Jewish community, involving themselves in B'nai B'rith Youth and USY. Following fashion school in Chicago, Ileen worked overseas; studying design in Paris and teaching at the Pratt Institute.

Ilene became Head Nursery School teacher at Genesis Agudas Achim, teaching two-year-olds who are now young adults actively engaged in our community. In recent years, she has worked as an au pair community counselor and as an office manager. Within Shaarei Tikvah, Ileen served as School Board Co-Chair from 2008 to 2014, devoting countless hours and extensive organizational skills to bring about the most efficient operation possible. She brought the PJ Library program to Shaarei Tikvah while organizing and leading family workshops around the stories.

Currently, Ileen lives in Yonkers and has three daughters—Danielle, Nola, and Hali—who are graduates of Yonkers public schools, of our Religious School, and carry on the family tradition by volunteering in the school. Ileen also completed her Associates degree at Westchester Community College in 2011.

It is clear that Shaarei Tikvah has found a most deserving and accomplished honoree for recognition this year. Congratulations to Ileen on receiving the Gates of Hope Award and thank you for your years of contributions to the community.

HONORING MS. RAMI MUTH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Ms. Rami Muth, Superintendent of the Martinez Unified School District, upon her retirement.

Ms. Muth earned her bachelor's degree in History from California State University Long Beach, before going on to complete a Masters in Educational Leadership and her administrative credentials at California State University East Bay.

Ms. Muth has held a variety of positions throughout her career in education. She taught at both the elementary and middle school levels in Benicia, California before becoming an elementary school principal in the Fairfield-Suisun school district. Drawing on both her teaching and administrative experience, she became Director of Curriculum and Instruction for the Martinez Unified School District before rising to her current post of Superintendent.

During her tenure as District Superintendent, Ms. Muth led new initiatives to improve the district's services and improve the academic experience for students. She launched an innovative energy conservation program that has saved the Martinez Unified School District over $300,000 and has won an Environmental Excellence Award. Under Ms. Muth's leadership, five schools in the district were named California Gold Ribbon Schools: Martinez Junior High and Alhambra High School in 2015 and Las Juntas, John Swett, and John Muir Elementary Schools in 2016.

Mr. Speaker, Ms. Muth has dedicated her career to ensuring that every student in our community receives a top-notch education. Therefore, it is fitting and proper that we honor her here today and extend our best wishes for an enjoyable retirement.

RECOGNIZING THE CALIFORNIA STATE UNIVERSITY, BAKERSFIELD SOFTBALL TEAM'S 2015–2016 SEASON

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. McCARTHY. Mr. Speaker, I rise today to recognize the California State University,

Bakersfield (CSUB) softball team. The Roadrunners advanced to the National Collegiate Athletic Association (NCAA) Regionals after valiantly defeating top-seeded New Mexico State, clinching the Western Athletic Conference championship. This is the first time in the history of the Roadrunner softball program that a team has reached the regional tournament level, which is a testament to the commitment, spirit, and competitiveness of this year's team. I applaud the strong leadership of Head Coach Crissy Buck-Ziegler and Assistant Coach Shelly Prochaska, who have helped pave the way for the team's ongoing success.

Accolades like these make me, and thousands of alumni, even more proud to be a Roadrunner. Ever since the Roadrunners ascended to NCAA Division I status in 2010, they continue to represent our community well, while competing against the top collegiate sports teams in the nation. This year is another shining example of the progress the Roadrunner athletic program has made. The dedication and hard work reflected by the Roadrunner softball team is contagious and spreads throughout the community.

I would like to recognize the efforts of Nadia Amezcua, Kaylynn Burt, Michelle Cannata, Adrianna Cardoza, Julea Cavazos, Maddi Clark, Nicole Curry, Josie Flores, Selena Gonzalez, Chris Hipa, Lyndsay Klimenko, Jo Larios, Amber Mills, Briana Pontecorvo, Sydney Raeber, Alex Simmons, Alyssa Stockton, and Makenzie Zinger. In the WAC tournament, the Roadrunners gave up just four runs in their three game championship streak. All three wins against the University of Missouri–Kansas City, and New Mexico State University (twice) avenged earlier losses to these two teams during the regular season.

I know the Bakersfield community joins me in applauding the CSUB softball team's unprecedented and historic accomplishments this season. I hope the program's demeanor of confidence, success, and ambition continues in the seasons to come and I look forward to more Roadrunner victories.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HINOJOSA. Mr. Speaker, I was unable to be present in the House chamber for certain roll call votes on Monday, June 13th and Tuesday, June 14th. Had I been present on these days, I would have voted 'aye' for roll calls 297, 298, 301, and 302 and 'nay' on roll calls 299, 300 and 303.

TRIBUTE TO EAGLE SCOUT ALAN POWERS-WETTESTAD

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Alan Powers-Wettestad of Boy Scout Troop 520 in Council Bluffs, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Approximately five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained for more than a century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Alan dedicated himself to helping families of newborns by providing them with handmade blankets. He, with the support of his troop, made over one hundred blankets last fall and delivered them to the hospital just before Thanksgiving of last year. He also had the integrity to donate the remaining monetary donations as a Spirit of Giving Award to the obstetrics department, enabling them to purchase a new rocking chair. The work ethic, thoughtfulness, and kindness which Alan Powers-Wettestad has shown in his Eagle Project and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Alan Powers-Wettestad and his family in the United States Congress. I ask that all of my colleagues in the United States House of Representatives join me in congratulating him on reaching the rank of Eagle Scout and in wishing him nothing but continued success in his future education and career.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE RAYMOND PARKS

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and remember the late racing legend Raymond Parks upon his induction into the eighth class of the NASCAR Hall of Fame.

If it weren't for men like Raymond Parks, there is no doubt the racing industry as we know it would not exist today. Mr. Parks was a pivotal player in both the development and expansion of NASCAR since its inception.

After serving his country during WWII, Mr. Parks returned to the United States where he had begun a career as a stock-car owner before the war. In 1947, he attended a meeting in Daytona Beach, Florida that would change racing forever. Sitting around the table with other drivers and promoters, they agreed that racing could not grow without a formal organization to create rules and give their sport structure. As a result, NASCAR was born.

From then on Raymond Parks remained an influential member in motorsports. Known for being the first successful team owner in racing, he won the first NACSCAR title ever in 1948. He would continue to work alongside his original team to dominate the sport until his retirement. Even though Mr. Parks passed away in 2010, his legacy lives on and will now be preserved forever in the NASCAR Hall of Fame.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Parks is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in honoring Raymond Parks, a 2017 inductee of the NASCAR Hall of Fame.

CONGRATULATIONS TO BISHOP ROBERT C. BLAKES, JR.

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. RICHMOND. Mr. Speaker, I rise today to congratulate Pastor Robert C. Blakes, Jr. on his Episcopal Consecration to the office of Bishop. He is the loving husband of Lisa Blakes and a great father to four children. Bishop Blakes, Jr. is the eldest son of Bishop Blakes, Sr. and has been pastoring for more than 21 years.

He and his brother Bishop Samuel Blakes serve as Co-Pastors at the New Home Family Worship Center, a ministry encompassing six locations across Louisiana and Texas. Bishop Blakes, Jr. has the pleasure of serving as Senior Pastor to both the New Orleans and Houston Ministries.

Bishop Blakes, Jr. started his work in ministry when he received his Master's of Theology from Christian Bible College of Louisiana. His dedication and love of God has landed him regular appearances on World Harvest International and CNN as well as his own weekly television show alongside his brother. Bishop Blakes, Jr. has also attracted global attention with his recently published literary work, ''The Father-Daughter Talk''.

I join with the Blakes family in congratulating Bishop Blakes, Jr. for his outstanding accomplishment.

IN HONOR OF THE LATE SERGEANT CHARLES H. COCHRANE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. NADLER. Mr. Speaker, I rise today to honor the late NYPD Sergeant Charles H. Cochrane, whose contributions to New York City's civic life are being recognized by the renaming of the intersection of West 11th Street and Washington Street as Sgt. Charles H. Cochrane Way.

On November 20, 1981, Sgt. Charles H. Cochrane became the first openly gay officer in the history of the New York City Police Department when he testified before a City Council committee considering a proposal to ban discrimination against homosexuals. Sgt. Cochrane spoke out in favor of the bill, saying ''I am very proud of being a New York City policeman. And I'm equally proud of being gay.'' At the time, Sgt. Cochrane was a fourteen year veteran of the NYPD. His declaration before the City Council committee was a brave

statement and a strong condemnation of ignorance and bigotry faced by the LGBT community. Sgt. Cochrane's bravery, passion and drive for the just treatment of LGBT individuals, and specifically of his fellow LGBT law enforcement officials, motivated him to found The Gay Officers Action League (GOAL), an organization dedicated to advocating for lesbian, gay, bisexual and transgender law enforcement officers. Today, there are GOAL chapters in every major police department in the United States. Sergeant Cochrane passed away in 2008, but his legacy lives on in the community that he fought for and is epitomized by this street renaming in his honor.

Mr. Speaker, I am proud to represent the district where Sgt. Cochrane lived and worked and where he paved the way for countless other individuals and organizations to promote justice and equality within the law enforcement community. On this occasion, I reflect on the recent tragedy in Orlando and remind my colleagues that we have much work ahead of us to achieve an end to hate, bigotry and violence against the LGBT community, despite the strides that we have made as a society due to heroes like Sgt. Cochrane. As Sgt. Cochrane did, we must all stand up for tolerance and equality.

I congratulate GOAL on this significant milestone and would like to thank the NYPD officers who spearheaded this initiative.

HONORING THE 100TH BIRTHDAY OF SHIRLEY WEISS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HASTINGS. Mr. Speaker, I rise today to honor the 100th birthday of Shirley Weiss, born Sarah Hengber, in Brooklyn, New York, on September 1, 1916. Shirley is one of 6 children born to Yetta and Samuel Hengber, both Russian immigrants, who after meeting in Poland, came to the United States in the early 1900s, to raise their large family.

Shirley married Harold Weiss on September 11, 1938, and raised two daughters in Bronx County, serving seventeen years at the Internal Revenue Service. Shirley retired in 1977 and with Harold, moved to bask in the Sunshine State. Over the last 40 years, she has enjoyed hosting visits with her family that includes 4 grandchildren and 4 great-grand daughters to whom she is a loving role model. Still a voracious reader, we honor Shirley's wonderful milestone of 100 years, and hereby acknowledge and commend her on this amazing achievement.

HONORING SHERY AND HOWARD ROSENSTEIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, the strength of any religious institution comes from the dedication and commitment of the congregation. For Beth El Synagogue in New Rochelle, that strength is derived from members like Shery and Howard Rosenstein, who have been intimately involved in the Synagogue's operations for over 17 years.

When Shery and Howard were living in Manhattan and decided to move to the suburbs, their journey to Westchester began with ''shul-shopping.'' Once they experienced the warmth of Beth El, their decision to settle in New Rochelle was easily made. After joining the shul, they enrolled their three-year-old son Adam in Nursery School, and, along with newborn son David, quickly immersed themselves in synagogue activities. Daughter Shayna was born three years later, and by then Beth El had become an extension of their family's home, where they have all continued to make deep-rooted friendships, share meaningful lifecycle events, and experience everlasting memories by their ongoing involvement.

Shery has worn a variety of hats within the Beth El community, including co-chairing the Nursery School's Board, Parents' Association and Family Fun Day, working as a Nursery School teacher, storyteller, and head counselor of the Day Camp two-year-old group (the ''Scoops'') since its inception seven years ago. Howard's involvement began as the Day Camp Chair and he has been a familiar face working on various programs over the years, including the Family Kallah, delivering father/son Divrei Torah at the Family service, singing in Beth El's choir Shirat El, and serving on the Dinner Dance Committee which he co-chaired with Shery in 2010.

This year, Beth El is honoring Shery and Howard with their 2016 Service Award, and they are both extremely worthy of the honor. Congratulations to them both.

TRIBUTE TO CONNIE AND ROGER DAVIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Connie and Roger Davis of Shenandoah, Iowa, on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on May 21, 2016.

Connie and Roger's lifelong commitment to each other and their children and grandchildren, truly embodies Iowa values. As they reflect on their 50th anniversary may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

I commend this great couple on their 50th year together and I wish them many more. I know my colleagues in the United States House of Representatives join me in congratulating Connie and Roger Davis on this momentous occasion.

RECOGNIZING NATIONAL MEN'S HEALTH WEEK

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. PAYNE. Mr. Speaker, over the last 100 years, the life expectancy of men has declined in comparison with that of women, and women now live on average five years longer than men.

There is a silent crisis of men's health in America, and it's important that we bring it to light to reverse the trend.

This week, National Men's Health Week, we aim to save lives by raising awareness of male health challenges and empowering men and boys to make smart health decisions to tackle them.

Despite advances in medical technology and research, men continue to die at higher rates of nine of the ten leading causes of death. And men are half as likely as women to seek preventive care, one of the simplest ways to stave off chronic illness.

Many health problems that affect men, from heart disease to colon cancer, can be prevented with earlier detection. That is why we need to use National Men's Health Week as an opportunity to encourage men and boys to adopt preventive behaviors, seek timely medical care, and make their health a priority.

As Co-Chair of the Congressional Men's Health Caucus, I am proud to celebrate this week and encourage men and boys to be proactive about their health, so they can live longer, healthier, and more productive lives. So they can be there for their families.

And I am proud to join the millions of Americans who are marking this month by calling on men to be active, to be engaged, and to take control of their health through smart decisions and proactive behaviors.

Mr. Speaker, our country has made important strides in improving the health and well-being of men and boys—including significant declines in cardiovascular disease mortality—and we can continue to make progress as long as we stay focused.

So, let's keep moving forward, drawing attention to ways that we and our loved ones can live longer, healthier lives.

TRIBUTE TO MADISON GODFREAD

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Madison Godfread of Shenandoah, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Madison is one of six State of Iowa honor students selected to attend.

Madison is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Madison Godfread as a luminary in the advanced study of medicine.

Madison Godfread is a student at Shenandoah High School in Shenandoah, Iowa. She was nominated by school officials and The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Madison makes a difference by serving others. It is with great honor that I recognize her

today. I know that my colleagues in the U.S. House of Representatives join me in honoring Madison Godfread's accomplishments. Madison Godfread will obtain the goals and dreams of many medical professionals.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE RICK HENDRICK

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and congratulate racing legend, and my friend, Rick Hendrick upon his induction into the eighth class of the NASCAR Hall of Fame.

A native of Warrenton, North Carolina, Rick Hendrick was born with racing in his blood. At an early age his father, ''Papa Joe'' Hendrick, instilled in Rick the value of a hard day's work and a love of automobiles. At the age of 14, he made a name for himself by shattering speed records at the local drag strip.

After purchasing a Chevrolet dealership, he quickly found success which led to the creation of Hendrick Automotive Group—the largest privately held dealership in the country. In 1984, he founded All-Star Racing which would eventually become Hendrick Motorsports. Headquartered in my district in Concord, North Carolina, Hendrick Motorsports is now consistently recognized as one of the sport's premier operations.

As an owner, Rick Hendrick has won a total of 14 NASCAR national series championships, the most all-time. Drivers for Hendrick Motorsports have become household names including the likes of Jeff Gordon, Jimmie Johnson, Terry Labonte, Kasey Kahne, and Dale Earnhardt Jr. In total, Hendrick Motorsports has delivered an incredible 242 total wins. You would be hard pressed to find anyone more deserving of this honor.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Hendrick is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in congratulating Rick Hendrick, his wife Linda, and their entire family on Rick's induction to the NASCAR Hall of Fame.

TRIBUTE TO KONNER ROSS AND DEBORAH PETTINGILL

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I would like to acknowledge two members of our community, high school student Konner Ross and her teacher Deborah Pettingill, for bringing light to the story of a fallen World War II soldier from our community.

As a part of the Silent Hero Project, Ms. Ross recently wrote a eulogy for a St. Petersburg-native and WWII soldier, Private Leo K. Chalcraft. The Silent Hero Project is organized by the National History Day program. Fifteen teams of high school students and teachers research someone from their home state who is buried in Normandy, and Ms. Ross chose Private Chalcraft for her project.

He was only 19 years old and was drafted to serve. However, in 1944 off the coast of France, he drowned after the boat he was on sank. While researching Private Chalcraft's life, Ms. Ross felt a personal connection to him because he was so young when he was drafted and when he was killed in combat. She felt it was her responsibility to honor this young man from our community.

Her teacher, Deborah Pettingill, helped Ms. Ross with the project. Together, they have learned a lot about Private Chalcraft from military and burial records. They were also able to find his younger brother Albert, who had a lot of Private Chalcraft's mementos like a Purple Heart, flag, and telegrams. Eventually, the two will create a website honoring Private Chalcraft and the sacrifice he made for this country.

Mr. Speaker, I would like to acknowledge the work and effort of Ms. Konner Ross and Ms. Deborah Pettingill for bringing this memory back to our community and honoring Private Chalcraft's service to Pinellas County and to our country. I ask that this body join me in recognizing these two for the work they have done in honoring Private Chalcraft.

IN RECOGNITION OF THE 120TH ANNIVERSARY OF THE TWIN SHAFT MINING DISASTER IN PITTSTON, PENNSYLVANIA

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. CARTWRIGHT. Mr. Speaker, I rise today to recognize the 120th Anniversary of the Twin Shaft Mining Disaster in Pittston, Pennsylvania. Fifty-eight miners lost their lives during a massive cave-in, most of whom were boys and men of Lithuanian and Irish descent. Their memories will be honored June 25, 2016 at Our Lady of the Eucharist Parish in Pittston.

In the early hours of June 28, 1896, miners from the Newton Coal Company were at work in the Red Ash Vein of the Twin Shaft Mine. During the shift, two hundred acres inside of the mine collapsed, trapping the crew of workers four hundred feet underground. Volunteers were quickly assembled to respond to the crisis. Attempts were made to excavate two tunnels in an effort to bring the miners to safety. However, rescue efforts proved to be futile and the victims' bodies were never recovered. The tragic event remains one of the largest coal mining disasters in Pennsylvania history.

A formal investigation of the cause of the disaster was opened by Pennsylvania Governor Daniel H. Hastings on July 10, 1896. Testimony indicated that the mine pillars displayed signs of instability in the weeks leading up to the accident. The investigation commission first issued its safety recommendations on September 25, 1896. The commission's findings helped make a strong case for better safety standards and workers' rights for mine workers.

It is a solemn responsibility of northeastern Pennsylvania civic leaders and citizens to honor and remember those who perished in the Twin Shaft Mine Disaster. As the Greater Pittston area marks the 120th Anniversary of this tragedy, may we never forget the sacrifices made by our coal mine workers and all they have contributed to our nation's economic success.

TRIBUTE TO CHRISTIAN HARRIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Christian Harris, son of Carrie and Anthony Harris of Indianola, Iowa as recipient of Indianola's first Citizenship Award ever to be presented by the city of Indianola. Christian Harris was recognized by Indianola's city leaders for his heroic efforts to assist a neighbor who had fallen. Christian Harris is a sixth-grader, a Boy Scout and loves his community.

The inaugural award by city officials recognizes individuals who provide exemplary aid, valor and service to fellow citizens in needs. Indianola Mayor Kelly Shaw presented the award in a ceremony during a May 2016 City Council meeting, recounting the bravery and leadership young Christian provided. Mayor Shaw recounted how Christian was looking out his window when he saw the neighbor fall head first onto the pavement. He told his mother to call 911. Trained in first aid, Christian Harris jumped into action, ran to render assistance, giving his neighbor a pillow to cradle his head and keep the neighbor calm until professional emergency medical technicians could arrive.

Said Indianola Mayor Shaw, ''The police department always has a way to find out what you have been up to. But certainly when you've been up to good things, we like to recognize that. Suffice to say if you didn't save a life you saved a lot of potential heartache and with that, potential injuries.''

Christian Harris acted in heroism and kindness which is in all of us. He is an Iowan who has made central Iowa citizens and Indianola citizens very proud. He has dedicated his young life to doing what is right and not seek such attention. But it is with great honor that I recognize him today. I know that my colleagues in the U.S. House of Representatives join me in honoring Christian Harris for his courage and help. I thank him for his service and wish he and his family continued success in all his future endeavors.

CONGRATULATING SETON HALL UNIVERSITY ON ITS THIRTEENTH ANNUAL ''THE HALL ON THE HILL''

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. PAYNE. Mr. Speaker, I rise today to congratulate Seton Hall University on its thirteenth annual "The Hall on the Hill," held

today, June 15. I would like to invite everyone to celebrate the rising future of this great university, and its newly formed College of Communications and the Arts.

Founded in 1856 in the village of South Orange, New Jersey, which is in my district, Seton Hall University has been a staple of the New Jersey community, consistently ranking among the first tier of national universities. The university has continually made us proud in NCAA Division I intercollegiate basketball in the Big East conference, and has even churned out basketball legends who were inducted into the Hall of Fame such as Bob Davies. Seton Hall has also continued to impress through their distinguished alumni, including actor and athlete Chuck Connors, sportscaster Dick Vitale, and actor Dulé Hill.

Not only has Seton Hall University made an important impact on the lives of countless New Jerseyans, but I personally hold Seton Hall very close to my heart due to the positive impact it has had on my family. My late father, Donald M. Payne, attended Seton Hall University for his undergraduate career as a scholarship student and graduated in 1957. In honor of his passing and his compassion for humanity, the university launched a lecture series in his name to pay tribute to people who, like him, strive for a peaceful and a better future.

My father attributed the beginning of the formation of his life philosophy to his time at Seton Hall. The university also hosts the historical manuscript collection of his congressional papers, which were acquisitioned by the University in 2015 after his passing in 2012. The University now has these papers readily available for anyone wishing to gain insight into congressional affairs, as my father served Congress from 1989 to 2012. I am forever grateful for the opportunities that Seton Hall offered my father, and the opportunities it continues to offer to its students every year.

More of Seton Hall's talented alumni will be showcased through performances and artwork during this year's ''The Hall on the Hill.'' I invite all of you to show your appreciation for Seton Hall today and bring out your ''True Blue.'' Go pirates.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE MARK MARTIN

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and congratulate the racing legend Mark Martin upon his induction into the eighth class of the NASCAR Hall of Fame.

Ever since his early days it was clear that Mark Martin was born to race. At the age of 15 he won his first race at a local dirt track in Arkansas. In his very first season, he walked away with the state championship. Success followed him during every step of his journey which culminated in one of the most impressive careers in NASCAR history.

Upon his retirement from driving, Mark Martin had amassed 96 total wins across NASCAR's three national series. His accomplishments also include five second place finishes in the championship standings and 56 career poles. To say Mark Martin is a racing legend would be a gross understatement. A fierce competitor and true gentleman, Mr. Martin is the embodiment of racing and will now take his place among the greats in the NASCAR Hall of Fame.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Martin is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in congratulating Mark Martin on his induction to the NASCAR Hall of Fame.

PERSONAL EXPLANATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. GOODLATTE. Mr. Speaker, I was in my District, the Sixth Congressional District of Virginia on Monday, June 13, and Tuesday, June 14, and therefore, missed recorded votes 297 through 303. Had I been present, I would have voted as follows:

YES on Recorded Vote 297, to Suspend the Rules and Pass H.R. 4939, the United States-Caribbean Strategic Engagement Act of 2016

YES on Recorded Vote 298, to Suspend the Rules and Pass H.R. 5312, the Network and Information Technology Research and Development Modernization Act

YES on Recorded Vote 299, on Ordering the Previous Question

YES on Recorded Vote 300, on Agreeing to H. Res. 778, Providing for a combined rule for consideration of H.R. 5053 and H.R. 5293

YES on Recorded Vote 301, to Suspend the Rules and Pass H.R. 5049, the NSF Major Research Facility Reform Act

NO on Recorded Vote 302, on a Motion to Recommit with Instructions H.R. 5053, the Preventing the IRS Abuse and Protecting Free Speech Act

YES on Recorded Vote 303, on Passage of H.R. 5053, the Preventing IRS Abuse and Protecting Free Speech Act

TRIBUTE TO SEMINOLE TEACHERS

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I would like to recognize our Seminole-area educators, who make a difference throughout our community every day.

On May 17, 2016, educators from across Pinellas County gathered next to my office to be recognized for their efforts and the work they do for our Seminole community. While only a handful of teachers made it to the honoring ceremony, they represent the hundreds of teachers who change the lives of our youth daily.

We all have had favorite teachers growing up, an adult other than our parent who saw something in us and wanted to make sure we would succeed. I come from a family of educators and I have personally seen the impact a good teacher can have on their students.

Mr. Speaker, I want to thank and acknowledge the Seminole teachers for their hard work. They continue to better Pinellas County by caring for and working with our kids. I ask that this body join me in recognizing the service they do. We are very thankful for their hard work.

HONORING ELLEN AND PAUL LEWIS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, when committed and proactive citizens are dedicated to the community, it is important to recognize and honor their actions. Ellen and Paul Lewis embody that type of commitment to the Shaarei Tikvah community.

Ellen grew up in Mt. Vernon, where her parents were active in the Emanuel Jewish Center. Ellen found a real passion in Hebrew School, becoming the first woman to chant Haftarah on a Shabbat morning in the early 1990s. Ellen later attended Tufts University, earning her Master's in Math Education at Yeshiva University and returned to Mt. Vernon upon graduation to teach math at Mt. Vernon High School.

Paul was born in Alton, Illinois, and later moved to Lake Charles, Louisiana. He attended St. Michaels College in Santa Fe, New Mexico, and earned his Master's Degree at Notre Dame.

Ellen and Paul were introduced while the two taught together in Mount Vernon. Their love story grew from there, and they married in August 1973. Together they have a daughter, Rachel, a pediatric critical care physician in the metropolitan area.

To both Ellen and Paul, Shaarei Tikvah means one word: community. At Shaarei Tikvah, Ellen has chaired the Adult Education Committee for ten years, the Ritual Committee for two years, and serving the Board of Trustees and the School Board. Ellen still reads Haftarah four to six times a year and often chants from the Megillah on Purim. Paul has also been actively involved in the Shaarei Tikvah community, knowing how important it is to both Ellen and the Scarsdale community as a whole.

This year, Shaarei Tikvah is honoring both Ellen and Paul at their annual JeoPARTY dinner. I want to congratulate both of them on this wonderful honor, and on the occasion and thank them for all they do for both the Shaarei Tikvah and Westchester Communities.

TRIBUTE TO NICK HARRIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise to honor and congratulate Nick Harris of Atlantic, Iowa, for his selection by the Young Professionals of Atlantic for the Young Professional

Newcomer Award. Nick is a representative of the Brocker, Karns, and Karns Insurance Agency.

Mr. Harris was selected for this honor because he has lived and worked in the Atlantic area for over two years, leaving an indelible impression by his contributions to the community. He is a leader in the community with undoubtedly, a lasting impact on Atlantic. He is an advocate of supporting local businesses and building relationships in the community. He leads the "Around Atlantic" campaign, introducing newcomers to the community and sharing all the positive things happening in Atlantic.

I applaud and congratulate Nick Harris for earning this award. He is a shining example of how hard work and dedication will affect the future of a community. I urge my colleagues in the U.S. House of Representatives to join me in congratulating Nick Harris for his many accomplishments and service to the Atlantic community. I wish him continued success in all his future endeavors.

TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT

HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce my legislation that extends the deadline for commencement of construction of a hydroelectric project in my district. Specifically, this legislation will provide for a commencement of construction deadline extension for the Enloe Dam Hydroelectric Project that is being developed in Washington State by the Okanogan Public Utility District, in partnership with Energy Northwest.

On July 9, 2013, the Federal Energy Regulatory Commission (FERC) granted the Okanogan Public Utility District an original license for the Enloe Dam Hydroelectric Project, which will be located at the existing Enloe Dam that is situated about 3.5 miles northwest of the City of Oroville in the State of Washington. The current Enloe Dam was constructed in 1920 on Bureau of Land Management (BLM) land for power generation. However, operations ceased in 1958 when the extension of Bonneville Power Administration's high voltage transmission line into the Okanogan Valley provided a less expensive source of power. The proposed Enloe Dam Hydroelectric Project makes economic and environmental sense as it will convert currently untapped energy in existing flow releases into clean, renewable electricity.

The Enloe Dam Hydroelectric Project will have a footprint that is roughly half the size of the existing facility but will provide approximately three times the generating capacity of the decommissioned plant. Completion of the Project will provide Washingtonians and the Pacific Northwest region with a clean, renewable energy resource that generates an estimated 45,000 megawatt hours per year of carbon-free, renewable power. Additionally, the proposed project will create jobs and needed employment opportunities in a region with an unemployment rate that far exceeds the national average, underscoring the many positive benefits this project will have for the local community, state, and region.

The legislation will allow for development of this critical hydropower facility to move forward under a realistic regulatory timeline and in a manner consistent with prior Congressional actions on similar projects. By passing this measure and extending the commencement of construction deadline for the Enloe Dam Hydroelectric Project, Congress can help spur hydropower development in Central Washington and ensure the Project's many benefits are realized. For these reasons I urge my colleagues to support this commonsense legislation, which will have a positive and lasting impact on the region's energy supply and economic viability.

IN HONOR OF GEORGETTE WHITE MOON'S PUBLIC SERVICE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Georgette White Moon's years of public service.

City Councilwoman Moon was elected in 2004 and will retire this year. She represents District 3 on the Tuskegee City Council in Tuskegee, Alabama.

She was born to the late George and late Carrie White and earned her Bachelor's degree at Alabama State University. Next Ms. Moon earned her Master's degree at Michigan State University and pursued postgraduate studies at Tuskegee University.

She is an active member of Alpha Kappa Alpha Sorority, Inc., Friends of the Tuskegee Airmen National Historic Site and Bethel Baptist Church.

She received numerous honors as a teacher and taught in schools in Florida, South Carolina, Washington, D.C., Colorado, Virginia, Japan, and Alabama. She was the first African-American to teach at Punaho School that President Obama attended in Hawaii.

She returned to Tuskegee after retiring from her teaching career. As a city councilwoman, some of her accomplishments include: downtown improvements, development of Washington Plaza, increased number of retail stores and sales tax revenues and street paving in several neighborhoods.

She also served eight years on the Utilities Board of Tuskegee and on Head Start Policy Council.

She has a daughter, Antoinette Moon Harlan; a son-in-law, Robert Harlan; and a grandchild, Aspen Moon Harlan.

Mr. Speaker, please join me in recognizing Honorable City Councilwoman Georgette White Moon and her service to the city of Tuskegee.

RECOGNIZING MICHAEL RUBINGER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Michael Rubinger, President and CEO of the Local Initiatives Support Corporation (LISC).

Mr. Rubinger will be retiring from LISC later this month after 17 years as its creative and results driven CEO. During his tenure, LISC has grown into one of the largest and most well respected non-profits focusing on community and economic development in distressed neighborhoods throughout the country.

LISC equips struggling communities with the capital, strategy and technical expertise to make change imaginable. Working with local leaders, LISC invests in housing, health, education, public safety and employment—all basic needs that need to be addressed at the same time for communities to succeed.

Michael Rubinger was hired as a LISC program officer shortly after the establishment of the organization. He now completes his more than four decades of service to the organization and leaves in place a reliable, constructive, and innovative partner in community redevelopment made stronger by his stewardship and leadership and the lasting impact that his career has made on the community development field.

Among other notable achievements, Michael oversaw the development and implementation of LISC's Building Sustainable Communities initiative, a transformative approach to investing in communities which focuses on proving a comprehensive framework to meeting the needs of the community, including investments in housing, economic development, income and wealth building, education, health, and community safety.

LISC and hundreds of neighborhoods across the country are stronger because of Michael Rubinger's vision for healthy and robust communities. He knows the importance of hearing the voices of those in the community and of making sure that key local stakeholders come together to find common ground.

Michael is leaving LISC on a high note. 2015 was among the best years in LISC's history, including a record number of program and investment milestones, such as financing 21,000 affordable homes and apartments, opening its 80th Financial Opportunity Center in order to help residents build a more stable future, and establishing new partnerships nationwide. All of that contributed to LISC's $1.3 billion in program and investment activity for 2015, an amazing accomplishment.

I have seen firsthand his influence in Toledo, Ohio. His comprehensive approach to revitalization was evident when LISC opened its Toledo office in 1989. It was my honor to introduce LISC to Toledo back then, and I am proud to be associated with the organization that has helped distressed neighborhoods across Ohio.

With 16,000 Toledo homeowners unable to afford the cost of major exterior maintenance, Toledo LISC, the Toledo Fair Housing Center and the Lucas County Land Bank created the Martin Luther King, Jr. Inclusive Communities initiative to help those in need.

In 2015, nearly 150 families were provided with a complete roof and gutter replacement. The roof and gutter replacements have helped individual homeowners, who live at or below 120 percent AMI, to preserve their property while shoring up Toledo's housing stock overall.

These homeowners also participated in financial literacy and homeownership counseling workshops offered by two LISC-backed

Financial Opportunity Centers (FOCs). The FOCs provided counseling and education to 234 homeowners who applied under the program.

I am especially proud of Toledo LISC's work but also know that these efforts are not unique to Toledo—that similar stories have occurred in the 30-plus cities where LISC offices are located, as well as in the over 14,000 rural counties that LISC serves through its national rural program, Rural LISC.

It is with great admiration that I pay tribute to Michael Rubinger and to his legacy of service on behalf of low-income families and communities. His unwavering dedication to making communities better and more viable through economic development initiatives in hundreds of urban and rural areas should be commended.

I know my colleagues in the House of Representatives will join me in congratulating Michael Rubinger on his retirement and in thanking him for his noble choice to spend his most productive years in making America and her neighborhoods better for his efforts.

TRIBUTE TO MAURICE HERR

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize Maurice Herr of Dallas Center, Iowa, on the celebration of his 100th birthday. He spent a lifetime farming and raising his family in the Dallas Center area. As a farmer by profession, it is only fitting that Mr. Herr is an avid John Deere collector, showing off many of his collectibles and memorabilia at his residence. He is an avid Iowa Hawkeyes fan, as evidenced by his ever-present Hawkeye cap.

Our world has changed immensely during the course of Maurice's life. Since his birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones, and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism, and witnessed the birth of new democracies. Mr. Herr has lived through seventeen United States Presidents and twenty-one Governors of Iowa. In his lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Mr. Herr in the United States Congress. It is my pleasure to wish him a very happy 100th birthday. I ask that my colleagues in the United States House of Representatives join me in congratulating Maurice Herr for reaching this incredible milestone and in wishing him nothing but the best.

TRIBUTE TO KEVIN HENDRICK

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I want to recognize Mr. Kevin Hendrick for receiving the Governor's Shine Award.

Mr. Hendrick is the principal of Northeast High School in St. Petersburg and received the award for his contributions to education at his school. Mr. Hendrick has been involved with schools for eighteen years, and is a past recipient of the Principal of the Year award.

Mr. Hendrick utilizes Advancement Via Individual Determination (AVID), a program to help diminish the achievement gap for students who are the first member of their family to go to college.

Mr. Speaker, I want to thank Mr. Kevin Hendrick for his commitment to our community and for ensuring students can reach their goals. I ask that this body join me in recognizing Mr. Hendrick for his hard work and congratulating him on receiving the Shine Award. It is most deserving.

HONORING ELISE AND BARRY RICHMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, I rise today to honor two members of the New Rochelle community who this year have the distinct privilege of being named honorees at the Beth El Synagogue Annual Gala, Elise and Barry Richman.

For nearly 30 years, Elise and Barry have been dedicated and active members of the Beth El community in New Rochelle. Elise grew up in Yonkers, where her parents remain members. She attended Hebrew School, celebrated her bat mitzvah, and led Junior Congregation services there. When LPJC started sending its Hebrew School graduates to Beth El's Community Hebrew High School, Elise was in the first group of students to carpool to New Rochelle. After high school, Elise headed to Boston to attend the Boston University where she met Barry. Three years later, they were married. In 1987, expecting their first child, the Richmans decided to move to New Rochelle to be closer to family.

Elise and Barry happily relocated and immediately joined Beth El Synagogue Center, since Elise's older brother Teddy and wife, Beth, were already members, and her former teacher, Rabbi Sirner, was now Beth El's senior rabbi. As Elise and Barry's family grew, it was enriched by Beth El in countless ways. Not only did they regularly attend Shabbat and holiday services with their family, their children benefitted from Beth El's terrific Nursery School, summer camp, Religious School, youth services, and programming.

But Elise and Barry take the greatest pride in their three grown children, Nate, Allison, and Jason, all living in Manhattan. They are the light of the happy couple's lives, and each one is incredibly accomplished and successful in their own right.

The Beth El Synagogue community is lucky to have Elise and Barry, and they are very worthy of this honor. Congratulations to them.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE BENNY PARSONS

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and remember my friend, the late racing legend, Benny Parsons upon his induction into the eighth class of the NASCAR Hall of Fame.

While he was born in Ellerbe, North Carolina, Benny Parsons grew up in the beautiful Blue Ridge Mountains of Wilkes County. After high school he moved to Detroit, Michigan to work for his father's taxi company. After being invited to a local race track by a customer, fate intervened when he was asked to be the driver for the race that night. In that moment a racing legend was born.

In 1970, Mr. Parsons joined the NASCAR circuit full time as a driver and it wasn't long until he won his first championship. A humble victor, he was described by many as an "everyman champion." In his career as a driver he amassed 21 victories and managed to finish in the top ten 283 times, roughly 54 percent of his races. Following his driving career, he seamlessly transitioned to television as a very popular announcer until his death in 2007. I got to know Benny while serving on a YMCA board that he chaired in Concord, NC. I will always remember his integrity, humble nature and infectious humor. While he is sorely missed by the racing community, his legacy will now live on as a member of the Hall of Fame.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Parsons is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in honoring Benny Parsons, a 2017 inductee of the NASCAR Hall of Fame.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $19,222,275,711,902.53. We've added $8,595,398,662,989.45 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO CHRISTINA BATEMAN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise to honor and congratulate Christina Batemen of Atlantic, Iowa, for her selection by the Young Professionals of Atlantic for the Young Professional Public Service Award. Ms. Bateman is a representative of the Meyer and Gross Real Estate Agency.

Christina Bateman was selected for this recognition for her outstanding leadership and integrity in social and civic activities as well as her dedication to the Atlantic community. Christina is a constant advocate for the greater good in the Atlantic area. Many have said she is a "perfect fit" for this award because of her involvement in various community and civic organizations in the community.

I applaud and congratulate Christina Bateman for earning this award. She is a shining example of how hard work and dedication can affect the future of a community. I urge my colleagues in the U.S. House of Representatives to join me in congratulating Christina Bateman for her many accomplishments and for her service to Iowa as well as to the Atlantic community. I wish her continued success in all her future endeavors.

RECOGNIZING THE WORK OF DOMENIKA LYNCH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to thank Domenika Lynch for her ten years of service as the executive director of the University of Southern California's (USC) Latino Alumni Association (LAA), and also to congratulate her on becoming the next president and CEO of the Congressional Hispanic Caucus Institute (CHCI) in Washington, DC.

Ms. Lynch has dedicated years of her personal and professional life to serving Latinos and the greater Los Angeles community. In addition to her work for the LAA, Domenika has been a part of the USC Neighborhood Outreach Grants Committee, has been named a Los Angeles Community Hero by Telemundo, has received an Educational Leadership Award from Saber es Poder, and has served on a variety of scholarship and advocacy boards.

A Trojan alumna herself, Domenika has been a thoughtful and successful leader of one of the strongest Latino alumni associations in the country. During her time guiding the LAA, it has continued to invest in student scholarship and mentorship support, while effectively engaging alumni, building campus and community partnerships, and securing philanthropic support.

Under her tenure, the LAA, its Board of Directors, its Corporate Advisory Council, and its alumni volunteers have raised over $15 million towards scholarships and other key university initiatives. Today, the LAA is stronger than ever. Its endowment has more than tripled, and its donor base is growing. This type of engagement creates an environment for students to thrive, and encourages these students to remain committed to their USC community long after they have left campus.

I am confident that Ms. Lynch will be equally successful in leading CHCI, which has been a trailblazer in developing the next generation of Latino leaders in our nation's capital. As our country writes another chapter in its history, Domenika's guidance will ensure that CHCI continues to increase opportunities for young Latinos, and keeps encouraging greater diversity and equity in the ranks of America's future leaders.

I ask my colleagues to join me in saluting Domenika Lynch for her outstanding record of leadership and service, and in wishing her the very best as she begins the newest chapter of her career.

PERSONAL EXPLANATION

HON. MARK SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. SANFORD. Mr. Speaker, with it being Primary Day back in South Carolina, I returned home to vote but unfortunately did not make it back in time for the first vote series in the House yesterday. Had I been present, I would have voted "yea" on roll call 299, "aye" on roll call 300, and "yea" on roll call 301.

CONGRATULATING THE BULL RUN CIVIL WAR ROUND TABLE ON ITS 25TH ANNIVERSARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the Bull Run Civil War Round Table on the occasion of its 25th anniversary.

Established on May 9, 1991, the Bull Run Civil War Round Table (BRCWRT) was founded to promote a better understanding of the Civil War and preserve the historic sites associated with the War's most important moments. Through lectures, research, field trips and active participation in the stewardship of Civil War sites, the group has made a lasting contribution to the preservation of Civil War history.

In order to promote a passion for history in the next generation, the BRCWRT awards annual scholarships to students who have researched and written about the War's remaining untold stories and mysteries. The BRCWRT also offers a variety of programs featuring knowledgeable, respected Civil War historians, academics, writers, and lecturers to educate enthusiasts and the general public. I have been proud to be a partner in the promotion and preservation of our region's rich Civil War history during my time in Congress and as a member of the Fairfax County Board of Supervisors.

The Civil War was a fateful moment in our nation's history. The War pitted brother against brother and threatened to tear apart the fabric of our young republic. Preservation of historic battlefields, homes, and other monuments ensures that we will never forget the sacrifices and pain the Civil War inflicted upon our nation, and, hopefully, through remembrance and understanding we heed the lessons of our past.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bull Run Civil War Round Table on the occasion of its 25th anniversary and in commending the organization for its efforts to preserve Civil War history.

RECOGNIZING DAVID CHRISTOPHER MEYER

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. BUCK. Mr. Speaker, I rise today to recognize David Christopher Meyer of Boy Scouts of America Troop 261. On July 2nd of this year, David will be awarded the rank of Eagle Scout for his outstanding accomplishments.

Throughout his time in scouting, David has grown to be a leader of other young men and is dedicated to the service of others. He graduated Big Horn National Youth Leadership training, served as a crew leader on an 85 mile backpacking trek at Philmont Scout Ranch, has been elected to the Order of the Arrow, and is currently serving as his troop's Senior Patrol Leader.

For his Eagle project David worked with Drifter's Hearts of Hope, a nonprofit institute that rescues horses selected for slaughter and uses them for therapy with disabled children. After rescuing a mare named Cabo, David and his team designed and built a shelter for her. Cabo was then designed to David's childhood friend, who has been battling a life threatening illness. David received the Eagle Project of the Year Award for the Pioneer Trails District for his project, being one of 8 young men recognized by the Optimist Club out of nearly 500 Eagle Scouts.

Mr. Speaker, it is an honor to recognize David Christopher Meyer for his many accomplishments.

TRIBUTE TO GEETIKA KANAPARTI

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Geetika Kanaparti of West Des Moines, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Geetika is one of six State of Iowa honor students selected to attend.

Geetika is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Geetika as a luminary in the advanced study of medicine.

Geetika Kanaparti is a student from West Des Moines, Iowa and was nominated by The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Geetika makes a difference by serving others. It is with great honor that I recognize Geetika today. I know that my colleagues in the U.S. House of Representatives join me in honoring Geetika Kanaparti's accomplishments. Geetika will obtain the goals and dreams of many medical professionals.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE RICHARD CHILDRESS

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and congratulate racing legend and my friend Richard Childress upon his induction into the eighth class of the NASCAR Hall of Fame.

Mr. Childress began his racing career at the age of seventeen when he bought his first race car for $20. He may not have known it then, but this was the very beginning of what would become one of the most legendary careers in the history of motorsports. As a driver, Richard Childress enjoyed success including six top-five finishes and 76 top 10's. In 1981, he retired from driving to focus on leading Richard Childress Racing which he had founded nine years earlier.

Through the years Richard Childress established his team as the preeminent force in NASCAR. In 1984, ''The Intimidator'' Dale Earnhardt returned to Richard Childress Racing to create one of the most successful partnerships ever. Winning six championships together, the pair solidified their place in the record books. In total, Childress has won 11 championships making him second on the all-time list for owners. Mr. Childress' contributions to racing are truly immeasurable and now he will be remembered forever as a member of the Hall of Fame.

Mr. Childress has also made a great impact on the community by serving others outside of racing. In 2008, the Childress family launched the Childress Institute for Pediatric Trauma in coordination with Wake Forest Baptist Medical Center in Winston-Salem, NC. Through their work, the Childress Institute has led the way in the pioneering prevention and treatment techniques for severe injuries in children. Mr. Childress and the Childress Institute have been instrumental in raising national awareness of this issue including the launch of the Congressional Pediatric Trauma Caucus.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Childress is extremely deserving of this honor for his many contributions to the sport.

Mr. Speaker, please join me today in congratulating Richard Childress, his wife Judy, and their entire family on Richard's induction to the NASCAR Hall of Fame.

TRIBUTE TO JEREMY TINTER AND NICHOLAS EBERHARDT

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I would like to recognize Jeremy Tinter and Nicholas Eberhardt who received the American Ambulance Association's Stars of Life Award. The National Award recognizes those professionals with outstanding service and dedication.

Mr. Tinter is a paramedic and a clinical services coordinator. He oversees employee orientation and acts as the field training officer at Sunstar Paramedics. He has overhauled the orientation process to increase the capstone testing rates and onboard new paramedics more efficiently.

Mr. Eberhardt is an emergency medical technician who has shown great leadership skills by mentoring new employees and providing excellent patient care. He was also a part of the team that started the Paramedics Plus' operation in South Dakota. He has previously received the Sunstar Paramedics' Care Plus award.

Mr. Speaker, I want to recognize these two exceptional individuals for the hard work and care they provide to Pinellas County. They give their time to help members of our community in life threatening incidents. I ask that this body join me in recognizing their efforts.

HONORING COMMUNITY PROJECTS, INC.

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Community Projects, Inc., which is celebrating its 75th year supporting community organizations in Napa, California.

Community Projects, Inc. has operated as a nonprofit, nonsectarian woman's volunteer organization since its founding in 1941. Formerly called the Napa Chapter of the British War Relief, its original members sewed and prepared ''Bundles for Britain,'' which provided clothing to families in the United Kingdom during World War II.

The organization changed its name to Community Projects, Inc. after the war ended, shifting its focus from aiding families affected by conflict abroad to supporting local schools, clubs, and social services with proceeds raised from thrift shop sales. Community Projects, Inc. eventually moved to a larger facility on Franklin Street, which was expanded in 1980 to accommodate the organization's progress.

Since its incorporation, Community Projects, Inc. has raised over $11 million for philanthropic causes in our Napa community. Local organizations that received major grants in 2015 include Girls on the Run, the Napa Food Bank, and the Pathway Home. Community Projects, Inc. also provided more than $100,000 in donations to local schools and student scholarships. Volunteer members of Community Projects, Inc. make the organization's work possible, and they collectively contributed 44,020 hours during 2015, including countless hours to make two major annual events possible, ''Puttin on the Glitz'' and ''Treasures of Christmas Past.''

Mr. Speaker, Community Projects, Inc. is an exemplary organization that makes a meaningful impact in our community. And thanks to its unrivaled dedication to charitable giving, Community Projects, Inc. will continue to benefit Napa County for generations. Therefore, it is fitting and proper that we honor Community Projects, Inc. here today.

TRIBUTE TO KAYLA MAYHEW

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Kayla Mayhew of Glenwood, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Kayla is one of six State of Iowa honor students selected to attend.

Kayla is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Kayla Mayhew as a luminary in the advanced study of medicine.

Kayla Mayhew is a student at Glenwood Senior High School in Glenwood, Iowa. She was nominated by school officials and The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Kayla makes a difference by serving others. It is with great honor that I recognize Kayla Mayhew today. I know that my colleagues in the U.S. House of Representatives join me in honoring her accomplishments. Kayla Mayhew will obtain the goals and dreams of many medical professionals.

TRIBUTE TO ROBIN READ BRUNELLI

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on June 2, 2016, Robin Read Brunelli passed away after a prolonged struggle with heart failure. Robin was President and CEO of the National Foundation for Women Legislators (NFWL) from 1992 to 2012 and made an extraordinary impact on women in politics.

Robin was born in Shenandoah, Iowa, on March 7, 1943. She attended the University of New Mexico where she was a big reader of the works of William Shakespeare. For the twenty-two years she lived in Albuquerque, she was a realtor, a much loved high school teacher, and the host of a cooking and recipe show called ''Kitchen Klatter.''

For the two decades she was at the NFWL, Robin helped transform the organization. The NFWL has served as a forum for elected women nationwide to be empowered. The organization includes all women elected at the city, county, and state levels.

From 1985 to 1992, Robin served as a Presidential appointee serving the Governors of the Federal Reserve Board. Robin helped improve the effectiveness of training at the Fed's banking school. Robin continued to serve the community by serving on the boards of numerous nonprofits and corporations. Her most proud work was for the National Women's History Museum.

Robin was a lifelong member of the Church of Christ, Scientist, and lived a devout life.

Robin is survived by her loving husband and two daughters. She leaves behind an amazing legacy of service to her community and will remain a model for young women to exemplify. Her memory and achievements will never be forgotten.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 16, 2016 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9:30 a.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Communications, Technology, Innovation, and the Internet

To hold an oversight hearing to examine FirstNet, focusing on an update on the status of the Public Safety Broadband Network.

SR–253

Committee on the Judiciary

To hold hearings to examine the nominations of Jennifer Klemetsrud Puhl, of North Dakota, to be United States Circuit Judge for the Eighth Circuit, Donald C. Coggins, Jr., to be United States District Judge for the District of South Carolina, David C. Nye, to be United States District Judge for the District of Idaho, and Kathleen Marie Sweet, to be United States District Judge for the Western District of New York.

SD–226

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual monetary policy report to the Congress.

SH–216

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the ideology of ISIS.

SD–342

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

To hold an oversight hearing to examine the Bureau of Land Management's Planning 2.0 initiative.

SD–366

Committee on Foreign Relations

To hold hearings to examine the nominations of Anne Hall, of Maine, to be Ambassador to the Republic of Lithuania, and Lawrence Robert Silverman, of Massachusetts, to be Ambassador to the State of Kuwait, both of the Department of State.

SD–419

Committee on Health, Education, Labor, and Pensions

Subcommittee on Primary Health and Retirement Security

To hold hearings to examine small business retirement pooling, focusing on examining open multiple employer plans.

SH–216

Committee on Veterans' Affairs

To hold hearings to examine the nomination of Christopher E. O'Connor, of Virginia, to be an Assistant Secretary of Veterans Affairs, Congressional and Legislative Affairs.

SR–418

JUNE 22

10 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine renewing communities and providing opportunities through innovative solutions to poverty.

SD–342

Committee on the Judiciary

To hold an oversight hearing to examine the Drug Enforcement Administration.

SD–226

10:30 a.m.

Committee on Foreign Relations

To hold closed hearings to examine security assistance, focusing on cutting through a tangled web of authorities.

SVC–217

2:15 p.m.

Committee on Indian Affairs

To hold an oversight hearing to examine accessing Department of Agriculture rural development programs in native communities.

SD–628

2:30 p.m.

Committee on Environment and Public Works

Subcommittee on Clean Air and Nuclear Safety

To hold hearings to examine pathways towards compliance of the National Ambient Air Quality Standard for ground-level ozone, including S. 2882, to facilitate efficient State implementation of ground-level ozone standards, and S. 2072, to require the Administrator of the Environmental Protection Agency to establish a program under which the Administrator shall defer the designation of an area as a non-attainment area for purposes of the 8-hour ozone national ambient air quality standard if the area achieves and maintains certain standards under a voluntary early action compact plan.

SD–406

Committee on Veterans' Affairs

To hold hearings to examine the progress and challenges in modernizing information technology at the Department of Veterans Affairs.

SR–418

JUNE 23

10 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine an original bill entitled, ''Wildfire Budgeting, Response and Forest Management Act of 2016''.

SD–366

Committee on Homeland Security and Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine customer service and billing practices in the cable and satellite television industry.

SD–342

JUNE 28

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

To hold an oversight hearing to examine the status of the the Bureau of Land Management and Forest Service's efforts to implement amendments to land use plans and specific management plans regarding sage grouse conservation, and those agencies' coordination activities with affected states.

SD–366

JUNE 30

10 a.m.

Committee on Small Business and Entrepreneurship

To hold hearings to examine small business survival amidst flood insurance rate increases.

SR–428A

JULY 13

10:30 a.m.

Committee on Appropriations

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies

To hold hearings to examine a review of the Department of Veterans Affairs' electronic health record (VistA), progress toward interoperability with the Department of Defense's electronic health record, and plans for the future.

SD–124

JULY 14

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine evaluating the financial risks of China.

SD–538

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3875–S4256

Measures Introduced: Five bills were introduced, as follows: S. 3058–3062. **Page S3984**

Measures Reported:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2017''. (S. Rept. No. 114–278)

Report to accompany S. 3017, to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. (S. Rept. No. 114–277) **Page S3984**

Measures Considered:

Commerce, Justice, Science, and Related Agencies Appropriations Act—Agreement: Senate began consideration of H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto:

Pages S3879–S3977

Pending:

McConnell (for Shelby/Mikulski) Amendment No. 4685, in the nature of a substitute. **Page S3892**

Shelby Amendment No. 4686 (to Amendment No. 4685), to make a technical correction.

Page S3892

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Thursday, June 16, 2016.

Page S4255

Messages from the House: **Page S3983**

Measures Referred: **Page S3983**

Executive Communications: **Pages S3983–84**

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Amendments Submitted: **Pages S3985–S4010**

Authorities for Committees to Meet:

Pages S4010–11

Adjournment: Senate convened at 9:30 a.m. on Wednesday, June 15, 2016 and adjourned at 2:13 a.m. on Thursday, June 16, 2016, until 10 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4255.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: FINANCIAL SERVICES AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Financial Services and General Government approved for full committee consideration an original bill entitled, ''Financial Services and General Government Appropriations Act, Fiscal Year 2017''.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 2283, to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements, with an amendment in the nature of a substitute;

S. 1490, to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors;

S. 3038, to reauthorize the Coastal Zone Management Act of 1972, with an amendment in the nature of a substitute; and

The nominations of Rear Adm. Marshall B. Lytle III, and Vice Adm. Fred M. Midgette, both to be Vice Admiral, USCG, Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner, and Blair Anderson, of California, to be Under Secretary of Transportation for Policy.

COAST GUARD'S INCREASING DUTIES

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine assessing the Coast Guard's increasing duties, focusing on drug and migrant interdiction, after receiving testimony from Admiral Paul F. Zukunft, Commandant, Coast Guard, Department of Homeland Security.

NATIONAL PARKS LEGISLATION

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 2839 and H.R. 3004, bills to amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission, H.R. 3036, to designate the National September 11 Memorial located at the World Trade Center site in New York City, New York, as a national memorial, H.R. 3620, to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, H.R. 4119, to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, S. 211, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 630, to establish the Sacramento-San Joaquin Delta National Heritage Area, S. 1007, to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the Dayton Aviation Heritage National Historical Park, S. 1623, to establish the Maritime Washington National Heritage Area in the State of Washington, S. 1662, to include Livingston County, the city of Jonesboro in Union County, and the city of Freeport in Stephenson County, Illinois, to the Lincoln National Heritage Area, S. 1690, to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington, S. 1696 and H.R. 482, bills to redesignate the Ocmulgee National Monument in the State of Georgia, to revise the boundary of that monument, S. 1824, to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Finger Lakes National Heritage Area, S. 2087, to modify the boundary of the Fort Scott National Historic Site in the State of Kansas, S. 2412, to establish the Tule Lake National Historic Site in the State of California, S. 2548, to establish the 400 Years of African-American History Commission, S. 2627, to adjust the boundary of the Mojave National Preserve, S. 2807, to amend title 54, United States Code, to require State approval before the Secretary of the Interior restricts access to waters under the jurisdiction of the National Park Service for recreational or commercial fishing, S. 2805, to modify the boundary of Voyageurs National Park in the State of Minnesota, S. 2923, to redesignate the Saint-Gaudens National Historic Site as the "Saint-Gaudens National Park for the Arts", S. 2954, to establish the Ste. Genevieve National Historic Site in the State of Missouri, S. 3020, to update the map of, and modify the acreage available for inclusion in, the Florissant Fossil Beds National Monument, S. 3027, to clarify the boundary of Acadia National Park, and S. 3028, to redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness, after receiving testimony from Stephanie Toothman, Associate Director, Cultural Resources, Partnerships, and Science, National Park Service, Department of the Interior.

CHALLENGES AND OPPORTUNITIES FOR U.S. BUSINESS

Committee on Finance: Committee concluded a hearing to examine challenges and opportunities for United States business in the digital age, after receiving testimony from Bruce Foucart, Assistant Director, National Intellectual Property Rights Coordination Center, Homeland Security Investigations, Immigration and Customs Enforcement, Department of Homeland Security; Norman T. Schenk, UPS, Washington, D.C.; and Tom Triggs, Belkin International, Inc., Playa Vista, California.

BARRIERS TO EDUCATION GLOBALLY

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues concluded a hearing to examine barriers to education globally, focusing on getting girls in the classroom, after receiving testimony from Cathy Russell, Ambassador-at-Large for Global Women's Issues, Department of State; Susan Markham, Senior Coordinator for Gender Equality and Women's Empowerment, United States Agency for International Development; Linda Hiebert, World Vision International, and Meighan Stone, The Malala Fund, both of Washington, D.C.; and Kakenya Ntaiya, Kakenya Center for Excellence, Narok County, Kenya.

U.S. POLICY IN LIBYA

Committee on Foreign Relations: Committee concluded a hearing to examine United States policy in Libya, after receiving testimony from Jonathan M. Winer, Special Envoy for Libya, Department of State.

AMERICA'S DEMAND FOR DRUGS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine

America's insatiable demand for drugs, focusing on examining solutions, after receiving testimony from D. Scott MacDonald, Providence Crosstown Clinic, Vancouver, British Columbia; Ethan Nadelmann, Drug Policy Alliance, New York, New York; David Murray, Hudson Institute, Washington, D.C.; and Chief of Police Frederick Ryan, Arlington, Massachusetts, on behalf of the Police Assisted Addiction Recovery Initiative.

CHILD CARE DEVELOPMENT BLOCK GRANT ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine Child Care Development Block Grant Act of 2014, focusing on perspectives of stakeholders, after receiving testimony from Linda Smith, Deputy Assistant Secretary of Health and Human Services for Early Childhood Development, Administration for Children and Families; Myra Jones-Taylor, Connecticut Office of Early Childhood Commissioner, Hartford; Sheila Hoyle, Southwestern Child Development Commission, Webster, North Carolina; Margaret Williams, Maryland Family Network, Baltimore; and Le'Vaughn Westbrook, Falls Church, Virginia.

INNOVATIONS TO PROMOTE FINANCIAL SECURITY

Special Committee on Aging: Committee concluded a hearing to examine innovations to promote Americans' financial security, after receiving testimony from Catherine Collinson, Transamerica Center for Retirement Studies, Los Angeles, California; Timothy Flacke, Doorways to Dreams Fund, Allston, Massachusetts; Aron Szapiro, Morningstar, Washington, D.C.; and Brian K. Plum, Blue Ridge Bank, Luray, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 5483, 5484, 5486–5493; and 5 resolutions, H. Con. Res. 137; and H. Res. 785–788 were introduced. **Pages H3913–14**

Additional Cosponsors: **Pages H3914–15**

Report Filed: A report was filed today as follows:

H.R. 5485, making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes (H. Rept. 114–624). **Page H3913**

Recess: The House recessed at 11 a.m. and reconvened at 12 noon. **Pages H3825, H3833**

Guest Chaplain: The prayer was offered by the Guest Chaplain, Father Mina D. Essak, St. Mark Coptic Orthodox Church, Troy, Michigan. **Page H3833**

Reception in the House Chamber of Former Members of Congress: Agreed by unanimous consent that the proceedings during the former Members program be printed in the Congressional Record and that all Members and former Members who spoke during the proceedings have the privilege of revising and extending their remarks. **Page H3837**

Recess: The House recessed at 1:13 p.m. and reconvened at 2 p.m. **Page H3842**

Department of Defense Appropriations Act, 2017: The House considered H.R. 5293, making appropriations for the Department of Defense for the fiscal year ending September 30, 2017. Consideration is expected to resume tomorrow, June 16th. **Pages H3837–H3904**

Agreed to:

Jackson Lee amendment (No. 1 printed in H. Rept. 114–623) that increases funding for Military Personnel, Navy by $2 million and reduces the amount made available for the same account, by $2 million; **Pages H3864–65**

Hartzler amendment (No. 4 printed in H. Rept. 114–623) that increases funding for Army Ammunition Procurement by $20,000,000; **Page H3866**

Frelinghuysen en bloc amendment No. 1 consisting of the following amendments printed in H. Rept. 114–571: Rooney (FL) (No. 7) that restores TRICARE reimbursement rates for Applied Behavior Analysis under the Comprehensive Autism Demonstration; McSally (No. 47) that appropriates wing upgrades authorized for the A–10 and moves money from within the Air Force Aircraft Procurement OCO account to the A–10 wing upgrade; Jackson Lee (No. 49) that reduces funding for Environmental Restoration Army, by $1 million and increases funding for Defense Health Care for PTSD by a similar amount; Lowenthal (No. 50) that increases the STARBASE fifth grade youth STEM education program found in Operations and Maintenance, Defense-Wide, Civil Military Programs by $5 million,

and to reduce Operations and Maintenance, Army, Other Servicewide Activities by the offsetting amount; Coffman (No. 51) that requests a transfer of $6.086 million from within the Navy's fiscal year 2017 Operations & Maintenance (O&M) account, to increase funding for the Weapons Support, Fleet Ballistic Missiles, Project 934, Engineering and Technical Services sub-account managed by the Navy's Strategic Systems Program office; Duffy (No. 52) that reduces and then increases the amount in the Operations and Maintenance Defense-Wide fund by $1,000,000; this is the account that pays for the Student Transportation Security Services Program; McKinley (No. 53) that increases funding for the National Guard Youth Challenge Program (NGYCP) under Civil Military Programs by $5 million and decrease by the same amount Operations and Maintenance, Defense-Wide; Aguilar (No. 54) that appropriates $5 million for the Information Assurance Scholarship Program (IASP); a DoD program designed to address our cyber personnel demands through the recruitment and retention of top IT/Cybersecurity talent; Nadler (No. 55) that increases funding by $10 million for Israeli Cooperative Programs (procurement of the Iron Dome defense system) and offsets by reducing by $10 million the Operation and Maintenance, Defense-Wide account; Noem (No. 56) that increases Aircraft Procurement, Air Force by $7 million intended for B–1 Bomber modifications and decreases Operation and Maintenance, Defense-Wide by $7 million; Aderholt (No. 57) that reduces Defense Wide Operation and Maintenance funding by $17,000,000, and increases Research, Development, Test and Evaluation, Army funding by $17,000,000; Grayson (No. 58) that increases the Research, Development, Test and Evaluation, Army account by $5 million and offsets it by reducing $5 million from Operation and Maintenance, Defense-wide account; Bera (No. 59) that increases funding for the Defense Advanced Research Projects Agency by $5 million, offset with a reduction from Operation and Maintenance; Grayson (No. 60) that increases funding for prostate cancer research under the Defense Health Program by $5 million; Grayson (No. 61) that increases funding for Gulf War illness research under the Defense Health Program by $1 million; Hartzler (No. 62) that increases Defense Health Program Funding by $5,000,000; Meng (No. 63) that moves $8 million from the Operation and Maintenance, Defense-Wide account to the Peer-Reviewed Cancer Research Program in order to make funding for brain cancer, colorectal cancer, listeria-based regimens for cancer, liver cancer, melanoma, mesothelioma, pancreatic cancer, and stomach cancer consistent with the funding levels in the FY17 Senate DOD appropriations bill; Nolan (No. 64) that provides an additional $2 million for the Department of Defense's Lung Cancer Research Program and decreases the Operation and Maintenance, Defense-wide account by the same amount; Delaney (No. 65) that provides for an additional $5 million for the Fisher House Foundation which is offset by an outlay neutral reduction in the Operation and Maintenance, Defense-wide account; Fitzpatrick (No. 66) that increases funding for the Tuberous Sclerosis Complex Research Program (TSCRP) at the Department of Defense (DoD) in the fiscal year 2017 Defense Appropriations Act by $2 million; Jackson Lee (No. 67) that reduces funding for Procurement, Defense-Wide, by $10 million and increases funding for Defense Health Programs by a similar amount in order to address breast cancer research; MacArthur (No. 68) that funds U.S.-Israel Cooperative Directed Energy missile defense research, development, testing, evaluation, and procurement at $25 million and reduces Missile Defense Agency Headquarters by $25 million; Larsen (WA) (No. 69) that reduces and then increases Navy RDT&E by $2 million to support F/A–18 squadron noise reduction programs; Gabbard (No. 70) that increases the Ballistic Missile Defense Sensors RDT&E Defense-Wide account by $5 million, with offset, to fund missile defense requirement for the Asia Pacific; Walberg (No. 71) that prohibits funds to be used for implementing the Department of Labor Office of Federal Contract Compliance Program's Directive 293; Grayson (No. 72) that prohibits DOD from entering into a contract with an entity that discloses, as it is required to by the Federal Acquisition Regulation, that it has been convicted of fraud or another criminal offense in the last three years in connection with obtaining, attempting to obtain, or performing a public contract or sub-contract; prohibits DOD from contracting with entities that have been notified of any delinquent Federal taxes for which the liability remains unsatisfied; and Yoho (No. 73) that blocks funds from being used to provide weapons or training to neo-Nazi Azov Battalion in Ukraine; **Pages H3868–70**

Paulsen amendment (No. 6 printed in H. Rept. 114–623) that increases funding for Defense Production Act purchases by $25 million for Strategic Radiation Hardened Microelectronics Trusted Foundry Sustainment; **Pages H3870–71**

Zinke amendment (No. 8 printed in H. Rept. 114–623) that appropriates $80,000,000 for the UH 1N Replacement Program, offset with $50,000,000 from the Office of the Secretary of Defense and $30,000,000 from the Washington Headquarters' Services accounts; **Page H3871**

Gibson amendment (No. 10 printed in H. Rept. 114–623) that reduces the Aerostat Joint Project Office funding by $1 million and increases the Weapons and Munitions Advanced Technology funding for extended range cannon artillery by $1 million; **Pages H3872–73**

Langevin amendment (No. 11 printed in H. Rept. 114–623) that appropriates $29,800,000 to Navy programs for the development and demonstration of advanced technologies, including high energy lasers and the Electromagnetic Railgun for naval weapon systems; **Pages H3873–74**

Wittman amendment (No. 14 printed in H. Rept. 114–623) that strikes Sec. 8055, which prohibits the Department from modifying the command and control relationships between U.S. Fleet Forces Command and the U.S. Pacific Fleet; **Page H3877**

Buck amendment (No. 23 printed in H. Rept. 114–623) that prevents DOD from partnering with private organizations to create or expand national heritage asset areas in southeast Colorado; **Pages H3885–86**

Hudson amendment (No. 28 printed in H. Rept. 114–623) that states no funds in this act may be used to transfer a detainee at Guantanamo Bay to any other location; **Pages H3890–91**

Reichert amendment (No. 35 printed in H. Rept. 114–623) that ensures no funds shall be used to implement President Obama's Executive Order 13688 limiting the donation of surplus federal equipment to state and local law enforcement as part of the DOD's Excess Property Program (1033 program); and **Pages H3899–H3900**

Cartwright amendment (No. 39 printed in H. Rept. 114–623) that requires that no funds be used to plan for, begin, continue, complete, process, or approve a public-private competition under the Office of Management and Budget Circular A–76. **Pages H3902–03**

Rejected:

Peters amendment (No. 18 printed in H. Rept. 114–623) that sought to strike the prohibition of funds to enforce section 526 that restricts Federal Agencies from entering into contracts to buy alternative fuels that are more polluting than conventional fuels (agreed by unanimous consent to withdraw the earlier request for a recorded vote). **Pages H3880–81**

Withdrawn:

Lujan Grisham (NM) amendment (No. 3 printed in H. Rept. 114–623) that was offered and subsequently withdrawn that would have increased funding for Air Force Research, Development, Test and Evaluation by $7 million to support the development of beam directors and adaptive optics, including deformable mirrors and high efficiency and high temperature diodes, that provide enabling technology for the development of high energy laser weapon systems; decreased funding in the Operations and Maintenance for the Army by $1 million, decreased funding in the Operations and Maintenance for the Navy by $3 million, and decreased funding in the Operations and Maintenance for the Air Force by $3 million; **Page H3866**

Meehan amendment (No. 5 printed in H. Rept. 114–623) that was offered and subsequently withdrawn that would have reduced and then increased, the amount in the Operations and Maintenance Defense-Wide fund by $7,000,000 to offer health screenings in communities near formerly used defense sites with contaminated groundwater; and **Pages H3866–68**

Duncan (TN) amendment (No. 20 printed in H. Rept. 114–623) that was offered and subsequently withdrawn that would have reduced the funding level for the Afghanistan Security Forces Fund of $3,448,715,000 by $448,715,000 to $3,000,000,000 and transfers that money for deficit reduction. **Page H3883**

Proceedings Postponed:

Shuster amendment (No. 2 printed in H. Rept. 114–623) that seeks to restore $170 million to Army Operations & Maintenance (O&M) for the purpose of preventing a cut to depots and the Organic Industrial Base (OIB), offset with funds from Operations & Maintenance Defense-Wide and non-critical environmental restoration accounts; **Pages H3865–66**

Ellison amendment (No. 9 printed in H. Rept. 114–623) that seeks to reprogram already appropriated funds to create an Office of Good Jobs for the Department of Defense; **Pages H3871–72**

Rogers (AL) amendment (No. 12 printed in H. Rept. 114–623) that seeks to add additional funding for directed energy and other research and development at the Missile Defense Agency; **Pages H3874–75**

Quigley amendment (No. 13 printed in H. Rept. 114–623) that seeks to decrease funding for the Long Range Standoff Weapon by $75,802,000 and increase the spending reduction account by the same amount; **Pages H3875–77**

O'Rourke amendment (No. 16 printed in H. Rept. 114–623) that seeks to strike Section 8121, which prevents the use of funds for proposing, planning, or executing a new Base Realignment and Closure (BRAC) round; **Pages H3877–78**

Huffman amendment (No. 17 printed in H. Rept. 114–623) that seeks to strike a provision of the bill requiring the Air Force to utilize specific energy sourced domestically within the United States as the base load energy for heating at U.S. defense installations in Kaiserslautern, Germany; **Pages H3878–80**

Poe (TX) amendment (No. 19 printed in H. Rept. 114–623) that seeks to cut funding to Pakistan from $900 million to $700 million; **Pages H3881–82**

Sanford amendment (No. 21 printed in H. Rept. 114–623) that seeks to ensure that the Department of Defense retains its statutory authority to provide new military recruits a small cash voucher that they can use to purchase running shoes for training; **Pages H3883–85**

Buck amendment (No. 22 printed in H. Rept. 114–623) that seeks to prohibit funds to implement Department of Defense (DOD) Directive 4715.21 on Climate Change Adaption and Resilience, requiring the Pentagon to prioritize climate change over national security; **Page H3885**

Byrne amendment (No. 24 printed in H. Rept. 114–623) that seeks to prohibit funds to be used to modify a military installation in the United States, including construction or modification of a facility on a military installation, to provide temporary housing for unaccompanied alien children; **Pages H3886–87**

King (IA) amendment (No. 25 printed in H. Rept. 114–623) that seeks to ensure no funds are used by the Department of Defense to carry out or in response to the memorandum of the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities titled ''Memorandum for Secretaries of the Military Departments Director, Joint Staff'' and dated November 25, 2015; **Pages H3887–88**

Gosar amendment (No. 26 printed in H. Rept. 114–623) that seeks to prohibit funds from being used by this Act to enlist DACA aliens in the military, who are currently only considered eligible through the MAVNI program as a result of a September 2014 memo from the administration; **Pages H3888–89**

King (IA) amendment (No. 27 printed in H. Rept. 114–623) that seeks to ensure no funds are used by the Department of Defense to enlist DACA youth in the United States military; **Pages H3889–90**

Lamborn amendment (No. 29 printed in H. Rept. 114–623) that seeks to prohibit the use of funds to survey, assess, or review potential detention locations in the United States to detain any individual presently detained at United States Naval Station, Guantanamo Bay, Cuba; **Pages H3891–92**

Massie amendment (No. 30 printed in H. Rept. 114–623) that seeks to block funding for DOD drug interdiction and counter-drug activities in Afghanistan; **Pages H3892–93**

Massie amendment (No. 31 printed in H. Rept. 114–623) that seeks to prohibit warrantless searches of government databases for the communications of U.S. persons and prohibits government agencies from mandating data security vulnerabilities in products or services for surveillance purposes; **Pages H3893–95**

McClintock amendment (No. 32 printed in H. Rept. 114–623) that seeks to prohibit the Department of Defense from obligating or expending funds on certain green energy mandates found in various provisions of US Code and two Executive Orders; **Pages H3895–96**

Mulvaney amendment (No. 33 printed in H. Rept. 114–623) that seeks to prohibit Overseas Contingency Operation funds found in Title IX from being used for anything other than a Contingency Operation as defined by United States Code; **Pages H3896–98**

DeSantis amendment (No. 34 printed in H. Rept. 114–623) that seeks to prohibit funds for any salaries or expenses for the offices of the Special Envoy for Guantanamo Detention Closure or the Principal Director, Detainee Policy; **Pages H3898–99**

Rohrabacher amendment (No. 36 printed in H. Rept. 114–623) that seeks to prohibit funds in the bill from being used to provide assistance to Pakistan; **Pages H3900–01**

Walberg amendment (No. 37 printed in H. Rept. 114–623) that seeks to prohibit funds from being used by the Secretary of Defense to obligate or expend funds on Afghanistan Infrastructure Fund projects; and **Pages H3901–02**

Conyers amendment (No. 40 printed in H. Rept. 114–623) that seeks to block funds from being used to transfer or authorize the transfer of cluster munitions to Saudi Arabia. **Pages H3903–04**

H. Res. 783, the rule providing for further consideration of the bill (H.R. 5293) was agreed to by a yea-and-nay vote of 240 yeas to 185 nays, Roll No. 305, after the previous question was ordered by a yea-and-nay vote of 239 yeas to 183 nays, Roll No. 304. **Pages H3842–43**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, June 16th. **Page H3904**

Discharge Petition: Representative Aguilar presented to the clerk a motion to discharge the Committee on the Judiciary from the consideration of H.R. 2867, a bill to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes (Discharge Petition No. 4).

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H3842 and H3843. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:16 p.m.

Committee Meetings

MISCELLANEOUS MEASURE

Committee on Appropriations: Full Committee held a markup on the Interior, Environment, and Related Agencies Appropriations Bill for FY 2017; and Report on the Revised Interim Suballocation of Budget Allocations for FY 2017. The Interior, Environment, and Related Agencies Appropriations Bill for FY 2017 was ordered reported, as amended. The Report on the Revised Interim Suballocation of Budget Allocations for FY 2017 passed.

DEPARTMENT OF DEFENSE UPDATE ON THE FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN

Committee on Armed Services: Full Committee held a hearing entitled ''Department of Defense Update on the Financial Improvement and Audit Readiness (FIAR) Plan''. Testimony was heard from Mike McCord, Under Secretary of Defense (Comptroller) and Chief Financial Officer; Robert M. Speer, Assistant Secretary of the Army, Financial Management and Comptroller; Susan J. Rabern, Assistant Secretary of the Navy, Financial Management and Comptroller; and Ricardo A. Aguilera, Assistant Secretary of the Air Force, Financial Management and Comptroller.

CONGRESSIONAL BUDGETING: THE NEED FOR FISCAL GOALS

Committee on the Budget: Full Committee held a hearing entitled ''Congressional Budgeting: The Need for Fiscal Goals''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Energy and Commerce: Full Committee concluded a markup on H.R. 2646, the ''Helping Families in Mental Health Crisis Act''. H.R. 2646 was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee began a markup on H.R. 4538, the ''Senior$afe Act of 2016''; H.R. 4850, the ''Micro Offering Safe Harbor Act''; H.R. 4852, the ''Private Placement Improvement Act of 2016''; H.R. 4854, the ''Supporting America's Innovators Act of 2016''; H.R. 4855, the ''Fix Crowdfunding Act''; H.R. 5143, the ''Transparent Insurance Standards Act of 2016''; H.R. 5311, the ''Corporate Governance Reform and Transparency Act of 2016''; H.R. 5322, the ''U.S. Territories Investor Protection Act of 2016''; H.R. 5421, the ''National Securities Exchange Regulatory Parity Act of 2016''; H.R. 5424, the ''Investment Advisers Modernization Act of 2016''; H.R. 5429, the ''SEC Regulatory Accountability Act''; and H.R. 5461, the ''Iranian Leadership Transparency Act''.

EGYPT: CHALLENGES AND OPPORTUNITIES FOR U.S. POLICY

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa held a hearing entitled ''Egypt: Challenges and Opportunities for U.S. Policy''. Testimony was heard from public witnesses.

OVERSIGHT OF THE CYBERSECURITY ACT OF 2015

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a hearing entitled ''Oversight of the Cybersecurity Act of 2015''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee concluded a markup on H. Res. 169, acknowledging and honoring brave young men from Hawaii who enabled the United States to establish and maintain jurisdiction in remote equatorial islands as prolonged conflict in the Pacific lead to World War II; H.R. 2316, the ''Self-Sufficient Community Lands Act''; H.R. 3062, the ''Assuring Private Property Rights Over Vast Access to Land Act''; H.R. 3094, the ''Gulf States Red Snapper Management Authority Act''; H.R. 3212, to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; H.R. 3480, the ''Fort Federica National Monument Boundary Expansion Act of 2015''; H.R. 3650, the ''State National Forest Management Act of 2015''; H.R. 3734, the ''Mining Schools Enhancement Act''; H.R. 3839, the ''Black Hills National Cemetery Boundary Expansion Act''; H.R. 3843, the ''Locatable Minerals Claim Location and Maintenance Fees Act of 2015''; H.R. 3844, the ''Energy and Minerals Reclamation Foundation Establishment Act of 2015''; H.R. 3881, the ''Cooperative Management of Mineral Rights Act of 2015''; H.R. 4202, the ''Fort Ontario Study Act''; H.R. 4245, to exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973; H.R. 4510, the ''Bolts Ditch Access and Use Act''; H.R. 4582, the ''Save Our Salmon Act''; H.R. 4685, the ''Tule River Indian Reservation Land Trust, Health, and Economic Development Act''; H.R. 4789, to authorize the Secretary of the Interior to establish a structure for visitor services on the Arlington Ridge tract, in the area of the U.S. Marine Corps War Memorial, and for other purposes; and H.R. 5244, the ''Saint Francis Dam Disaster National Memorial Act''. The following bills were ordered reported, as amended: H.R. 2316, H.R. 3094, H.R.

3212, H.R. 3480, H.R. 3650, H.R. 3839, H.R. 3843, H.R. 3844, H.R. 3881, H.R. 4245, H.R. 4582, and H.R. 5244. The following legislation was ordered reported, without amendment: H. Res. 169, H.R. 3062, H.R. 3734, H.R. 4202, H.R. 4510, H.R. 4685, and H.R. 4789.

MISCELLANEOUS MEASURE

Committee on Oversight and Government Reform: Full Committee held a markup on H. Res. 737, condemning and censuring John A. Koskinen, the Commissioner of Internal Revenue. H. Res. 737 was ordered reported, as amended.

INNOVATION IN SOLAR FUELS, ELECTRICITY STORAGE, AND ADVANCED MATERIALS

Committee on Science, Space, and Technology: Subcommittee on Energy held a hearing entitled ''Innovation in Solar Fuels, Electricity Storage, and Advanced Materials''. Testimony was heard from public witnesses.

HUMAN SPACEFLIGHT ETHICS AND OBLIGATIONS: OPTIONS FOR MONITORING, DIAGNOSING, AND TREATING FORMER ASTRONAUTS

Committee on Science, Space, and Technology: Subcommittee on Space held a hearing entitled ''Human Spaceflight Ethics and Obligations: Options for Monitoring, Diagnosing, and Treating Former Astronauts''. Testimony was heard from Richard Williams, Chief Health and Medical Officer, National Aeronautics and Space Administration; Captain Chris Cassidy, U.S. Navy (USN), and Chief, Astronaut Office, National Aeronautics and Space Administration; and public witnesses.

A REVIEW OF THE FEDERAL AVIATION ADMINISTRATION'S AIR TRAFFIC CONTROLLER HIRING, STAFFING AND TRAINING PLANS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing entitled ''A Review of the Federal Aviation Administration's Air Traffic Controller Hiring, Staffing and Training Plans''. Testimony was heard from Representative Hultgren; Teri L. Bristol, Chief Operating Officer, Air Traffic Organization, Federal Aviation Administration; Matthew Hampton, Assistant Inspector General for Aviation Audits, Office of Inspector General, Department of Transportation; and public witnesses.

INVESTIGATING VA'S MANAGEMENT OF VETERANS' PAPER RECORDS

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing entitled ''Investigating VA's Management of Veterans' Paper Records''. Testimony was heard from Beth McCoy, Deputy Under Secretary for Field Operations, Department of Veterans Affairs; and Brent Arronte, Deputy Assistant Inspector General for Audits and Evaluations, Office of Inspector General, Department of Veterans Affairs.

EXAMINING 21ST CENTURY PROGRAMS AND STRATEGIES FOR VETERAN JOB SEEKERS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing entitled ''Examining 21st Century Programs and Strategies for Veteran Job Seekers''. Testimony was heard from Michael H. Michaud, Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Full Committee held a markup on H.R. 5456, the ''Family First Prevention Services Act of 2016''; H.R. 5447, the ''Small Business Health Care Relief Act''; H.R. 5458, the ''Veterans TRICARE Choice Act''; H.R. 5452, to amend the Internal Revenue Code of 1986 to permit individuals eligible for Indian Health Service assistance to qualify for health savings accounts; H.R. 5445, to amend the Internal Revenue Code of 1986 to improve the rules with respect to health savings accounts; H.R. 3080, the ''Tribal Employment and Jobs Protection Act''; H.R. 210, the ''Student Worker Exemption Act of 2015''; and H.R. 3590, the ''Halt Tax Increases on the Middle Class and Seniors Act''. The following bills were ordered reported, as amended: H.R. 5456, H.R. 5447, H.R. 5458, H.R. 5452, H.R. 5445, H.R. 3080, H.R. 210, and H.R. 3590.

Joint Meetings

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, but did not complete action thereon, and recessed subject to the call.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 16, 2016

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to markup an original bill entitled, ''Interior, Environment, and Related Agencies Appropriations Act, 2017'', and an original bill entitled, ''Financial Services and General Government Appropriations Act, 2017'', 10:30 a.m., SD–106.

Committee on Armed Services: to hold hearings to examine the nomination of General David L. Goldfein, USAF, for reappointment to the grade of General, and to be Chief of Staff, United States Air Force, 9:30 a.m., SD–G50.

Committee on Foreign Relations: to hold hearings to examine our evolving understanding and response to transnational criminal threats, 10:30 a.m., SD–419.

Committee on the Judiciary: business meeting to consider S. 247, to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, and the nominations of Donald Karl Schott, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Stephanie A. Finley, of Louisiana, to be United States District Judge for the Western District of Louisiana, Claude J. Kelly III, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, Winfield D. Ong, of Indiana, to be United States District Judge for the Southern District of Indiana, and Carole Schwartz Rendon, of Ohio, to be United States Attorney for the Northern District of Ohio, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine keeping the American dream alive, focusing on creating jobs under the National Labor Relations Board's new joint employer standard, 11 a.m., SR–428A.

Select Committee on Intelligence: to hold hearings to examine certain intelligence matters, 9 a.m., SH–216.

House

Committee on the Budget, Full Committee, hearing entitled ''Members' Day Hearing on Budget Process Reform'', 10:30 a.m., 210 Cannon.

Committee on Financial Services, Full Committee, markup on H.R. 4538, the ''Senior$afe Act of 2016''; H.R. 4850, the ''Micro Offering Safe Harbor Act''; H.R. 4852, the ''Private Placement Improvement Act of 2016''; H.R. 4854, the ''Supporting America's Innovators Act of 2016''; H.R. 4855, the ''Fix Crowdfunding Act''; H.R. 5143, the ''Transparent Insurance Standards Act of 2016''; H.R. 5311, the ''Corporate Governance Reform and Transparency Act of 2016''; H.R. 5322, the ''U.S. Territories Investor Protection Act of 2016''; H.R. 5421, the ''National Securities Exchange Regulatory Parity Act of 2016''; H.R. 5424, the ''Investment Advisers Modernization Act of 2016''; H.R. 5429, the ''SEC Regulatory Accountability Act''; H.R. 5461, the ''Iranian Leadership Transparency Act'' (continued), 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, markup on H.R. 5484, the ''State Sponsors of Terrorism Review Enhancement Act''; H.R. 4481, the ''Education for All Act of 2016''; H.R. 5208, the ''North Korea State Sponsor of Terrorism Designation Act of 2016''; and H.R. 5332, the ''Women, Peace, and Security Act of 2016'', 9:45 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, hearing entitled ''The Global Religious Freedom Crisis and Its Challenge to U.S. Foreign Policy'', 12:30 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response, and Communications, markup on H.R. 5346, the ''Securing our Agriculture and Food Act''; H.R. 5459, the ''Cyber Preparedness Act of 2016''; and H.R. 5460, the ''First Responder Access to Innovative Technologies Act'', 10 a.m., 311 Cannon.

Committee on Science, Space, and Technology, Subcommittee on Research and Technology, hearing entitled ''SBIR/SSTR Reauthorization: A Review of Technology Transfer'', 9:30 a.m., 2318 Rayburn.

Next Meeting of the SENATE

10 a.m., Thursday, June 16

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2578, Commerce, Justice, Science, and Related Agencies Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, June 16

House Chamber

Program for Thursday: Complete consideration of H.R. 5293—Department of Defense Appropriations Act, 2017.

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