''National Family Service Learning Week'' to raise public awareness about the importance of family service learning, family literacy, community service, and 2-generational learning experiences;

(2) encourages people across the United States to support family service learning and community development programs;

(3) recognizes the importance that family service learning plays in cultivating family literacy, civic engagement, and community investment; and

(4) calls upon public, private, and nonprofit entities to support family service learning opportunities to aid in the advancement of families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1057. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1058. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1059. Mr. GRAHAM (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1060. Mr. GRAHAM (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1061. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1062. Mr. VAN HOLLEN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1063. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1064. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1065. Ms. CANTWELL (for herself, Mr. CASEY, and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1066. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1067. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1068. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1069. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1070. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1071. Mr. STRANGE submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1072. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1073. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1074. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1075. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1076. Mr. INHOFE (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1077. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1078. Mr. PORTMAN (for himself, Mr. BENNET, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1079. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1080. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1081. Mr. YOUNG (for himself, Mr. MURPHY, and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1082. Mr. STRANGE (for himself, Mr. PETERS, Ms. BALDWIN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1083. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1084. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1085. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1086. Mr. STRANGE (for himself, Mr. PETERS, Ms. STABENOW, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1087. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1088. Mr. WYDEN (for himself, Mr. MERKLEY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1089. Mr. KAINE (for himself, Mr. WICKER, Mr. THUNE, Mr. NELSON, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1090. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1091. Mr. MCCONNELL (for Mr. WICKER) proposed an amendment to the bill S. 129, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

TEXT OF AMENDMENTS

SA 1057. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning in section 854, strike paragraph (3) and all that follows through the end of section 855 and insert the following:

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

''(2) When applying the preference for the acquisition of commercial items and nondevelopmental items under this section, priority shall be provided to small businesses for the acquisition of commercial items or nondevelopmental items.''.

SEC. 855. INAPPLICABLE LAWS AND REGULATIONS.

(a) REVIEW OF DETERMINATIONS NOT TO EXEMPT DEPARTMENT OF DEFENSE CONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS FROM CERTAIN LAWS AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review each determination of the Federal Acquisition Regulatory Council pursuant to section 1906(b)(2), section 1906(c)(3), or section 1907(a)(2) of title 41, United States Code, not to exempt contracts and subcontracts described in subsection (a) of section 2375 of title 10, United States Code, from laws such contracts and subcontracts would

otherwise be exempt from under section 1906(d) of title 41, United States Code; and

(2) revise the Department of Defense Supplement to the Federal Acquisition Regulation to provide an exemption from each law subject to such determination unless the Secretary determines there is a specific reason not to provide the exemption.

(b) ELIMINATION OF CERTAIN CONTRACT CLAUSE REQUIREMENTS APPLICABLE TO COMMERCIAL ITEM CONTRACTS.—Not later than 180 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 eliminate all regulations promulgated after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) that require a specific contract clause for a contract using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation, except for regulations required by law, unless the Secretary determines on a case-by-case basis that there is a specific reason not to eliminate the requirement.

(c) ELIMINATION OF CERTAIN CONTRACT CLAUSE REQUIREMENTS APPLICABLE TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM SUBCONTRACTS.—Not later than 180 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 eliminate all requirements for a prime contractor to include a specific contract clause in a subcontract for commercially available off-the-shelf items unless the inclusion of such clause is required by law or is necessary for the contractor to meet the requirements of the prime contract, unless the Secretary determines on a case-by-case basis that there is a specific reason not to eliminate the requirement.

SA 1058. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, line 16, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 342, beginning on line 18, strike '', with the concurrence of the Secretary of State,''.

On page 343, line 20, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 343, line 25, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 344, beginning on line 1, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 603, line 21, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 606, line 21, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 632, line 14, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 643, beginning on line 6, strike ''the Committees on Armed Services of the Senate and the House of Representatives'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 698, line 20, insert after ''malicious cyber activities'' the following: '', including those''.

On page 729, beginning on line 7, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

SA 1059. Mr. GRAHAM (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. CARRIAGE OF CERTAIN PROGRAMMING.

(a) DEFINITIONS.—In this section—

(1) the term ''local commercial television station'' has the meaning given the term in section 614(h) of the Communications Act of 1934 (47 U.S.C. 534(h));

(2) the term ''multichannel video programming distributor'' has the meaning given the term in section 602 of the Communications Act of 1934 (47 U.S.C. 522);

(3) the term ''qualified noncommercial educational television station'' has the meaning given the term in section 615(l) of the Communications Act of 1934 (47 U.S.C. 535(l));

(4) the term ''retransmission consent'' means the authority granted to a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) to retransmit the signal of a television broadcast station; and

(5) the term ''television broadcast station'' has the meaning given the term in section 76.66(a) of title 47, Code of Federal Regulations.

(b) CARRIAGE OF CERTAIN CONTENT.—Notwithstanding any other provision of law, a multichannel video programming distributor may not be directly or indirectly required, including as a condition of obtaining retransmission consent, to—

(1) carry the primary or secondary video stream of any local commercial television station, qualified noncommercial educational television station, or television broadcast station if that stream broadcasts video programming that is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation; or

(2) lease, or otherwise make available, channel capacity to any person for the provision of video programming that is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation.

SA 1060. Mr. GRAHAM (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Bilateral Access to Foreign Data

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Bilateral Access to Foreign Data Act of 2017''.

SEC. 1092. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Timely access to electronic data held by communications-service providers is an essential component of government efforts to protect public safety and combat serious crime, including terrorism.

(2) Such efforts by the United States Government are being impeded by the inability to access the content of data stored outside the United States that is in the custody, control, or possession of communications-service providers that are subject to jurisdiction of the United States.

(3) Foreign governments also increasingly seek access to electronic data held by communications service providers in the United States for the purpose of combating serious crime.

(4) Communications-service providers face potential conflicting legal obligations when a foreign government orders production of electronic data that United States law may prohibit providers from disclosing.

(5) Foreign law may create similarly conflicting legal obligations when the United States Government orders production of electronic data that foreign law prohibits communications-service providers from disclosing.

(6) International agreements provide a mechanism for resolving these potential conflicting legal obligations where the United States and the relevant foreign government share a common commitment to the rule of law and the protection of privacy and civil liberties.

(b) PURPOSES.—The purposes of this subtitle are to—

(1) provide authority to implement international agreements to resolve potential conflicting legal obligations arising from cross-border requests for the production of electronic data where the foreign government targets non-United States persons outside the United States in connection with the prevention, detection, investigation, or prosecution of serious crime; and

(2) ensure reciprocal benefits to the United States of such international agreements.

SEC. 1093. AMENDMENTS TO CURRENT COMMUNICATIONS LAWS.

Title 18, United States Code, is amended—

(1) in chapter 119—

(A) in section 2511(2) by adding at the end the following:

''(j) It shall not be unlawful under this chapter for a provider of electronic communication service to the public or remote computing service to intercept or disclose the contents of a wire or electronic communication in response to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.''; and

(B) in section 2520(d), by amending paragraph (3) to read as follows:

''(3) a good faith determination that section 2511(3), 2511(2)(i), or 2511(2)(j) of this title permitted the conduct complained of;'';

(2) in chapter 121—

(A) in section 2702—

(i) in subsection (b)—

(I) in paragraph (8), by striking the period at the end and inserting ''; or''; and

(II) by adding at the end the following:

''(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.''; and

(ii) in subsection (c)—

(I) in paragraph (5), by striking ''or'' at the end;

(II) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(7) a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.''; and

(B) in section 2707(e), by amending paragraph (3) to read as follows:

''(3) a good faith determination that section 2511(3), section 2702(b)(9), or section 2702(c)(7) of this title permitted the conduct complained of;''; and

(3) in chapter 206—

(A) in section 3121(a), by inserting before the period at the end the following: ''or an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523''; and

(B) in section 3124—

(i) by amending subsection (d) to read as follows:

''(d) NO CAUSE OF ACTION AGAINST A PROVIDER DISCLOSING INFORMATION UNDER THIS CHAPTER.—No cause of action shall lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with a court order under this chapter, request pursuant to section 3125 of this title, or an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.''; and

(ii) by amending subsection (e) to read as follows:

''(e) DEFENSE.—A good faith reliance on a court order under this chapter, a request pursuant to section 3125 of this title, a legislative authorization, a statutory authorization, or a good faith determination that the conduct complained of was permitted by an order from a foreign government that is subject to executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523, is a complete defense against any civil or criminal action brought under this chapter or any other law.''.

SEC. 1094. EXECUTIVE AGREEMENTS ON ACCESS TO DATA BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Chapter 119 of title 18, United States Code, is amended by adding at the end the following:

''§ 2523. Executive agreements on access to data by foreign governments

''(a) DEFINITIONS.—In this section—

''(1) the term 'lawfully admitted for permanent residence' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

''(2) the term 'United States person' means a citizen or national of the United States, an alien lawfully admitted for permanent residence, an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation that is incorporated in the United States.

''(b) EXECUTIVE AGREEMENT REQUIREMENTS.—For purposes of this chapter, chapter 121, and chapter 206, an executive agreement governing access by a foreign government to data subject to this chapter, chapter 121, or chapter 206 shall be considered to satisfy the requirements of this section if the Attorney General, with the concurrence of the Secretary of State, determines, and submits a written certification of such determination to Congress, that—

''(1) the domestic law of the foreign government, including the implementation of that law, affords robust substantive and procedural protections for privacy and civil liberties in light of the data collection and activities of the foreign government that will be subject to the agreement, if—

''(A) such a determination under this section takes into account, as appropriate, credible information and expert input; and

''(B) the factors to be considered in making such a determination include whether the foreign government—

''(i) has adequate substantive and procedural laws on cybercrime and electronic evidence, as demonstrated by being a party to the Convention on Cybercrime, done at Budapest November 23, 2001, and entered into force January 7, 2004, or through domestic laws that are consistent with definitions and the requirements set forth in chapters I and II of that Convention;

''(ii) demonstrates respect for the rule of law and principles of non-discrimination;

''(iii) adheres to applicable international human rights obligations and commitments or demonstrates respect for international universal human rights, including—

''(I) protection from arbitrary and unlawful interference with privacy;

''(II) fair trial rights;

''(III) freedom of expression, association, and peaceful assembly;

''(IV) prohibitions on arbitrary arrest and detention; and

''(V) prohibitions against torture and cruel, inhuman, or degrading treatment or punishment;

''(iv) has clear legal mandates and procedures governing those entities of the foreign government that are authorized to seek data under the executive agreement, including procedures through which those authorities collect, retain, use, and share data, and effective oversight of these activities;

''(v) has sufficient mechanisms to provide accountability and appropriate transparency regarding the collection and use of electronic data by the foreign government; and

''(vi) demonstrates a commitment to promote and protect the global free flow of information and the open, distributed, and interconnected nature of the Internet;

''(2) the foreign government has adopted appropriate procedures to minimize the acquisition, retention, and dissemination of information concerning United States persons subject to the agreement; and

''(3) the agreement requires that, with respect to any order that is subject to the agreement—

''(A) the foreign government may not intentionally target a United States person or a person located in the United States, and shall adopt targeting procedures designed to meet this requirement;

''(B) the foreign government may not target a non-United States person located outside the United States if the purpose is to obtain information concerning a United States person or a person located in the United States;

''(C) the foreign government may not issue an order at the request of or to obtain information to provide to the United States Government or a third-party government, nor shall the foreign government be required to share any information produced with the United States Government or a third-party government;

''(D) an order issued by the foreign government—

''(i) shall be for the purpose of obtaining information relating to the prevention, detection, investigation, or prosecution of serious crime, including terrorism;

''(ii) shall identify a specific person, account, address, or personal device, or any other specific identifier as the object of the order;

''(iii) shall be in compliance with the domestic law of that country, and any obligation for a provider of an electronic communications service or a remote computing service to produce data shall derive solely from that law;

''(iv) shall be based on requirements for a reasonable justification based on articulable and credible facts, particularity, legality, and severity regarding the conduct under investigation;

''(v) shall be subject to review or oversight by a court, judge, magistrate, or other independent authority; and

''(vi) in the case of an order for the interception of wire or electronic communications, and any extensions thereof, shall require that the interception order—

''(I) be for a fixed, limited duration; and

''(II) may not last longer than is reasonably necessary to accomplish the approved purposes of the order; and

''(III) be issued only if the same information could not reasonably be obtained by another less intrusive method;

''(E) an order issued by the foreign government may not be used to infringe freedom of speech;

''(F) the foreign government shall promptly review material collected pursuant to the agreement and store any unreviewed communications on a secure system accessible only to those persons trained in applicable procedures;

''(G) the foreign government shall, using procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), segregate, seal, or delete, and not disseminate material found not to be information that is, or is necessary to understand or assess the importance of information that is, relevant to the prevention, detection, investigation, or prosecution of serious crime, including terrorism, or necessary to protect against a threat of death or seriously bodily harm to any person;

''(H) the foreign government may not disseminate the content of a communication of a United States person to United States authorities unless the communication may be disseminated pursuant to subparagraph (G) and relates to significant harm, or the threat thereof, to the United States or United States persons, including crimes involving national security such as terrorism, significant violent crime, child exploitation,

transnational organized crime, or significant financial fraud;

''(I) the foreign government shall afford reciprocal rights of data access, to include, where applicable, removing restrictions on communications service providers and thereby allow them to respond when the United States Government orders production of electronic data that foreign law would otherwise prohibit communications-service providers from disclosing;

''(J) the foreign government shall agree to periodic review of compliance by the foreign government with the terms of the agreement to be conducted by the United States Government; and

''(K) the United States Government shall reserve the right to render the agreement inapplicable as to any order for which the United States Government concludes the agreement may not properly be invoked.

''(c) LIMITATION ON JUDICIAL REVIEW.—A determination or certification made by the Attorney General under subsection (b) shall not be subject to judicial or administrative review.

''(d) EFFECTIVE DATE OF CERTIFICATION.—

''(1) NOTICE.—Not later than 7 days after the date on which the Attorney General certifies an executive agreement under subsection (b), the Attorney General shall provide notice of the determination under subsection (b) and a copy of the executive agreement to Congress, including—

''(A) the Committee on the Judiciary and the Committee on Foreign Relations of the Senate; and

''(B) the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives.

''(2) ENTRY INTO FORCE.—An executive agreement that is determined and certified by the Attorney General to satisfy the requirements of this section shall enter into force not earlier than the date that is 90 days after the date on which notice is provided under paragraph (1), unless Congress enacts a joint resolution of disapproval in accordance with paragraph (4).

''(3) CONSIDERATION BY COMMITTEES.—

''(A) IN GENERAL.—During the 60-day period beginning on the date on which notice is provided under paragraph (1), each congressional committee described in paragraph (1) may—

''(i) hold one or more hearings on the executive agreement; and

''(ii) submit to their respective House of Congress a report recommending whether the executive agreement should be approved or disapproved.

''(B) REQUESTS FOR INFORMATION.—Upon request by the Chairman or Ranking Member of a congressional committee described in paragraph (1), the head of an agency shall promptly furnish a summary of factors considered in determining that the foreign government satisfies the requirements of section 2523.

''(4) CONGRESSIONAL REVIEW.—

''(A) JOINT RESOLUTION DEFINED.—In this paragraph, the term 'joint resolution' means only a joint resolution—

''(i) introduced during the 90-day period described in paragraph (2);

''(ii) which does not have a preamble;

''(iii) the title of which is as follows: 'Joint resolution disapproving the executive agreement signed by the United States and ____.', the blank space being appropriately filled in; and

''(iv) the matter after the resolving clause of which is as follows: 'That Congress disapproves the executive agreement governing access by _____ to certain electronic data as submitted by the Attorney General on _____', the blank spaces being appropriately filled in.

''(B) JOINT RESOLUTION ENACTED.—Notwithstanding any other provision of this section, if not later than 90 days after the date on which notice is provided to Congress under paragraph (1), there is enacted into law a joint resolution disapproving of an executive agreement under this section, the executive agreement shall not enter into force.

''(C) INTRODUCTION.—During the 90-day period described in subparagraph (B), a joint resolution of disapproval may be introduced—

''(i) in the House of Representatives, by the majority leader or the minority leader; and

''(ii) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

''(5) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a joint resolution of disapproval has been referred has not reported the joint resolution within 60 days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

''(6) CONSIDERATION IN THE SENATE.—

''(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be—

''(i) referred to the Committee on the Judiciary; and

''(ii) referred to the Committee on Foreign Relations.

''(B) REPORTING AND DISCHARGE.—If a committee to which a joint resolution of disapproval was referred has not reported the joint resolution within 60 days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

''(C) PROCEEDING TO CONSIDERATION.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order at any time after either the Committee on the Judiciary or the Committee on Foreign Relations, as the case may be, reports a joint resolution of disapproval to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

''(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of disapproval shall be decided without debate.

''(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(7) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

''(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of disapproval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

''(i) The joint resolution shall be referred to the appropriate committees.

''(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 7 days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

''(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

''(i) If, before the passage by the Senate of a joint resolution of disapproval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

''(I) That joint resolution shall not be referred to a committee.

''(II) With respect to that joint resolution—

''(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

''(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

''(ii) If, following passage of a joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

''(iii) If a joint resolution of disapproval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

''(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of disapproval that is a revenue measure.

''(8) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(e) RENEWAL OF DETERMINATION.—

''(1) IN GENERAL.—The Attorney General, with the concurrence of the Secretary of State, shall renew a determination under subsection (b) every 5 years.

''(2) REPORT.—Upon renewing a determination under subsection (b), the Attorney General shall file a report with the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives describing—

''(A) the reasons for the renewal;

''(B) any substantive changes to the agreement or to the relevant laws or procedures of the foreign government since the original determination or, in the case of a second or subsequent renewal, since the last renewal; and

''(C) how the agreement has been implemented and what problems or controversies, if any, have arisen as a result of the agreement or its implementation.

''(3) NON-RENEWAL.—If a determination is not renewed under paragraph (1), the agreement shall no longer be considered to satisfy the requirements of this section.

''(f) PUBLICATION.—Any determination or certification under subsection (b) regarding an executive agreement under this section, including any termination or renewal of such an agreement, shall be published in the Federal Register as soon as is reasonably practicable.

''(g) MINIMIZATION PROCEDURES.—A United States authority that receives the content of a communication described in subsection (b)(3)(H) from a foreign government in accordance with an executive agreement under this section shall use procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) to appropriately protect nonpublicly available information concerning United States persons.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 119 of title 18, United States Code, is amended by inserting after the item relating to section 2522 the following:

''2523. Executive agreements on access to data by foreign governments.''.

SEC. 1095. RULE OF CONSTRUCTION.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to preclude any foreign authority from obtaining assistance in a criminal investigation or prosecution pursuant to section 3512 of title 18, United States Code, section 1782 of title 28, United States Code, or as otherwise provided by law.

SA 1061. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. SENSE OF CONGRESS REGARDING UNCONDITIONAL REPEAL OF THE BUDGET CONTROL ACT OF 2011.

It is the sense of Congress that—

(1) since the enactment of the Budget Control Act of 2011 (Public Law 112–25; 125 Stat. 240) budget requests have been guided by artificial constraints rather than the realities of the global strategic environment;

(2) sequestration and artificial budget caps on national defense, including nondefense agencies that contribute to the national security, are harmful to the security of the Nation;

(3) for the Armed Forces specifically, such constraints on the budget, along with a sustained high operational tempo, have led to a significant degradation in military readiness in the near term, and the threat that the United States will fall behind its adversaries in the long-term;

(4) in order to address the degraded state of the Armed Forces and to stop the erosion of the military advantage of the United States, Congress believes that the budget should be based on requirements, rather than arbitrary budget caps;

(5) this Act authorizes $659,000,000,000 in discretionary spending for defense within the jurisdiction of the Committee on Armed Services of the Senate, which is spending well above the current caps under the Budget Control Act of 2011; and

(6) Congress agrees with the statement that included in the report to accompany S. 1519 (115th Congress), dated July 10, 2017 (Report 115–125) that ''The committee has ongoing concerns about the negative impact of the Budget Control Act of 2011 (P.L. 112–25) on the Department of Defense and other agencies that contribute to our national security and supports its unconditional repeal.''.

SA 1062. Mr. VAN HOLLEN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Sanctions With Respect to North Korea

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Banking Restrictions Involving North Korea (BRINK) Act of 2017''.

SEC. ___02. FINDINGS.

Congress finds the following:

(1) Since 2006, the United Nations Security Council has approved 5 resolutions imposing sanctions against North Korea under chapter VII of the United Nations Charter, which—

(A) prohibit the use, development, and proliferation of weapons of mass destruction by the Government of North Korea;

(B) prohibit the transfer of arms and related materiel to or by the Government of North Korea;

(C) prohibit the transfer of luxury goods to North Korea;

(D) restrict access by the Government of North Korea to the financial system and require due diligence on the part of financial institutions to prevent the financing of proliferation involving the Government of North Korea;

(E) restrict North Korean shipping, including the reflagging of ships owned or controlled by the Government of North Korea;

(F) limit the sale by the Government of North Korea of precious metals, iron, coal, vanadium, and rare earth minerals; and

(G) prohibit the transfer to North Korea of rocket, aviation, or jet fuel.

(2) The Government of North Korea has threatened to carry out nuclear attacks against the United States and South Korea and has sent clandestine agents to kidnap or murder the citizens of foreign countries and murder dissidents in exile.

(3) The Federal Bureau of Investigation has determined that the Government of North Korea was responsible for cyberattacks against the United States and South Korea.

(4) In February 2016, the Director of National Intelligence reported that the Government of North Korea is ''committed to developing a long-range, nuclear-armed missile that is capable of posing a direct threat to the United States'' and some arms control experts have estimated that the Government of North Korea may acquire this capability by 2020.

(5) The Government of North Korea tested its 5th and largest nuclear device on September 9, 2016.

(6) The Government of North Korea has increased the pace of its missile testing, including the test of a submarine-launched ballistic missile, potentially furthering the development of capability to attack the United States with a nuclear weapon.

(7) Financial transactions and investments that provide financial resources to the Government of North Korea, and that fail to incorporate adequate safeguards against the misuse of those financial resources, pose an undue risk of contributing to—

(A) weapons of mass destruction programs of that Government; and

(B) prohibited imports or exports of arms and related materiel, services, or technology by that Government.

(8) The strict enforcement of sanctions is essential to the efforts by the international community to achieve the peaceful, complete, verifiable, and irreversible dismantlement of weapons of mass destruction programs of the Government of North Korea.

SEC. ___03. DEFINITIONS.

In this subtitle:

(1) APPLICABLE EXECUTIVE ORDER; APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION; GOVERNMENT OF NORTH KOREA; NORTH KOREA.—The terms ''applicable Executive order'', ''applicable United Nations Security Council resolution'', ''Government of North Korea'', and ''North Korea'' have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

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

(3) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) NORTH KOREAN COVERED PROPERTY.—

(A) IN GENERAL.—The term ''North Korean covered property'' includes any goods, services, or technology—

(i) that are in North Korea;

(ii) that are made with significant amounts of North Korean labor, materials, goods, or technology;

(iii) in which the Government of North Korea or a North Korean financial institution has a significant interest or exercises significant control; or

(iv) in which a designated person has a significant interest or exercises significant control.

(B) DESIGNATED PERSON.—In this paragraph, the term designated person means a person who is designated under—

(i) an applicable executive order;

(ii) an applicable United Nations Security Council resolution; or

(iii) section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9204).

(5) NORTH KOREAN FINANCIAL INSTITUTION.—The term ''North Korean financial institution'' includes—

(A) any North Korean financial institution, as defined in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202);

(B) any financial agency, as defined in section 5312 of title 31, United States Code, that is owned or controlled by the Government of North Korea;

(C) any money transmitting business, as defined in section 5330(d) of title 31, United States Code, that is owned or controlled by the Government of North Korea; and

(D) any financial institution that is a joint venture between any person and the Government of North Korea.

(6) SECRETARY.—Unless otherwise specified, the term ''Secretary'' means the Secretary of the Treasury.

(7) UNITED STATES FINANCIAL INSTITUTION.—The term ''United States financial institution'' means a financial institution that—

(A) is a United States person, regardless of where the person operates; or

(B) operates or does business in the United States, including by conducting wire transfers through correspondent banks in the United States.

(8) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

(B) an entity that is organized under the laws of the United States or any jurisdiction within the United States, including a foreign subsidiary of such an entity.

PART I—FINANCIAL REQUIREMENTS AND SANCTIONS RELATING TO TRANSACTIONS INVOLVING NORTH KOREA

SEC. ___11. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS PROVIDING SUPPORT TO THE GOVERNMENT OF NORTH KOREA.

(a) IN GENERAL.—Section 201A of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221a) is amended to read as follows:

''SEC. 201A. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS PROVIDING SUPPORT TO THE GOVERNMENT OF NORTH KOREA.

''(a) REPORT ON NONCOMPLIANT FINANCIAL INSTITUTIONS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the Banking Restrictions Involving North Korea (BRINK) Act of 2017, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains a list of any financial institutions that the President has identified as having engaged in, during the one-year period preceding the submission of the report, the following conduct:

''(A) Dealing in North Korean covered property.

''(B) Providing correspondent or interbank services to one or more North Korean financial institutions.

''(C) Failing to apply enhanced due diligence to prevent North Korean financial institutions from gaining access to correspondent or interbank services in the United States or provided by United States persons.

''(D) Knowingly operating or participating with or on behalf of an offshore United States dollar clearing system that conducts transactions involving the Government of North Korea or North Korean covered property.

''(E) Conducting or facilitating one or more significant transactions in North Korean covered property involving covered goods (as that term is defined in section 1027.100 of title 31, Code of Federal Regulations, or any successor regulation) or the currency of a country other than the country in which the person is operating at the time of the transaction.

''(2) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

''(b) IMPOSITION OF SANCTIONS AND PENALTIES.—If the President determines that a financial institution identified under subsection (a) has knowingly engaged in conduct described in that subsection, the President shall apply one or more of the following with respect to that financial institution:

''(1) Prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of any correspondent account or payable-through account by the financial institution if the financial institution is a foreign financial institution.

''(2) In accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the financial institution 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.

''(3) In the case of a United States financial institution—

''(A) if the financial institution has taken reasonable steps to prevent a recurrence of conduct described in that subsection and is cooperating fully with the efforts of the President to enforce the provisions of this Act and the Banking Restrictions Involving North Korea (BRINK) Act of 2017—

''(i) unless the financial institution is described in clause (ii), the imposition of a civil penalty not to exceed $100,000 for each reportable act described in subparagraphs (A) through (E) of subsection (a)(1) that is knowingly conducted; or

''(ii) if the financial institution has not previously been reported for similar conduct under subsection (a), the issuance of a cautionary letter to that financial institution; or

''(B) if the financial institution is not a financial institution described in subparagraph (A), for each reportable act described in subparagraphs (A) through (E) of subsection (a)(1) that is knowingly conducted, the imposition of a civil penalty not to exceed the greater of—

''(i) $250,000; or

''(ii) an amount that is twice the amount of the transaction that is the basis of the reportable act with respect to which the penalty is imposed.

''(c) SUSPENSION FOR LAW ENFORCEMENT PURPOSES.—The President may suspend the submission of the reports described in subsection (a) and the application of sanctions and penalties described in subsection (b) for a one-year period if—

''(1) such reporting and application of sanctions and penalties could compromise an ongoing law enforcement investigation or prosecution; or

''(2) a criminal prosecution is pending, or a criminal or civil fine or penalty has been imposed or conditionally deferred, for the conduct reported pursuant to subsection (a).

''(d) SUSPENSION AND TERMINATION OF SANCTIONS AND PENALTIES.—

''(1) SUSPENSION.—The President may suspend the application of any sanctions or penalties under subsection (b) for a period of not more than one year if the President certifies to the appropriate congressional committees that the Government of North Korea is taking steps toward—

''(A) the verification of its compliance with applicable United Nations Security Council Resolutions; and

''(B) fully accounting for and repatriating United States citizens and permanent residents (including deceased United States citizens and permanent residents)—

''(i) abducted or unlawfully held captive by the Government of North Korea; or

''(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the 'Korean War Armistice Agreement').

''(2) RENEWAL OF SUSPENSION.—The President may renew a suspension described in paragraph (1) for additional periods of not more than 180 days if the President certifies to the appropriate congressional committees that the Government of North Korea continues to take steps as described in paragraph (1).

''(3) TERMINATION OF SANCTIONS.—Subject to subsection (f), the President may terminate the application of any sanctions or penalties under subsection (b) if the President certifies that the Government of North Korea has made significant progress towards—

''(A) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

''(B) fully accounting for and repatriating United States citizens and permanent residents (including deceased United States citizens and permanent residents)—

''(i) abducted or unlawfully held captive by the Government of North Korea; or

''(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the 'Korean War Armistice Agreement').

''(e) WAIVER.—Subject to subsection (f), the President may waive the application of sanctions or penalties under subsection (b) with respect to a financial institution if the President determines that the waiver is in the national security interest of the United States.

''(f) CONGRESSIONAL REVIEW OF PROPOSED ACTIONS TO WAIVE OR TERMINATE SANCTIONS.—

''(1) SUBMISSION TO CONGRESS OF PROPOSED ACTION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, before taking any action described in subparagraph (B), the President shall submit to the appropriate congressional committees and leadership a report that describes the proposed action and the reasons for that action.

''(B) ACTIONS DESCRIBED.—An action described in this subparagraph is—

''(i) an action to suspend, renew a suspension, or terminate under subsection (d) the application of sanctions or penalties under subsection (b); or

''(ii) with respect to sanctions or penalties under subsection (b) imposed by the President with respect to a person, an action to waive under subsection (e) the application of those sanctions or penalties with respect to that person.

''(C) DESCRIPTION OF TYPE OF ACTION.—Each report submitted under subparagraph (A) with respect to an action described in subparagraph (B) shall include a description of whether the action—

''(i) is not intended to significantly alter United States foreign policy with regard to North Korea; or

''(ii) is intended to significantly alter United States foreign policy with regard to North Korea.

''(D) INCLUSION OF ADDITIONAL MATTER.—

''(i) IN GENERAL.—Each report submitted under subparagraph (A) that relates to an action that is intended to significantly alter United States foreign policy with regard to North Korea shall include a description of—

''(I) the significant alteration to United States foreign policy with regard to North Korea;

''(II) the anticipated effect of the action on the national security interests of the United States; and

''(III) the policy objectives for which the sanctions affected by the action were initially imposed.

''(ii) REQUESTS FROM BANKING AND FINANCIAL SERVICES COMMITTEES.—The Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives may request the submission to the Committee of the matter described in subclauses (II) and (III) of clause (i) with respect to a report submitted under subparagraph (A) that relates to an action that is not intended to significantly alter United States foreign policy with regard to North Korea.

''(2) PERIOD FOR REVIEW BY CONGRESS.—

''(A) IN GENERAL.—During the period of 30 calendar days beginning on the date on which the President submits a report under paragraph (1)(A)—

''(i) in the case of a report that relates to an action that is not intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report; and

''(ii) in the case of a report that relates to an action that is intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report.

''(B) EXCEPTION.—The period for congressional review under subparagraph (A) of a report required to be submitted under paragraph (1)(A) shall be 60 calendar days if the report is submitted on or after July 10 and on or before September 7 in any calendar year.

''(C) LIMITATION ON ACTIONS DURING INITIAL CONGRESSIONAL REVIEW PERIOD.—Notwithstanding any other provision of law, during the period for congressional review provided for under subparagraph (A) of a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B), including any additional period for such review as applicable under the exception provided in subparagraph (B), the President may not take that action unless a joint resolution of approval with respect to that action is enacted in accordance with paragraph (3).

''(D) LIMITATION ON ACTIONS DURING PRESIDENTIAL CONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B) passes both Houses of Congress in accordance with paragraph (3), the President may not take that action for a period of 12 calendar days after the date of passage of the joint resolution of disapproval.

''(E) LIMITATION ON ACTIONS DURING CONGRESSIONAL RECONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B) passes both Houses of Congress in accordance with paragraph (3), and the President vetoes the joint resolution, the President may not take that action for a period of 10 calendar days after the date of the President's veto.

''(F) EFFECT OF ENACTMENT OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B) is enacted in accordance with paragraph (3), the President may not take that action.

''(3) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL.—

''(A) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL DEFINED.—In this paragraph:

''(i) JOINT RESOLUTION OF APPROVAL.—The term 'joint resolution of approval' means only a joint resolution of either House of Congress—

''(I) the title of which is as follows: 'A joint resolution approving the President's proposal to take an action relating to the application of certain sanctions with respect to North Korea.'; and

''(II) the sole matter after the resolving clause of which is the following: 'Congress approves of the action relating to the application of sanctions imposed with respect to North Korea proposed by the President in the report submitted to Congress under section 201A(f)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 on _____ relating to _____.', with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

''(ii) JOINT RESOLUTION OF DISAPPROVAL.—The term 'joint resolution of disapproval' means only a joint resolution of either House of Congress—

''(I) the title of which is as follows: 'A joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to North Korea.'; and

''(II) the sole matter after the resolving clause of which is the following: 'Congress disapproves of the action relating to the application of sanctions imposed with respect to North Korea proposed by the President in the report submitted to Congress under section 201A(f)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 on _____ relating to _____.', with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

''(B) INTRODUCTION.—During the period of 30 calendar days provided for under paragraph (2)(A), including any additional period as applicable under the exception provided in paragraph (2)(B), a joint resolution of approval or joint resolution of disapproval may be introduced—

''(i) in the House of Representatives, by the majority leader or the minority leader; and

''(ii) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

''(C) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

''(i) REPORTING AND DISCHARGE.—If a committee of the House of Representatives to which a joint resolution of approval or joint resolution of disapproval has been referred has not reported the joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

''(ii) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after each committee to which a joint resolution of approval or joint resolution of disapproval has been referred reports the joint resolution to the House or has been discharged from further consideration of the joint resolution, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(iii) CONSIDERATION.—The joint resolution of approval or joint resolution of disapproval shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(D) CONSIDERATION IN THE SENATE.—

''(i) COMMITTEE REFERRAL.—A joint resolution of approval or joint resolution of disapproval introduced in the Senate shall be—

''(I) referred to the Committee on Banking, Housing, and Urban Affairs if the joint resolution relates to a report submitted under paragraph (1)(A) with respect to an action that is not intended to significantly alter United States foreign policy with regard to North Korea; and

''(II) referred to the Committee on Foreign Relations if the joint resolution relates to a report submitted under paragraph (1)(A) with respect to an action that is intended to significantly alter United States foreign policy with respect to North Korea.

''(ii) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval or joint resolution of disapproval was referred has not reported the joint resolution within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

''(iii) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a joint resolution of approval or joint resolution of disapproval to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

''(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules

of the Senate, as the case may be, to the procedure relating to a joint resolution of approval or joint resolution of disapproval shall be decided without debate.

''(v) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of approval or joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(E) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

''(i) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of approval or joint resolution of disapproval of that House, that House receives an identical joint resolution from the other House, the following procedures shall apply:

''(I) The joint resolution of the other House shall not be referred to a committee.

''(II) With respect to the joint resolution of the House receiving the joint resolution from the other House—

''(aa) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(bb) the vote on passage shall be on the joint resolution of the other House.

''(ii) TREATMENT OF A JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce a joint resolution of approval or joint resolution of disapproval, a joint resolution of approval or joint resolution of disapproval of the other House shall be entitled to expedited procedures in that House under this subsection.

''(iii) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—If, following passage of a joint resolution of approval or joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

''(iv) APPLICATION TO REVENUE MEASURES.—The provisions of this subparagraph shall not apply in the House of Representatives to a joint resolution of approval or joint resolution of disapproval that is a revenue measure.

''(F) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph is enacted by Congress—

''(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution of approval or joint resolution of disapproval, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(g) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of the Banking Restrictions Involving North Korea (BRINK) Act of 2017, and every 180 days thereafter, the President shall brief the appropriate congressional committees on the status of efforts by the President to prevent conduct described in subparagraphs (A) through (E) of subsection (a)(1).

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit any person from, or authorize or require the imposition of sanctions with respect to any person for, conducting or facilitating any transaction for the sale or donation of agricultural commodities, food, medicine, or medical devices.

''(i) DEFINITIONS.—In this section:

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

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

''(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

''(2) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms 'correspondent account' and 'payable-through account' have the meanings given those terms in section 5318A of title 31, United States Code.

''(3) KNOWINGLY.—The term 'knowingly', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

''(4) NORTH KOREAN COVERED PROPERTY; NORTH KOREAN FINANCIAL INSTITUTION; UNITED STATES FINANCIAL INSTITUTION.—The terms 'North Korean covered property', 'North Korean financial institution', and 'United States financial institution' have the meanings given those terms in section ____03 of the Banking Restrictions Involving North Korea (BRINK) Act of 2017.''.

(b) CLERICAL AMENDMENT.—The table of contents for the North Korea Sanctions and Policy Enhancement Act of 2016 is amended by striking the item relating to section 201A and inserting the following:

''201A. Sanctions with respect to financial institutions providing support to the Government of North Korea.''.

SEC. ____12. EXPANSION OF LICENSING REQUIREMENTS FOR TRANSACTIONS IN NORTH KOREAN COVERED PROPERTY.

(a) LICENSE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of the enactment of this Act, the President shall prescribe regulations prohibiting any transaction involving the manufacture, sale, purchase, transfer, import, or export of North Korean covered property by a United States person or conducted in the United States.

(2) EXCEPTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may grant licenses and permits for the following purposes:

(i) For any purpose covered by an exemption or waiver under section 208 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228), including humanitarian, diplomatic, consular, law enforcement, and other purposes.

(ii) To import food products into North Korea if such food products are not defined as luxury goods.

(iii) To meet an urgent and compelling humanitarian need.

(iv) For activities to promote human rights in North Korea, the development of private agriculture and markets in North Korea, and the free flow of information to, from, and within North Korea.

(v) To import agricultural products, medicine, or medical devices into North Korea if such products, medicine, or devices are classified as designated ''EAR 99'' under subchapter C of chapter VII of title 15, Code of Federal Regulations, or any successor regulations (commonly known as the ''Export Administration Regulations''), and not controlled under—

(I) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(II) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(III) part B of title VIII of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6301 et seq.); or

(IV) the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601 et seq.).

(B) EXCEPTION.—The Secretary may not grant a license or permit under subparagraph (A) for an activity described in section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(a)).

(b) PENALTIES.—

(1) IN GENERAL.—A person shall be fined not more than $5,000,000, imprisoned for not more than 20 years, or both, if the person knowingly—

(A) engages in a transaction described in subsection (a)(1), except pursuant to a license or permit granted under this section or regulations prescribed pursuant to this section; or

(B) evades a requirement to obtain a license or permit under this section or a regulations prescribed pursuant to this section.

(2) FORFEITURE OF PROPERTY.—Any property, real or personal, that is involved in a transaction that is a violation of subsection (a)(1), is involved in an attempt to conduct such a transaction, or constitutes or is derived from proceeds traceable to such a transaction, is subject to forfeiture to the United States.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report listing any licenses or permits granted under subsection (a).

(2) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(3) PUBLIC AVAILABILITY.—Not later than 30 days after the submission of a report under paragraph (1), the Secretary of the Treasury and the Secretary of State shall each publish the unclassified part of the report on a publicly available Internet website of the Department of the Treasury and the Department of State, as the case may be.

(d) TERMINATION OF REQUIREMENTS.—The President may terminate the prohibition on transactions described in subsection (a) and the imposition of penalties under subsection (b) if the President submits to the appropriate congressional committees the certification described in section 402 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9252).

(e) MODIFICATION OF DEFINITION OF SPECIFIED UNLAWFUL ACTIVITY FOR MONEY LAUNDERING PURPOSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking ''or section 104(a) of the North Korea Sanctions Enforcement Act of 2016'' and inserting ''section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016''; and

(2) by inserting before the semicolon at the end the following: '', or section ____02(b) of the Banking Restrictions Involving North Korea (BRINK) Act of 2017 (relating to transactions in certain North Korean property)''.

SEC. ___13. AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO NORTH KOREAN FINANCIAL INSTITUTIONS AND SANCTIONED PERSONS.

(a) IN GENERAL.—Section 318 of the Korean Interdiction and Modernization of Sanctions Act (Public Law 115–44) is amended to read as follows:

"SEC. 318. AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO NORTH KOREAN FINANCIAL INSTITUTIONS AND SANCTIONED PERSONS.

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

''(1) providers of specialized financial messaging services have been used as a critical link between the Government of North Korea and the international financial system;

''(2) the Financial Action Task Force has repeatedly called for jurisdictions to apply countermeasures to protect the financial system from the risks of money laundering and proliferation financing emanating from North Korea;

''(3) credible published reports have implicated the Government of North Korea in stealing approximately $81,000,000 from the Bangladesh Bank and attempting to steal another $951,000,000 from other banks using a financial messaging service; and

''(4) directly providing specialized financial messaging services to, or enabling or facilitating direct or indirect access to such messaging services for, any financial institution designated by the United Nations Security Council is inconsistent with applicable United Nations Security Council resolutions.

''(b) BRIEFING ON MEASURES TO DENY SPECIALIZED FINANCIAL MESSAGING SERVICES TO DESIGNATED NORTH KOREAN FINANCIAL INSTITUTIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the President shall provide to the appropriate congressional committees a briefing that includes the following information:

''(A) A list of each person or foreign government the President has identified that knowingly and directly provides specialized financial messaging services to, or knowingly enables or facilitates direct or indirect access to such messaging services for—

''(i) a North Korean financial institution;

''(ii) a person, including a financial institution, that is designated pursuant to—

''(I) an applicable Executive order;

''(II) an applicable United Nations Security Council resolution; or

''(III) section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214); or

''(iii) a person subject to sanctions under the Banking Restrictions Involving North Korea (BRINK) Act of 2017.

''(B) A detailed assessment of the status of efforts by the Secretary of the Treasury to work with the relevant authorities in the home jurisdictions of such specialized financial messaging providers to end such provision or access.

''(2) FORM.—The briefing required under paragraph (1) may be classified.

''(c) AUTHORIZATION OF IMPOSITION OF SANCTIONS.—The President may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a person if, on or after the date that is 90 days after the date of the enactment of the Banking Restrictions Involving North Korea (BRINK) Act of 2017, the person knowingly and directly provides specialized financial messaging services to, or knowingly enables or facilitates direct or indirect access to such messaging services for—

''(1) a North Korean financial institution;

''(2) a person, including a financial institution, that is designated pursuant to—

''(A) an applicable Executive order;

''(B) an applicable United Nations Security Council resolution; or

''(C) section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214); or

''(3) a person subject to sanctions under the Banking Restrictions Involving North Korea (BRINK) Act of 2017.

''(d) ENABLING OR FACILITATING ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES.—For purposes of this section, enabling or facilitating direct or indirect access to specialized financial messaging services to a person described in paragraph (1) or (2) of subsection (c) includes doing so by serving as an intermediary financial institution with access to such messaging services.

''(e) SUSPENSION AND TERMINATION OF SANCTIONS.—

''(1) SUSPENSION.—The President may suspend the application of any sanctions under subsection (c) for a period of not more than one year if the President certifies to the appropriate congressional committees that the Government of North Korea is taking steps toward—

''(A) the verification of its compliance with applicable United Nations Security Council Resolutions; and

''(B) fully accounting for and repatriating United States citizens and permanent residents (including deceased United States citizens and permanent residents)—

''(i) abducted or unlawfully held captive by the Government of North Korea; or

''(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the 'Korean War Armistice Agreement').

''(2) RENEWAL OF SUSPENSION.—The President may renew a suspension described in paragraph (1) for additional periods of not more than 180 days if the President certifies to the appropriate congressional committees that the Government of North Korea continues to take steps as described in paragraph (1).

''(3) TERMINATION OF SANCTIONS.—The President may terminate the application of any sanctions under subsection (c) if the President certifies that the Government of North Korea has made significant progress towards—

''(A) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

''(B) fully accounting for and repatriating United States citizens and permanent residents (including deceased United States citizens and permanent residents)—

''(i) abducted or unlawfully held captive by the Government of North Korea; or

''(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the 'Korean War Armistice Agreement').

''(f) DEFINITIONS.—In this section:

''(1) APPLICABLE EXECUTIVE ORDER; APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION; GOVERNMENT OF NORTH KOREA; NORTH KOREA.—The terms 'applicable Executive order', 'applicable United Nations Security Council resolution', 'Government of North Korea', and 'North Korea' have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

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

''(3) KNOWINGLY.—The term 'knowingly', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

''(4) NORTH KOREAN FINANCIAL INSTITUTION.—The term 'North Korean financial institution' has the meaning given that term in section ___03 of the Banking Restrictions Involving North Korea (BRINK) Act of 2017.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Countering America's Adversaries Through Sanctions Act (Public Law 115–44) is amended by striking the item relating to section 318 and inserting the following:

''318. Authorization of imposition of sanctions with respect to the provision of specialized financial messaging services to North Korean financial institutions and sanctioned persons.''.

SEC. ___14. AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO GOVERNMENTS THAT FAIL TO COMPLY WITH UNITED NATIONS SECURITY COUNCIL SANCTIONS AGAINST NORTH KOREA.

(a) IN GENERAL.—Section 317 of the Korean Interdiction and Modernization of Sanctions Act (Public Law 115–44) is amended—

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

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

''(c) IMPOSITION OF SANCTIONS.—

''(1) IN GENERAL.—The President may impose one or more of the sanctions described in paragraph (2) with respect to a government that the President has determined has knowingly failed to carry out the activities set forth in paragraphs (1) through (4) of subsection (a) until such time as the President determines that the government has taken substantial steps to carry out such activities.

''(2) SANCTIONS DESCRIBED.—The sanctions described in this paragraph to be imposed with respect to the government of a country are the following:

''(A) Prohibit or curtail the export of any goods or technology to that country pursuant to the authorities provided in section 6 of the Export Administration Act of 1979 (50 U.S.C. 4605) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

''(B) Withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to that government.

''(C) Instruct the United States executive director at each international financial institution (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))) to use the voice and vote of the United States to oppose the provision of loans, benefits, or other use of the funds of the institution to that government.

''(d) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other sanctions authorities available to the President in response to governments of countries failing to carry out the activities set forth in paragraphs (1) through (4) of subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Countering America's Adversaries Through Sanctions Act (Public

Law 115–44) is amended by striking the item relating to section 317 and inserting the following:

''317. Authorization of imposition of sanctions with respect to governments that fail to comply with United Nations Security Council sanctions against North Korea.''.

SEC. ___15. GRANTS TO CONDUCT RESEARCH ON FINANCIAL NETWORKS AND FINANCIAL METHODS OF THE GOVERNMENT OF NORTH KOREA.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The President, acting through the Attorney General, the Secretary of State, the Secretary of the Treasury, or the Director of National Intelligence, may award grants to, and enter into cooperative agreements with, States, units of local government, nongovernmental organizations, and relevant international organizations to further the purposes of this title and provide data to address the issues identified in section ___02.

(2) RESEARCH INITIATIVES.—Grants awarded and cooperative agreements entered into under paragraph (1) shall include grants and agreements for the purpose of conducting research initiatives on the following:

(A) The methods used by the Government of North Korea to deal in, transact in, or conceal the ownership, control, or origin of North Korean covered property.

(B) The relationship between proliferation by the Government of North Korea and the financial industry or financial institutions.

(C) The export by any person to the United States of North Korean covered property.

(D) The involvement of any person in human trafficking involving citizens or nationals of North Korea.

(E) Information relating to transactions described in section ___12(a).

(F) Information relating to activities by governments as described in section 317(a) of the Korean Interdiction and Modernization of Sanctions Act (Public Law 115–44).

(G) Information relating to the identification, blocking, and release of property or proceeds described in section ___17(a).

(H) The effectiveness of law enforcement and diplomatic initiatives of Federal, State, and foreign governments to comply with the provisions of applicable United Nations Security Council resolutions.

(I) The effectiveness of compliance programs within the financial industry to ensure compliance with applicable United Nations Security Council resolutions.

(b) INTERAGENCY COORDINATION.—The President shall ensure that any information collected pursuant to subsection (a) is shared among the agencies involved in investigations described in section 102(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9212(b)).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2018 through 2021 such sums as may be necessary to carry out this section.

SEC. ___16. REPORT ON USE BY THE GOVERNMENT OF NORTH KOREA OF BENEFICIAL OWNERSHIP RULES TO ACCESS THE INTERNATIONAL FINANCIAL SYSTEM.

(a) IN GENERAL.—Not later than November 11, 2018, the Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall submit to the appropriate congressional committees and publish in the Federal Register a report setting forth the findings of the Director regarding how the Government of North Korea is using laws regarding beneficial ownership of property to access the international financial system.

(b) ELEMENTS.—The Director shall include in the report required under subsection (a) proposals for such legislative and administrative action as the Director considers appropriate.

SEC. ___17. SENSE OF CONGRESS ON IDENTIFICATION AND BLOCKING OF PROPERTY OF NORTH KOREAN OFFICIALS.

(a) IN GENERAL.—It is the sense of Congress that the President should collaborate with the Stolen Asset Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime to prioritize the identification, blocking, and release for humanitarian purposes of—

(1) any property owned or controlled by a North Korean official; or

(2) any significant proceeds of kleptocracy by the Government of North Korea or a North Korean official.

(b) NORTH KOREAN OFFICIAL DEFINED.—In this section, the term ''North Korean official'' includes—

(1) the individuals described in section 304(a)(2)(B) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9243(a)(2)(B)); and

(2) such additional officials as the President may determine to be officials of the Government of North Korea.

SEC. ___18. SENSE OF CONGRESS REGARDING THE KAESONG INDUSTRIAL COMPLEX.

(a) FINDINGS.—Congress finds the following:

(1) On October 14, 2006, the United Nations Security Council adopted Resolution 1718, paragraph 8(d) of which requires member states of the United Nations to ensure that persons under their jurisdiction prevent any funds, financial assets, and economic resources from being used by persons or entities engaged in or proving support for the nuclear, chemical, or biological weapons programs of North Korea or the ballistic missile programs of North Korea.

(2) On April 11, 2011, the President signed Executive Order 13570 (50 U.S.C. 1701 note; relating to prohibiting certain transactions with respect to North Korea), which prohibits the importation into the United States, directly or indirectly, of any goods, services, or technology from North Korea, except as provided in statute or in licenses, regulations, orders, or directives that may be issued pursuant to that Executive Order.

(3) In April 2013, the Under Secretary of the Treasury for Terrorism and Financial Intelligence said, in reference to the Kaesong Industrial Complex, ''Precisely what North Koreans do with earnings from Kaesong, I think, is something that we are concerned about.''.

(4) In February 2016, on announcing the suspension of operations at the Kaesong Industrial Complex, the Unification Ministry of the Republic of Korea stated that the Government of North Korea may have used the proceeds from the Kaesong Industrial Complex to finance its nuclear weapons program.

(5) On November 30, 2016, the United States Security Council approved Resolution 2321, paragraph 32 of which requires member states of the United Nations to prohibit public and private financial support for trade with North Korea from within their territories or by persons subject to their jurisdiction, including the granting of export credits, guarantees, or insurance to persons involved in such trade, except as approved in advance by a committee appointed by the Security Council on a case-by-case basis.

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

(1) the United States stands in solidarity with its ally in the Republic of Korea, and has expressed that solidarity with the sacrifice of 36,914 people of the United States and with the continued presence of 29,500 members of the Armed Forces of the United States in the Republic of Korea;

(2) the nuclear weapons program of North Korea poses a grave and imminent threat to the freedom and security of both the United States and the Republic of Korea;

(3) the Kaesong Industrial Complex yielded few, if any, apparent benefits with regard to the reform, liberalization, or disarmament of North Korea;

(4) the unconditional provision of revenue from the Kaesong Industrial Complex to the Government of North Korea undermines the financial pressure necessary to strict and effective enforcement of United Nations Security Council sanctions;

(5) the strict and effective enforcement of United Nations Security Council sanctions is the last plausible option to achieve the complete, verifiable, irreversible, and peaceful nuclear disarmament of North Korea; and

(6) the Kaesong Industrial Complex should not be reopened until the Government of North Korea has completely, verifiably, and irreversibly dismantled all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons.

PART II—DIVESTMENT FROM NORTH KOREA

SEC. ___21. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM COMPANIES THAT INVEST IN NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the decision of any State or local government, for moral, prudential, or reputational reasons, to divest from, or prohibit the investment of assets of the State or local government in, a person that engages in investment activities involving North Korean covered property if North Korea is subject to economic sanctions imposed by the United States or the United Nations Security Council.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (c) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities involving North Korean covered property of a value of more than $10,000.

(c) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person with respect to which a measure under this section is to be applied.

(2) TIMING.—The measure applied under this section shall apply to a person not earlier than the date that is 90 days after the date on which written notice under paragraph (1) is provided to the person.

(3) OPPORTUNITY TO DEMONSTRATE COMPLIANCE.—

(A) IN GENERAL.—The State or local government shall provide to each person with respect to which a measure is to be applied under this section an opportunity to demonstrate to the State or local government that the person does not engage in investment activities in North Korean covered property.

(B) NONAPPLICATION.—If a person with respect to which a measure is to be applied under this section demonstrates to the State or local government under subparagraph (A)

that the person does not engage in investment activities in North Korean covered property, the measure shall not apply to that person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has—

(A) made every effort to avoid erroneously targeting the person; and

(B) verified that the person engages in investment activities in North Korean covered property.

(d) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after a State or local government applies a measure under this section, the State or local government shall notify the Attorney General of that measure.

(e) AUTHORIZATION FOR PRIOR APPLIED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (c), except as provided in paragraph (2)) applied by the State or local government before the date of the enactment of this Act that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in North Korean covered property that are identified in that measure.

(2) APPLICATION OF NOTICE REQUIREMENTS.—A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1), (2), and (3)(A) of subsection (c) on and after the date that is two years after the date of the enactment of this Act.

(f) NO PREEMPTION.—A measure applied by a State or local government authorized under subsection (b) or (e) is not preempted by any Federal law.

(g) DEFINITIONS.—In this section:

(1) ASSET.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''asset'' means public monies, and includes any pension, retirement, annuity, endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''asset'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) INVESTMENT.—The term ''investment'' includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (e), this section applies to measures applied by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Except as provided in subsection (h), subsections (c) and (d) apply to measures applied by a State or local government on or after the date of the enactment of this Act.

SEC. ___22. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended—

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

(2) in subparagraph (B) by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(C) engage in investment activities involving North Korean covered property, as defined in section ___03 of the Banking Restrictions Involving North Korea (BRINK) Act of 2017.''.

(b) SECURITIES AND EXCHANGE COMMISSION REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Securities and Exchange Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)), including in accordance with paragraph (1)(C) of that section, as added by subsection (a)(3).

SEC. ___23. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that—

(1) a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities involving North Korean covered property, if—

(A) the fiduciary makes that determination using credible information that is available to the public; and

(B) the fiduciary prudently determines that the result of that divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(i) a lower rate of return than alternative investments with commensurate degrees of risk; or

(ii) a higher degree of risk than alternative investments with commensurate rates of return; and

(2) by divesting assets or avoiding the investment of assets as described in paragraph (1), the fiduciary is not breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)).

SEC. ___24. RULE OF CONSTRUCTION.

Nothing in this subtitle, an amendment made by this subtitle, or any other provision of law authorizing sanctions with respect to North Korea shall be construed to affect or displace—

(1) the authority of a State or local government to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction; or

(2) the regulation and taxation by the several States of the business of insurance, pursuant to the Act of March 9, 1945 (59 Stat. 34, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the ''McCarran-Ferguson Act'').

PART III—GENERAL AUTHORITIES

SEC. ___31. RULEMAKING.

The President may prescribe such rules and regulations as may be necessary to carry out this subtitle and amendments made by this subtitle.

SEC. ___32. AUTHORITY TO CONSOLIDATE REPORTS.

(a) IN GENERAL.—Any and all reports required to be submitted to the appropriate congressional committees under this subtitle or an amendment made by this subtitle that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted pursuant to that deadline.

(b) CONTENTS.—Any reports consolidated under subsection (a) shall contain all information required under this subtitle or the amendment made by this subtitle and any other elements that may be required by existing law.

SEC. ___33. RULE OF CONSTRUCTION.

Nothing in this subtitle or an amendment made by this subtitle shall be construed to limit the authority or obligation of the President—

(1) to apply the sanctions described in—

(A) section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214) with regard to persons that meet the criteria for designation under such section; or

(B) the Korean Interdiction and Modernization of Sanctions Act (title III of Public Law 115–44); or

(2) to exercise any other law enforcement authorities available to the President.

SA 1063. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 886, beginning in the new section 2320a of title 10, United States Code, as added by subsection (a)(1) of such section 886, strike subsection (c) of such section 2320a and all that follows through the end of subsection (d)(1) of such section 886 and insert the following:

''(c) APPLICABILITY TO EXISTING SOFTWARE.—The Secretary of Defense shall, where appropriate—

''(1) seek to negotiate open source licenses to existing custom-developed computer software with contractors that developed it; and

''(2) release related source code and technical data in a public repository location approved by the Department of Defense.

''(d) DEFINITIONS.—In this section:

''(1) CUSTOM-DEVELOPED COMPUTER SOFTWARE.—The term 'custom-developed computer software'—

''(A) means human-readable source code, including segregable portions thereof, that is—

''(i) first produced in the performance of a Department of Defense contract, grant, cooperative agreement, or other transaction; or

''(ii) developed by a contractor or subcontractor exclusively with Federal funds (other than an item or process developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply); and

''(B) does not include Commercial Off-The-Shelf software, or packaged software developed exclusively at private expense, whether delivered as a Cloud Service, in binary form, or by any other means of software delivery.

''(2) TECHNICAL DATA.—The term 'technical data' has the meaning given the term in section 2302 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2320 the following new item:

''2320a. Use of open source software.''.

(b) PRIZE COMPETITION.—The Secretary of Defense shall create a prize for a research and develop program or other activity for identifying, capturing, and storing existing Department of Defense custom-developed computer software and related technical data. The Secretary of Defense shall create

an additional prize for improving, repurposing, or reusing software to better support the Department of Defense mission. The prize programs shall be conducted in accordance with section 2374a of title 10, United States Code.

(c) REVERSE ENGINEERING.—The Secretary of Defense shall task the Defense Advanced Research Program Agency with a project to identify methods to locate and reverse engineer Department of Defense custom-developed computer software and related technical data for which source code is unavailable.

(d) DEFINITIONS.—In this section:

(1) CUSTOM-DEVELOPED COMPUTER SOFTWARE.—The term ''custom-developed computer software''—

(A) means human-readable source code, including segregable portions thereof, that is—

(i) first produced in the performance of a Department of Defense contract, grant, cooperative agreement, or other transaction; or

(ii) developed by a contractor or subcontractor exclusively with Federal funds (other than an item or process developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply); and

(B) does not include Commercial Off-The-Shelf software, or packaged software developed exclusively at private expense, whether delivered as a Cloud Service, in binary form, or by any other means of software delivery.

SA 1064. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. TRAINING FOR NATIONAL GUARD PERSONNEL ON WILDFIRE RESPONSE.

(a) IN GENERAL.—The Secretary of the Army and the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, provide for training of appropriate personnel of the National Guard on wildfire response, with preference given to States with the most acres of Federal forestlands administered by the U.S. Forest Service or the Department of the Interior.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense a total of $10,000,000, in addition to amounts authorized to be appropriated by sections 421 and 301, in order to carry out the training required by subsection (a) and provide related equipment.

SA 1065. Ms. CANTWELL (for herself, Mr. CASEY, and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4301, in the item relating to Environmental Restoration, Air Force, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Subtotal Environmental Restoration, Air Force, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Miscellaneous Appropriations, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Undistributed, Line number 999, reduce the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Fuel Savings, increase the amount of the reduction indicated in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Subtotal Undistributed, reduce the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Undistributed, reduce the amount in the Senate Authorized column by $20,000,000.

SA 1066. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT RESIDENT STATUS FOR LIU XIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Liu Xia shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Liu Xia enters the United States before the filing deadline specified in subsection (c), Liu Xia shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than the later of—

(1) 2 years after the date of the enactment of this Act; or

(2) 2 years after the date on which Liu Xia is released from incarceration or travel restriction imposed by the People's Republic of China.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Liu Xia, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 202(e) of such Act (8 U.S.C. 1152(e)).

SA 1067. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF FEDERAL SUBSIDIES IN CALCULATION OF FULLY BURDENED COST OF DROP-IN FUELS.

Section 2922h(c)(4) of title 10, United States Code, is amended by inserting '', including any financial contributions from a Federal agency other than the Department of Defense, including the Commodity Credit Corporation under the Department of Agriculture, for the purpose of reducing the total price of the fuel,'' after ''commodity price of the fuel''.

SA 1068. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON OBSERVATION FLIGHTS OF THE RUSSIAN FEDERATION OVER THE UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) IN GENERAL.—No amounts authorized to be appropriated by this Act may be used to aid, support, or permit in any manner observation flights of the Russian Federation over the United States under the Open Skies Treaty until the Secretary of Defense certifies to Congress each of the following:

(1) That the Russian Federation has removed all restrictions regarding access to observation flights of the United States and other covered state parties over the entirety of Russia in a manner that permits full implementation of the observation rights provided to the United States and covered state parties under the Open Skies Treaty.

(2) That the Russian Federation provides the same Air Traffic Control prioritization to observation aircraft from the United States and covered state parties that it receives from other participants under the Open Skies Treaty.

(3) That no upgraded sensors will be employed in observation flights of the Russian Federation or Belarus over the United States under the Open Skies Treaty unless the Russian Federation has agreed to the employment of advanced sensors, consistent with the Open Skies Treaty, on United States observation aircraft, and the United States has

deployed such sensors, for observation flights over Russia under the Open Skies Treaty.

(b) DEFINITIONS.—In this section:

(1) 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 a United States ally.

(2) OBSERVATION AIRCRAFT, OBSERVATION FLIGHT, AND SENSOR.—The terms ''observation aircraft'', ''observation flight'', and ''sensor'' have the meanings given such terms in Article II of the Open Skies Treaty.

(3) 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.

SA 1069. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON ILLICIT ACTIVITIES OF CERTAIN IRANIAN PERSONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense, in consultation with the Director of National Intelligence, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of State, shall submit to the appropriate committees of Congress a report that includes the following:

(1) A list of each person listed, or required to be listed, in Attachment 3 to Annex II of the Joint Comprehensive Plan of Action that has, on or after the date of the implementation of the Joint Comprehensive Plan of Action and before the date of the report, knowingly facilitated, participated or assisted in, engaged in, directed, or provided material support for activities described in subsection (b).

(2) A description of the activity described in subsection (b) engaged in by each person on the list required by paragraph (1).

(3) An assessment of the extent to which the activity described in subsection (b) engaged in by each person on the list required by paragraph (1) involves the provision or delivery of financial, material, or technological support to—

(A) the Government of Iran;

(B) Iran's Islamic Revolutionary Guard Corps;

(C) any person with respect to which sanctions have been imposed under any provision of law imposing sanctions with respect to Iran; or

(D) any person that directly, or indirectly through one or more intermediaries, is controlled by, or is under common control with, an entity described in subparagraph (A), (B), or (C).

(b) ACTIVITIES DESCRIBED.—An activity described in this subsection is any of the following:

(1) An act of international terrorism.

(2) The proliferation of nuclear or ballistic missile technology or spare parts.

(3) Illicit arms sales.

(4) Significant activities undermining cybersecurity.

(5) Violations of export controls.

(6) Financial crimes.

(7) Transnational organized crime, including drug and human trafficking.

(c) DETERMINATION AND PUBLIC AVAILABILITY.—To the maximum extent practicable, the list required by subsection (a)(1) shall be made available to the public and posted on a publicly available Internet website of the Department of Defense, the Department of State, the Department of the Treasury, or the Department of Commerce.

(d) DEFINITIONS.—In this section:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' includes—

(A) an act of torture, extrajudicial killing, aircraft sabotage, or hostage taking, as those terms are defined in section 1605A(h) of title 28, United States Code; and

(B) providing material support or resources, as defined in section 2339A of title 18, United States Code, for an act described in subparagraph (A).

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

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

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

(3) KNOWINGLY.—The term ''knowingly'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(4) JOINT COMPREHENSIVE PLAN OF ACTION.—The term ''Joint Comprehensive Plan of Action'' means the Joint Comprehensive Plan of Action, agreed to at Vienna on July 14, 2015, by Iran and by the People's Republic of China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy, and all implementing materials and agreements related to the Joint Comprehensive Plan of Action.

(5) PERSON.—The term ''person'' means an individual or entity.

(6) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The term ''significant activities undermining cybersecurity'' includes—

(A) significant efforts to—

(i) deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(ii) exfiltrate information from such a system or network without authorization;

(B) significant destructive malware attacks;

(C) significant denial or service activities; and

(D) such other significant activities undermining cybersecurity as may be specified in regulations prescribed to implement this section.

SA 1070. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. COMBAT CAPABILITY AND MODERNIZATION OF B–2 FLEET.

The Secretary of the Air Force shall ensure that the B–2 fleet remains fully combat capable, that necessary modernization of the fleet continues, and that the aircraft remains in the primary mission aircraft inventory of the Air Force.

SA 1071. Mr. STRANGE submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1656. REVIEW OF PROPOSED GROUND-BASED MIDCOURSE DEFENSE SYSTEM CONTRACT.

(a) LIMITATION ON CHANGES TO CONTRACTING STRATEGY.—The Director of the Missile Defense Agency may not change the contracting strategy for the systems integration, operations, and test of the ground-based midcourse defense system until the date on which—

(1) the report under subsection (b)(4) is submitted to the congressional defense committees; and

(2) a period of 30 days has elapsed following the date of such submittal.

(b) REVIEW.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall conduct a review of the contract for the systems integration, operations, and test of the ground-based midcourse defense system.

(2) ELEMENTS.—The review required by paragraph (1) shall include the following:

(A) Contract performance of current industry-led prime contract approach, including with respect to—

(i) system readiness performance and reliability growth;

(ii) development, integration, and fielding of new homeland defense capabilities; and

(iii) cost performance against baseline contract.

(B) With respect to alternate contracting approaches—

(i) an enumeration and detailing of any specific benefits for each such alternate approach;

(ii) an identification of specific costs to switching to each such alternate approach; and

(iii) detailing of the specific risks of each such alternate approach to homeland defense, including regarding schedule, costs, and the sustainment, maintenance, development, and fielding, of integrated capabilities.

(C) With respect to contracting approaches that transition to Federal Government-led systems engineering integration and test—

(i) an enumeration of the processes, procedures, and command media that have been established by the Missile Defense Agency and proven to be effective for the execution of programs that are of the scale of the ground-based midcourse defense system; and

(ii) the manner in which a new contract will control for growth in the personnel and support contracts of the Federal Government to support cost growth and minimize the risk of schedule delay.

(D) A baseline for historical and current staffing of the ground-based midcourse defense system program, specifically with respect to personnel of the Federal Government, personnel of federally funded research and development centers, personnel of departments and agencies of the Federal Government, and support contractors.

(E) Projections of the staffing categories specified in subparagraph (D) under a new contracting strategy and how such staffing categories will be limited to prevent significant cost growth and to minimize the risk of schedule delays.

(F) The views and recommendations of the Director for any changes the current ground-based midcourse defense system contract or a new contract, including the proposed contracting strategy of the Missile Defense Agency.

(G) Such other matters as the Director determines appropriate.

(3) TRANSMISSION.—The Director of Cost Assessment and Program Evaluation shall transmit to the Under Secretary of Defense for Research and Engineering and the Missile Defense Executive Board the findings of the Director with respect to the review conducted under paragraph (1).

(4) REPORT.—Not later than 30 days after the date on which the Under Secretary and the Missile Defense Executive Board receive the findings of the Director under paragraph (3), the Under Secretary and Board shall jointly submit to the congressional defense committees a report containing—

(A) the findings of the Director transmitted under paragraph (3), without change; and

(B) such views and recommendations of the Under Secretary and the Board may have with respect to such findings or the review conducted under paragraph (1).

SA 1072. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1612. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 1055 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SA 1073. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1653 and insert the following:

SEC. 1653. GROUND-BASED INTERCEPTOR CAPABILITY, CAPACITY, AND RELIABILITY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that it is the policy of the United States to maintain and improve, with the allies of the United States, an effective, robust layered missile defense system capable of defending the citizens of the United States residing in territories and States of the United States, allies of the United States, and deployed Armed Forces of the United States.

(b) INCREASE IN CAPACITY AND CONTINUED ADVANCEMENT.—The Secretary of Defense shall—

(1) subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense, increase the number of United States ground-based interceptors, unless otherwise directed by the Ballistic Missile Defense Review, by up to 28;

(2) develop a plan to further increase such number to the currently available missile field capacity of 104 and to plan for any future capacity at any site that may be identified by the Ballistic Missile Defense Review; and

(3) continue to rapidly advance missile defense technologies to improve the capability and reliability of the ground-based midcourse defense element of the ballistic missile defense system.

(c) DEPLOYMENT.—Not later than December 31, 2021, the Secretary of Defense shall—

(1) execute any requisite construction to ensure that Missile Field 1 or Missile Field 2 at Fort Greely or alternative missile fields at Fort Greely which may be identified pursuant to subsection (b), are capable of supporting and sustaining additional ground-based interceptors;

(2) deploy up to 14 additional ground-based interceptors to Missile Field 1 or up to 20 additional ground-based interceptors to an alternative missile field at Fort Greely as soon as technically feasible; and

(3) identify a ground-based interceptor stockpile storage site for the remaining ground-based interceptors required by subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Unless otherwise directed or recommended by the Ballistic Missile Defense Review (BMDR), the Director of the Missile Defense Agency shall submit to the congressional defense committees, not later than 90 days after the completion of the Ballistic Missile Defense Review, a report on options to increase the capability, capacity, and reliability of the ground-based midcourse defense element of the ballistic missile defense system and the infrastructure requirements for increasing the number of ground-based interceptors in currently feasible locations across the United States.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of potential sites in the United States, whether existing or new on the East Coast or in the Midwest, for the deployment of 104 ground-based interceptors.

(B) A cost-benefit analysis of each such site, including tactical, operational, and cost-to-construct considerations.

(C) A description of any completed and outstanding environmental assessments or impact statements for each such site.

(D) A description of the existing capacity of the missile fields at Fort Greely and the infrastructure requirements needed to increase the number of ground-based interceptors to 20 ground-based interceptors each.

(E) A description of the additional infrastructure and components needed to further outfit missile fields at Fort Greely before emplacing additional ground-based interceptors configured with the redesigned kill vehicle, including with respect to ground excavation, silos, utilities, and support equipment.

(F) A cost estimate of such infrastructure and components.

(G) An estimated schedule for completing such construction as may be required for such infrastructure and components.

(H) An identification of any environmental assessments or impact studies that would need to be conducted to expand such missile fields at Fort Greely beyond current capacity.

(I) An operational evaluation and cost analysis of the deployment of transportable ground-based interceptors, including an identification of potential sites, including in the eastern United States and at Vandenberg Air Force Base, and an examination of any environmental, legal, or tactical challenges associated with such deployments, including to any sites identified in subparagraph (A).

(J) A determination of the appropriate fleet mix of ground-based interceptor kill vehicles and boosters to maximize overall system effectiveness and increase its capacity and capability, including the costs and benefits of continued inclusion of capability enhancement II (CE-II) Block 1 interceptors after the fielding of the redesigned kill vehicle.

(K) A description of the planned improvements to homeland ballistic missile defense sensor and discrimination capabilities and an assessment of the expected operational benefits of such improvements to homeland ballistic missile defense.

(L) The benefit of supplementing ground-based midcourse defense elements with other, more distributed, elements, including both Aegis ships and Aegis Ashore installations with Standard Missile-3 Block IIA and other interceptors in Hawaii and at other locations for homeland missile defense.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 1074. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 812, beginning in the new section 2339a of title 10, United States Code, as added by subsection (a)(1) of such section 812, strike ''$250,000''and all that follows through the end of subsection (b) of such section 812 and insert the following: ''$250,000. This section shall not apply for purposes of determining the value of the simplified acquisition threshold referred to in subsection 2533a(h) or subsection 2533b(f) of this title.''.

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

''2339a. Simplified acquisition threshold.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 134 of title 41, United States Code, is amended by striking ''In division B'' and inserting ''Except as provided in section 2339a of title 10, in division B''.

(2) Section 2533a(h) of title 10, United States Code, is amended by striking ''referred to in section 2304(g) of this title'' and

inserting ''specified in section 134 of title 41, United States Code''.

(3) Section 2533b(f) of title 10, United States Code, is amended by striking ''referred to in section 2304(g) of this title'' and inserting ''specified in section 134 of title 41, United States Code''.

SA 1075. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Subtitle K—Fair Pay and Safe Workplaces

SEC. 899G. SHORT TITLE.

This subtitle may be cited as the ''Fair Pay and Safe Workplaces Act of 2017''.

SEC. 899H. DEFINITIONS.

In this subtitle:

(1) COVERED CONTRACT.—The term ''covered contract'' means a Federal contract for the procurement of property or services, including construction, valued in excess of $500,000.

(2) COVERED SUBCONTRACT.—The term ''covered subcontract''—

(A) means a subcontract for property or services under a Federal contract that is valued in excess of $500,000; and

(B) does not include a subcontract for the procurement of commercially available off-the-shelf items.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

SEC. 899I. FINDINGS.

Congress makes the following findings:

(1) Over the last two decades, the role of private contractors in public projects has significantly increased. Having doubled the amount of taxpayer dollars spent on contract labor since the year 2000, the Federal Government, according to recent estimates, now purchases more than $500,000,000,000 worth of goods and services from private firms, which employ 26,000,000 workers.

(2) According to a majority staff report released in 2013 by the Committee on Health, Education, Labor, and Pensions of the Senate (the ''HELP Committee''), in recent years, dozens of major Federal contractors have repeatedly violated basic Federal labor laws with impunity. From 2007 through 2012, 49 individual Federal contractors triggered 1,776 enforcement actions for violating basic health and safety standards, discriminating against workers, or failing to pay workers what they earned. Despite these repeated infractions, those 49 companies received $81,000,000,000 in Federal contracts in fiscal year 2012 alone.

(3) The HELP Committee staff report also showed that, from 2007 through 2012, companies holding large Federal contracts accounted for 48 percent of the penalties assessed by the Occupational Safety and Health Administration's list of top 100 violators, and incurred more than $87,000,000 in penalties. In fact, 8 of these companies were found to be directly responsible for the deaths of 42 United States workers. Nevertheless, in fiscal year 2012, United States taxpayers provided these companies with $3,400,000,000 in Federal contracts.

(4) In addition to these health and safety violations, the HELP Committee report showed that Federal contractors have been repeatedly cited for violations of wage laws. Investigations of infractions by the Department of Labor often produce either a settlement or litigation, both of which can result in a back pay award for victimized workers. Between 2007 and 2012, Federal contractors accounted for 35 of the 100 largest back pay awards, and 32 Federal contractors were responsible for more than 40 percent of the total amount of unpaid back wages awarded during this period. Despite being compelled to pay more than $82,000,000 in back wages, these 32 violators received $73,100,000,000 of Federal contracts in fiscal year 2012.

(5) The fact that repeat offenders continue to receive lucrative Federal contracts indicates the profound lack of accountability in the present system of Federal contracting. Such a gap necessitates reforms to the relationship between contracting officers and the Department of Labor as well expanding the number of supervision and enforcement tools available to both, which will ensure contractor compliance with Federal labor laws.

(6) In 2014, President Barack Obama issued Executive Order 13673 on Fair Pay and Safe Workplaces. In the executive order, the President determined that ''contractors that consistently adhere to labor laws are more likely to have workplace practices that enhance productivity and increase the likelihood of timely, predictable, and satisfactory delivery of goods and services to the Federal Government. Helping executive departments and agencies to identify and work with contractors with track records of compliance will reduce execution delays and avoid distractions and complications that arise from contracting with contractors with track records of noncompliance.''

(7) In furtherance of economy and efficiency in contracting, the Fair Pay and Safe Workplaces Executive Order took a three-pronged approach to these problems:

(A) Companies were required to disclose any violations of Federal labor law when applying for a contract. Those with poor track records of compliance were compelled to prove they had taken action to remedy these infractions.

(B) Federal contractors were required to give their employees pay stubs each pay period documenting hours, overtime, and wages to prevent wage theft.

(C) To protect workers from discrimination or harassment, the executive order prohibited the use of forced arbitration agreements in employment contracts by companies with large Federal contracts of $1,000,000 or more.

(8) Parties who contract with the Federal Government should ensure that they understand and comply with labor laws, which are designed to promote safe, healthy, fair, and effective workplaces.

(9) Contractors and subcontractors that consistently adhere to labor laws are more likely to have workplace practices that enhance productivity and increase the likelihood of timely, predictable, and satisfactory delivery of goods and services to the Federal Government.

SEC. 899J. STATEMENT OF POLICY.

It is the policy of the United States that the Federal Government shall promote economy and efficiency in procurement by awarding contracts to contractors that promote safe, healthy, fair, and effective workplaces through compliance with labor laws, and by promoting opportunities for contractors to do the same when awarding subcontracts.

SEC. 899K. REQUIRED PRE-CONTRACT AWARD ACTIONS.

(a) DISCLOSURES.—The head of an executive agency shall ensure that the solicitation for a covered contract requires the offeror—

(1) to represent, to the best of the offeror's knowledge and belief, whether there has been any administrative merits determination, arbitral award or decision, or civil judgment, as defined in guidance issued by the Secretary of Labor, rendered against the offeror in the preceding 3 years for violations of—

(A) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(B) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(C) the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.);

(D) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(E) subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'');

(F) chapter 67 of title 41, United States Code (commonly known as the ''Service Contract Act'');

(G) Executive Order 11246 (42 U.S.C. 2000e note; relating to equal employment opportunity);

(H) section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793);

(I) section 4212 of title 38, United States Code;

(J) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(K) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(L) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(M) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(N) Executive Order 13658 (79 Fed. Reg. 9851; relating to establishing a minimum wage for contractors); or

(O) equivalent State laws, as defined in guidance issued by the Secretary of Labor;

(2) to require each subcontractor for a covered subcontract—

(A) to represent, to the best of the subcontractor's knowledge and belief, whether there has been any administrative merits determination, arbitral award or decision, or civil judgment, as defined in guidance issued by the Department of Labor, rendered against the subcontract in the preceding three years for violations of any of the labor laws and executive orders listed under paragraph (1); and

(B) to update such information every 6 months for the duration of the subcontract; and

(3) to consider the information submitted by a subcontractor pursuant to paragraph (2) in determining whether the subcontractor is a responsible source with a satisfactory record of integrity and business ethics—

(A) prior to awarding the subcontract; or

(B) in the case of a subcontract that is awarded or will become effective within 5 days of the prime contract being awarded, not later than 30 days after awarding the subcontract.

(b) PRE-AWARD CORRECTIVE MEASURES.—

(1) IN GENERAL.—A contracting officer, prior to awarding a covered contract, shall, as part of the responsibility determination, provide an offeror who makes a disclosure pursuant to subsection (a) an opportunity to report any steps taken to correct the violations of or improve compliance with the labor laws listed in paragraph (1) of such subsection, including any agreements entered into with an enforcement agency.

(2) CONSULTATION.—The executive agency's Labor Compliance Advisor designated pursuant to section 899M, in consultation with relevant enforcement agencies, shall advise the contracting officer whether agreements are in place or are otherwise needed to address appropriate remedial measures, compliance assistance, steps to resolve issues to avoid

further violations, or other related matters concerning the offeror.

(3) RESPONSIBILITY DETERMINATION.—The contracting officer, in consultation with the executive agency's Labor Compliance Advisor, shall consider information provided by the offeror under this subsection in determining whether the offeror is a responsible source with a satisfactory record of integrity and business ethics. The determination shall be based on the guidelines established by the Department of Labor under subsection (b)(1) of section 899N and the Federal Acquisition Regulatory Council under subsection (a) of such section.

(c) REFERRAL OF INFORMATION TO SUSPENSION AND DEBARMENT OFFICIALS.—As appropriate, contracting officers, in consultation with their executive agency's Labor Compliance Advisor, shall refer matters related to information provided pursuant to paragraphs (1) and (2) of subsection (a) to the executive agency's suspension and debarment official in accordance with agency procedures.

SEC. 899L. POST-AWARD CONTRACT ACTIONS.

(a) INFORMATION UPDATES.—The contracting officer for a covered contract shall require that the contractor update the information provided under paragraphs (1) and (2) of section 899K(a) every 6 months.

(b) CORRECTIVE ACTIONS.—

(1) PRIME CONTRACT.—The contracting officer, in consultation with the Labor Compliance Advisor designated pursuant to section 899M, shall determine whether any information provided under subsection (a) warrants corrective action. Such action may include—

(A) an agreement requiring appropriate remedial measures;

(B) compliance assistance;

(C) resolving issues to avoid further violations;

(D) the decision not to exercise an option on a contract or to terminate the contract;

(E) referral to the agency suspending and debarring official; or

(F) such other action as the contracting officer deems appropriate.

(2) SUBCONTRACTS.—The prime contractor for a covered contract, in consultation with the Labor Compliance Advisor, shall determine whether any information provided under section 899K(a)(2) warrants corrective action, including remedial measures, compliance assistance, and resolving issues to avoid further violations.

(3) DEPARTMENT OF LABOR.—The Department of Labor shall, as appropriate, inform executive agencies of its investigations of contractors and subcontractors on current Federal contracts for purposes of determining the appropriateness of actions described under paragraphs (1) and (2).

SEC. 899M. LABOR COMPLIANCE ADVISORS.

(a) IN GENERAL.—Each executive agency shall designate a senior official to act as the agency's Labor Compliance Advisor.

(b) DUTIES.—The Labor Compliance Advisor shall—

(1) meet quarterly with the Deputy Secretary, Deputy Administrator, or equivalent executive agency official with regard to matters covered under this subtitle;

(2) work with the acquisition workforce, agency officials, and agency contractors to promote greater awareness and understanding of labor law requirements, including record keeping, reporting, and notice requirements, as well as best practices for obtaining compliance with these requirements;

(3) coordinate assistance for executive agency contractors seeking help in addressing and preventing labor violations;

(4) in consultation with the Department of Labor or other relevant enforcement agencies, and pursuant to section 899K(b) as necessary, provide assistance to contracting officers regarding appropriate actions to be taken in response to violations identified prior to or after contracts are awarded, and address complaints in a timely manner, by—

(A) providing assistance to contracting officers and other executive agency officials in reviewing the information provided pursuant to subsections (a) and (b) of section 899K and section 899L(a), or other information indicating a violation of a labor law in order to assess the serious, repeated, willful, or pervasive nature of any violation and evaluate steps contractors have taken to correct violations or improve compliance with relevant requirements;

(B) helping agency officials determine the appropriate response to address violations of the requirements of the labor laws listed in section 899K(a)(1) or other information indicating such a labor violation (particularly serious, repeated, willful, or pervasive violations), including agreements requiring appropriate remedial measures, decisions not to award a contract or exercise an option on a contract, contract termination, or referral to the executive agency suspension and debarment official;

(C) providing assistance to appropriate executive agency officials in receiving and responding to, or making referrals of, complaints alleging violations by agency contractors and subcontractors of the requirements of the labor laws listed in section 899K(a)(1); and

(D) supporting contracting officers, suspension and debarment officials, and other agency officials in the coordination of actions taken pursuant to this subsection to ensure agency-wide consistency, to the extent practicable;

(5) as appropriate, send information to agency suspension and debarment officials in accordance with agency procedures;

(6) consult with the agency's Chief Acquisition Officer and Senior Procurement Executive, and the Department of Labor as necessary, in the development of regulations, policies, and guidance addressing labor law compliance by contractors and subcontractors;

(7) make recommendations to the agency to strengthen agency management of contractor compliance with labor laws;

(8) publicly report, on an annual basis, a summary of agency actions taken to promote greater labor compliance, including the agency's response pursuant to this order to serious, repeated, willful, or pervasive violations of the requirements of the labor laws listed in section 899K(a)(1); and

(9) participate in the interagency meetings regularly convened by the Secretary of Labor pursuant to section 899N(b)(2)(C).

SEC. 899N. MEASURES TO ENSURE GOVERNMENT-WIDE CONSISTENCY.

(a) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council, in consultation with the Director of the Office of Management and Budget and the Secretary of Labor, shall amend the Federal Acquisition Regulation—

(1) to identify, for the purpose of integrity and business ethics determinations made by contracting officers and contractors (with respect to subcontractors), considerations for determining the significance of serious, repeated, willful, or pervasive violations of the labor laws listed in section 899K(a)(1);

(2) to provide that, subject to the determination of the executive agency, in most cases a single violation of law may not necessarily give rise to a determination of lack of responsibility, depending on the nature of the violation;

(3) ensure appropriate consideration is given to any remedial measures or mitigating factors, including any agreements by contractors or other corrective action taken to address violations; and

(4) ensure that contracting officers and Labor Compliance Advisors send information, as appropriate, to suspension and debarment officials.

(b) DEPARTMENT OF LABOR.—

(1) GUIDANCE.—

(A) IN GENERAL.—The Secretary of Labor (in this subsection referred to as the ''Secretary'') shall develop guidance, in consultation with the executive agencies responsible for enforcing the requirements of the labor laws listed in section 899K(a)(1), to assist such agencies in determining whether administrative merits determinations, arbitral awards or decisions, or civil judgments were issued for serious, repeated, willful, or pervasive violations of such requirements for purposes of implementation of any final rule issued by the Federal Acquisition Regulatory Council pursuant to this subtitle.

(B) STANDARDS.—Such guidance shall—

(i) where available, incorporate existing statutory standards for assessing whether a violation is serious, repeated, willful, or pervasive; and

(ii) where no such statutory standards exist, develop standards that take into account—

(I) for determining whether a violation is ''serious'' in nature, the number of employees affected, the degree of risk posed or actual harm caused by the violation to health, safety, or well-being of a worker, the amount of damages incurred or fines or penalties assessed with regard to the violation, and other considerations as the Secretary determines appropriate;

(II) for determining whether a violation is ''repeated'' in nature, whether the entity has had one or more additional violations of the same or a substantially similar requirement during the previous 3 years;

(III) for determining whether a violation is ''willful'' in nature, whether the entity knew of, showed reckless disregard for, or acted with plain indifference to the matter of whether its conduct was prohibited by the requirements of the labor laws listed in section 899K(a)(1); and

(IV) for determining whether a violation is ''pervasive'' in nature, the number of violations of such a requirement, or the aggregate number of violations of such requirements, in relation to the size of the entity.

(2) ADDITIONAL ACTIVITIES AND LABOR COMPLIANCE AGREEMENTS.—The Secretary shall—

(A) develop a process—

(i) for the Labor Compliance Advisors designated pursuant to section 899M to consult with the Secretary in carrying out their responsibilities under section 899M(b)(4);

(ii) by which contracting officers and Labor Compliance Advisors may give appropriate consideration to determinations and agreements made by the Secretary and the heads of other executive agencies; and

(iii) by which contractors may enter into agreements regarding steps a prospective contractor will take to ensure compliance with applicable labor laws (as described in section 899K of this Act) with the Secretary, or the head of another executive agency, prior to being considered for a contract;

(B) review data collection requirements and processes, and work with the Director of the Office of Management and Budget, the Administrator for General Services, and other agency heads to improve such requirements and processes, as necessary, to reduce the burden on contractors and increase the amount of information available to executive agencies;

(C) regularly convene interagency meetings of Labor Compliance Advisors to share and promote best practices for improving labor law compliance; and

(D) designate an appropriate contact for executive agencies seeking to consult with the Secretary with respect to the requirements and activities under this subtitle.

(c) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(1) work with the Administrator of General Services to include in the Federal Awardee Performance and Integrity Information System the information provided by contractors pursuant to sections 899K(a)(1) and 899L(a) and data on the resolution of any issues related to such information; and

(2) designate an appropriate contact for agencies seeking to consult with the Office of Management and Budget on matters arising under this subtitle.

(d) GENERAL SERVICES ADMINISTRATION.—

(1) IN GENERAL.—The Administrator of General Services, in consultation with other relevant executive agencies, shall establish a single Internet website for Federal contractors to use for all Federal contract reporting requirements under this subtitle, as well as any other Federal contract reporting requirements to the extent practicable.

(2) AGENCY COOPERATION.—The heads of executive agencies with covered contracts shall provide the Administrator of General Services with the data necessary to maintain the Internet website established under paragraph (1).

(e) MINIMIZING COMPLIANCE BURDEN.—In amending the Federal Acquisition Regulation pursuant to subsection (a) and developing guidance pursuant to subsection (b), the Federal Acquisition Regulatory Council and the Secretary of Labor, respectively, shall minimize, to the extent practicable, the burden on contractors and subcontractors of complying with this subtitle, particularly small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) and small non-profit organizations.

SEC. 899O. PAYCHECK TRANSPARENCY.

(a) IN GENERAL.—Each executive agency entering into a covered contract, or covered subcontract, shall ensure that provisions in solicitations for such contracts, or subcontracts, and clauses in such contracts, or subcontracts, shall provide that, for each pay period, contractors or subcontractors provide each individual described in subsection (b) with a document containing information with respect to such individual for the pay period concerning hours worked, overtime hours worked, pay, and any additions made to or deductions made from pay.

(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual performing work under a contract or subcontract for which the executive agency is required to maintain wage records under—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(2) subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'');

(3) chapter 67 of title 41, United States Code (commonly known as the ''Service Contract Act''); or

(4) an applicable State law.

(c) EXCEPTIONS.—

(1) EMPLOYEES EXEMPT FROM OVERTIME REQUIREMENTS.—The document provided under subsection (a) to individuals who are exempt under section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) from the overtime compensation requirements under section 7 of such Act (29 U.S.C. 207) shall not be required to include a record of the hours worked if the contractor or subcontractor informs the individual of the status of such individual as exempt from such requirements.

(2) SUBSTANTIALLY SIMILAR STATE LAWS.—The requirements under this section shall be deemed to be satisfied if the contractor or subcontractor complies with State or local requirements that the Secretary of Labor has determined are substantially similar to the requirements under this section.

(d) INDEPENDENT CONTRACTORS.—If the contractor or subcontractor is treating an individual performing work under a covered contract or subcontract as an independent contractor, and not as an employee, the contractor or subcontractor shall provide the individual a document informing the individual of their status as an independent contractor.

SEC. 899P. COMPLAINT AND DISPUTE TRANSPARENCY.

(a) IN GENERAL.—

(1) CONTRACTS.—The head of an executive agency may not enter into a contract for the procurement of property or services valued in excess of $1,000,000 unless the contractor agrees that any decision to arbitrate the claim of an employee or independent contractor performing work under the contract that arises under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or any tort related to or arising out of sexual assault or sexual harassment may only be made with the voluntary consent of the employee or independent contractor after the dispute arises.

(2) SUBCONTRACTS.—The Secretary shall require that a contractor covered under paragraph (1) incorporate the requirement under such subsection into each subcontract for the procurement of property or services valued in excess of $1,000,000 at any tier under the contract.

(b) EXCEPTIONS.—

(1) CONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—The requirements under subsection (a) do not apply to contracts or subcontracts for the acquisition of commercial items or commercially available off-the-shelf items (as those terms are defined in sections 103(1) and 104, respectively, of title 41, United States Code).

(2) EMPLOYEES AND INDEPENDENT CONTRACTORS NOT COVERED.—The requirements under subsection (a) do not apply with respect to an employee or independent contractor who—

(A) is covered by a collective bargaining agreement negotiated between the contractor or subcontractor and a labor organization representing the employee or independent contractor; or

(B) entered into a valid agreement to arbitrate claims covered under such subsection before the contractor or subcontractor bid on the contract covered under such subsection, except that such requirements do apply—

(i) if the contractor or subcontractor is permitted to change the terms of the arbitration agreement with the employee or independent contractor; or

(ii) in the event the arbitration agreement is renegotiated or replaced after the contractor or subcontractor bids on the contract.

SEC. 899Q. IMPLEMENTING REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall, in addition to carrying out section 899N(a), amend the Federal Acquisition Regulation to carry out the other provisions of this subtitle, including sections 899O and 899P.

SEC. 899R. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Labor shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report on actions taken pursuant to this subtitle.

(b) INFORMATION INCLUDED.—The report required under this section shall include the following information:

(1) The number of instances that each executive agency, in accordance with sections 899K and 899L, required remedial measures, decided not to award a contract or exercise an option on a contract, terminated a contract, or referred an entity to an agency suspension and disbarment official.

(2) The number of unique contractors that were subject to actions described in paragraph (1).

SEC. 899S. SEVERABILITY.

If any provision of this subtitle or the application of any such provision to any person or circumstance is held to be unconstitutional, the remaining provisions of this subtitle and the application of such provisions to any person or circumstance shall not be affected by such holding.

SEC. 899T. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed as—

(1) impairing or otherwise affecting the authority granted by law to an executive agency or the head thereof;

(2) impairing or otherwise affecting the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(3) creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SA 1076. Mr. INHOFE (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. LIMITATION ON AVAILABILITY OF FUNDS FOR AERONAUTICAL MOBILE APPLICATION ARCHITECTURE.

No funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any other fiscal year may be used by the Department of Defense to conduct an acquisition for electronic flight bag aviation applications for Aeronautical Mobile Application Architecture if commercial off-the-shelf aviation applications are currently available.

SA 1077. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. TECHNICAL CORRECTION TO WITHDRAWAL AND RESERVATION OF PUBLIC LAND AUTHORITY, LIMESTONE HILLS TRAINING AREA, MONTANA.

Section 2931(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1031) is amended by striking ''18,644 acres in Broadwater County, Montana, generally depicted as 'Proposed Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated April 10, 2013'' and inserting ''18,964 acres in Broadwater County, Montana, generally depicted as 'Limestone Hills Training Area Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated May 11, 2017''.

SA 1078. Mr. PORTMAN (for himself, Mr. BENNET, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4601, in the item relating to Washington Navy Yard AT/FP Land Acquisition, increase the amount in the Senate Authorized column by $60,000,000.

In the funding table in section 4601, in the item relating to Subtotal Mil Con, Navy, increase the amount in the Senate Authorized column by $60,000,000.

In the funding table in section 4601, in the item relating to Total Military Construction, increase the amount in the Senate Authorized column by $60,000,000.

In the funding table in section 4601, in the item relating to Total Military Construction, Family Housing, and BRAC, increase the amount in the Senate Authorized column by $60,000,000.

SA 1079. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. ___. CREDIT TOWARD COMPUTATION OF YEARS OF SERVICE FOR NONREGULAR SERVICE RETIRED PAY UPON COMPLETION OF REMOTELY DELIVERED MILITARY EDUCATION OR TRAINING.

(a) IN GENERAL.—Section 12732(a)(2) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (E) the following new subparagraph:

''(F) Such points (but not more than 10 points) as the Secretary concerned determines to be appropriate for successful completion of a course of instruction using electronically delivered methodologies to accomplish military education or training, unless the education or training is performed while in a status for which credit is provided under another subparagraph of this paragraph.''; and

(2) by striking ''and (E)'' in the last sentence and inserting ''(E), and (F)''.

(b) MAXIMUM NUMBER OF POINTS PER SERVICE YEAR.—Section 12733(3) of such title is amended by striking ''or (D)'' and inserting ''(D), or (F)''.

SA 1080. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. FINANCIAL AUDIT FUND.

(a) IN GENERAL.—If the Department of Defense does not obtain a qualified audit opinion on its full financial statements for fiscal year 2020 by March 31, 2021, the Secretary of Defense shall establish a fund to be known as the ''Financial Audit Fund'' (in this section referred to as the ''Fund'') for the purpose of activities for the resolution of Notices of Findings and Recommendations received.

(b) ELEMENTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (d).

(3) Any other amounts authorized for transfer or deposit into the Fund by law.

(c) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for activities for the resolution of Notices of Findings and Recommendations received.

(2) TRANSFERS FROM FUND.—Amounts in the Fund may be transferred to any other account of the Department in order to fund activities described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as amounts in such account. The authority to transfer amounts under this paragraph is in addition to any other authority of the Secretary to transfer amounts by law.

(3) LIMITATIONS.—Amounts in the Fund may be transferred under this subsection in a fiscal year only to agencies and organizations of the Department that have an obtained an unmodified audit opinion on their financial statements for at least one of the two preceding fiscal years. Amounts so transferred shall be available only to permit the agency or organization to which transferred to carry out activities described in paragraph (1).

(d) TRANSFERS TO FUND IN CONNECTION WITH CERTAIN ORGANIZATIONS.—

(1) REDUCTION IN AMOUNT AVAILABLE.—Subject to paragraph (2), if during any fiscal year after fiscal year 2021 the Secretary determines that an agency or organization of the Department has not achieved a qualified opinion on its full financial statements, is being identified as not audit ready, is receiving a disclaimer of opinion on its financial statements, or is receiving an adverse opinion on its financial statements for the calendar year ending during such fiscal year—

(A) the amount available to such agency or organization for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such agency or organization for the fiscal year; minus

(ii) the lesser of—

(I) an amount equal to 0.5 percent of the amount described in clause (i); or

(II) $100,000,000; and

(B) the Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unavailable to agencies and organizations of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an agency or organization of the Department under paragraph (1) for a fiscal year shall not apply to amounts, if any, available to such agency or organization for the fiscal year for military personnel.

(3) LIMITATION ON FUNDS TRANSFERRABLE.—The authority to transfer amounts pursuant to this subsection applies only with respect to amounts that are appropriated after the date of the enactment of this Act.

(e) REPORTS ON TRANSFERS.—Not later than 15 days before the transfer of any amount pursuant subsection (c)(2) or (d)(1)(B), the Secretary shall submit to the congressional defense committees a notice on the transfer, including the agency or organization whose funds will provide the source of the transfer, the amount of the transfer, and the specific plans for the use of the amount transferred for the resolution of Notices of Findings and Recommendations concerned, as applicable.

(f) DEFINITIONS.—In this section:

(1) The term ''audit ready'', with respect to an agency or organization of the Department of Defense, means that the agency or organization has in place the critical audit capabilities and associated infrastructure necessary to successfully commence and support a financial audit of its relevant financial statements.

(2) The term ''adverse opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are misleading and cannot be relied upon.

(3) The term ''disclaimer of opinion'', with respect to financial statements, means that the auditor of the financial statements was not able to complete the audit work, and cannot issue an opinion, on the financial statements.

(4) The term ''qualified opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are reliable with certain exceptions.

(g) COORDINATING REPEAL.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subsection (d).

SA 1081. Mr. YOUNG (for himself, Mr. MURPHY, and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. LIMITATION ON REFUELING OF AIRCRAFT OF SAUDI ARABIA FOR OPERATIONS IN YEMEN.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be obligated or expended for the refueling of aircraft of Saudi Arabia for operations in Yemen until 14 days after the date on which the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, submits to the appropriate committees of Congress and the Comptroller General of the United States a certification described in subsection (b), together with a detailed justification for the certification.

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification as follows:

(1) That the Government of Saudi Arabia is complying fully with its obligations in Yemen under each of the following:

(A) Customary international law rule 55.

(B) Articles 14 and 18 of the Additional Protocol (II) to the Geneva Conventions of August 12, 1949.

(2) That the Government of Saudi Arabia is facilitating the delivery and installation of cranes to the port of Hodeidah that will expedite the delivery of humanitarian assistance.

(c) COMPTROLLER GENERAL REPORT.—Not later than 60 days after the submittal of the certification described in subsection (b), the Comptroller General shall submit to the appropriate committees of Congress a report assessing whether the conclusions in the certification are fully supported, and the justification for the certification pursuant to subsection (a) is sufficiently detailed, and identifying whether any shortcomings, limitations, or other reportable matters exist that affect the quality of the certification.

(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 Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 1082. Mr. STRANGE (for himself, Mr. PETERS, Ms. BALDWIN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Littoral Combat Ship, increase the amount in the Senate Authorized column by $600,000,000.

SA 1083. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 821, add the following:

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FRIVOLOUS BID PROTEST STANDARD.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report explaining how the Government Accountability Office interprets and implements subparagraph (A) of section 2340(a)(2) of title 10, United States Code, as added by subsection (a), and, if warranted, providing recommendations on how to amend the frivolous protest standard defined pursuant to such subparagraph to make sure all relevant qualitative and quantitative factors are taken into account.

SA 1084. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF DEFENSE SEQUESTRATION.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Within'' and inserting ''Subject to subsection (d), within'';

(B) in paragraph (2), by striking ''Each'' and inserting ''Subject to subsection (d), each'';

(C) in paragraph (4), in the matter preceding subparagraph (A), by striking ''If'' inserting ''Subject to subsection (d), if'';

(D) in paragraph (5), by striking ''If'' and inserting ''Subject to subsection (d), if''; and

(E) in paragraph (6), by striking ''If'' and inserting ''Subject to subsection (d), if''; and

(2) by adding at the end the following:

''(d) EXEMPTION OF REVISED SECURITY CATEGORY FROM SEQUESTRATION.—

''(1) IN GENERAL.—For fiscal year 2018, and each fiscal year thereafter, if there is a breach within the revised security category—

''(A) there shall not be a sequestration within the revised security category; and

''(B) there shall be a sequestration within the revised nonsecurity category in the amount necessary to eliminate the breach within the revised security category.

''(2) ELIMINATION OF BREACH.—Any sequestration of the revised nonsecurity category under this subsection shall be implemented in accordance with subsection (a), as if the amount of the breach were a breach within the revised nonsecurity category.''.

SA 1085. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, line 16, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 342, beginning on line 18, strike '', with the concurrence of the Secretary of State,''.

On page 343, line 20, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 343, line 25, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 344, beginning on line 1, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 603, line 21, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 606, line 21, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 632, line 14, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 643, beginning on line 6, strike ''the Committees on Armed Services of the Senate and the House of Representatives'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 729, beginning on line 7, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

SA 1086. Mr. STRANGE (for himself, Mr. PETERS, Ms. STABENOW, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Littoral Combat Ship, increase the amount in the Senate Authorized column by $600,000,000.

In line 999 of the funding table in section 4301, in the item relating to Fuel Savings, increase the reduction $600 million.

SA 1087. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) RECOGNITION.—The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America's National World War II Aviation Museum.

(b) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to require or permit Federal funds to be expended for any purpose related to the National Museum.

SA 1088. Mr. WYDEN (for himself, Mr. MERKLEY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. TRAINING FOR NATIONAL GUARD PERSONNEL ON WILDFIRE RESPONSE.

(a) IN GENERAL.—The Secretary of the Army and the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, provide for training of appropriate personnel of the National Guard on wildfire response, with preference given to States with the most acres of Federal forestlands administered by the U.S. Forest Service or the Department of the Interior.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense a total of $10,000,000, in addition to amounts authorized to be appropriated by sections 421 and 301, in order to carry out the training required by subsection (a) and provide related equipment.

(c) OFFSET.—In the funding table in section 4101, in the item relating to Fuzes, Procurement of Ammunition, Air Force, decrease the amount in the Senate Authorized column by $10,000,000.

SA 1089. Mr. KAINE (for himself, Mr. WICKER, Mr. THUNE, Mr. NELSON, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

Subtitle F—Cyber Scholarship Opportunities

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the ''Cyber Scholarship Opportunities Act of 2017''.

SEC. 1662. COMMUNITY COLLEGE CYBER PILOT PROGRAM AND ASSESSMENT.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cyber Scholarship-for-Service program established under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall develop and implement a pilot program at not more than 10, but at least 5, community colleges to provide scholarships to eligible students who—

(1) are pursuing associate degrees or specialized program certifications in the field of cybersecurity; and

(2)(A) have bachelor's degrees; or

(B) are veterans of the armed forces.

(b) ASSESSMENT.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cyber Scholarship-for-Service program established under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall assess the potential benefits and feasibility of providing scholarships through community colleges to eligible students who are pursuing associate degrees, but do not have bachelor's degrees.

SEC. 1663. FEDERAL CYBER SCHOLARSHIP-FOR SERVICE PROGRAM UPDATES.

(a) IN GENERAL.—Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—

(1) by striking subsection (b)(3) and inserting the following:

''(3) prioritize the employment placement of at least 80 percent of scholarship recipients in an executive agency (as defined in section 105 of title 5, United States Code); and

''(4) provide awards to improve cybersecurity education at the kindergarten through grade 12 level—

''(A) to increase interest in cybersecurity careers;

''(B) to help students practice correct and safe online behavior and understand the foundational principles of cybersecurity;

''(C) to improve teaching methods for delivering cybersecurity content for kindergarten through grade 12 computer science curricula; and

''(D) to promote teacher recruitment in the field of cybersecurity.'';

(2) by amending subsection (d) to read as follows:

''(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student's degree, in the cybersecurity mission of—

''(1) an executive agency (as defined in section 105 of title 5, United States Code);

''(2) Congress, including any agency, entity, office, or commission established in the legislative branch;

''(3) an interstate agency;

''(4) a State, local, or tribal government; or

''(5) a State, local, or tribal government-affiliated non-profit that is considered to be critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e)).'';

(3) in subsection (f)—

(A) by amending paragraph (3) to read as follows:

''(3) have demonstrated a high level of competency in relevant knowledge, skills, and abilities, as defined by the national cybersecurity awareness and education program under section 401;''; and

(B) by amending paragraph (4) to read as follows:

''(4) be a full-time student in an eligible degree program at a qualified institution of higher education, as determined by the Director of the National Science Foundation, except that in the case of a student who is enrolled in a community college, be a student pursuing a degree on a less than full-time basis, but not less than half-time basis; and''; and

(4) by amending subsection (m) to read as follows:

''(m) PUBLIC INFORMATION.—

''(1) EVALUATION.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall periodically evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector cyber workforce, including on—

''(A) placement rates;

''(B) where students are placed, including job titles and descriptions;

''(C) student salary ranges for students not released from obligations under this section;

''(D) how long after graduation they are placed;

''(E) how long they stay in the positions they enter upon graduation;

''(F) how many students are released from obligations; and

''(G) what, if any, remedial training is required.

''(2) REPORTS.—The Director of the National Science Foundation, in coordination with the Office of Personnel Management, shall submit, at least once every 3 years, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, including the results of the evaluation under paragraph (1) and any recent statistics regarding the size, composition, and educational requirements of the Federal cyber workforce.

''(3) RESOURCES.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

''(A) searchable, up-to-date, and accurate information about participating institutions of higher education and job opportunities related to the field of cybersecurity; and

''(B) a modernized description of cybersecurity careers.''.

(b) SAVINGS PROVISION.—Nothing in this section, or an amendment made by this section, shall affect any agreement, scholarship, loan, or repayment, under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), in effect on the day before the date of enactment of this subtitle.

SEC. 1664. CYBERSECURITY TEACHING.

Section 10(i) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1(i)) is amended—

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

''(5) the term 'mathematics and science teacher' means a science, technology, engineering, mathematics, or computer science, including cybersecurity, teacher at the elementary school or secondary school level;''; and

(2) by amending paragraph (7) to read as follows:

''(7) the term 'science, technology, engineering, or mathematics professional' means an individual who holds a baccalaureate, master's, or doctoral degree in science, technology, engineering, mathematics, or computer science, including cybersecurity, and is working in or had a career in such field or a related area; and''.

SA 1090. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. LIEUTENANT HENRY OSSIAN FLIPPER LEADERSHIP SCHOLARSHIPS.

(a) IN GENERAL.—The Secretary of the Army shall designate a number of scholarships under the Army Senior Reserve Officers' Training Corps (SROTC) program that are available to students at minority-serving institutions as ''Lieutenant Henry Ossian Flipper Leadership Scholarships''.

(b) NUMBER DESIGNATED.—The number of scholarships designated pursuant to subsection (a) shall be the number the Secretary determines appropriate to increase the number of Senior Reserve Officers' Training Corps scholarships at minority-serving institutions. In making the determination, the Secretary shall give appropriate consideration to the following:

(1) The number of Senior Reserve Officers' Training Corps scholarships available at all institutions participating on the Senior Reserve Officer's Training Corps program.

(2) The number of such minority-serving institutions that offer the Senior Reserve Officers' Training Corps program to their students.

(c) AMOUNT OF SCHOLARSHIP.—The Secretary may increase any scholarship designated pursuant to subsection (a) to an amount in excess of the amount of the Senior Reserve Officers' Training Corps program scholarship that would otherwise be offered at the minority-serving institution concerned if the Secretary considers that a scholarship of such increased amount is appropriate for the purpose of the scholarship.

(d) MINORITY-SERVING INSTITUTION DEFINED.—In this section, the term ''minority-serving institution'' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

SA 1091. Mr. MCCONNELL (for Mr. WICKER) proposed an amendment to the bill S. 129, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Amendments Act of 2017''.

SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—Section 208(b) (33 U.S.C. 1127(b)) is amended by striking ''may'' and inserting ''shall''.

(b) PLACEMENTS IN CONGRESS.—Such section is further amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) in paragraph (1), as designated by paragraph (1), in the second sentence, by striking ''A fellowship'' and inserting the following:

''(2) PLACEMENT PRIORITIES.—

''(A) IN GENERAL.—In each year in which the Secretary awards a legislative fellowship under this subsection, when considering the placement of fellows, the Secretary shall prioritize placement of fellows in the following:

''(i) Positions in offices of, or with Members on, committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.

''(ii) Positions in offices of Members of Congress that have a demonstrated interest in ocean, coastal, or Great Lakes resources.

''(B) EQUITABLE DISTRIBUTION.—In placing fellows in offices described in subparagraph (A), the Secretary shall ensure that placements are equitably distributed among the political parties.

''(3) DURATION.—A fellowship''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply with respect to the first calendar year beginning after the date of the enactment of this Act.

(d) SENSE OF CONGRESS CONCERNING FEDERAL HIRING OF FORMER FELLOWS.—It is the sense of Congress that in recognition of the competitive nature of the fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), and of the exceptional qualifications of fellowship awardees, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage participating Federal agencies to consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions appropriate for their education and experience.

SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO ACCEPT DONATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C. 1123(c)(4)(E)) is amended to read as follows:

''(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services;''.

(b) PRIORITIES.—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish priorities for the use of donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)), and shall consider among those priorities the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship's placement of additional fellows in relevant legislative offices under section 208(b) of that Act (33 U.S.C. 1127(b)), in accordance with the recommendations under subsection (c) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program, in consultation with the National Sea Grant Advisory Board and the Sea Grant Association, shall—

(1) develop recommendations for the optimal use of any donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)); and

(2) submit to Congress a report on the recommendations developed under paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise affect any other amounts available for marine policy fellowships under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), including amounts—

(1) accepted under section 204(c)(4)(F) of that Act (33 U.S.C. 1123(c)(4)(F)); or

(2) appropriated pursuant to the authorization of appropriations under section 212 of that Act (33 U.S.C. 1131).

SEC. 5. REDUCTION IN FREQUENCY REQUIRED FOR NATIONAL SEA GRANT ADVISORY BOARD REPORT.

Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amended—

(1) in the heading, by striking ''BIENNIAL'' and inserting ''PERIODIC'';

(2) by striking the first sentence and inserting the following: ''The Board shall report to Congress at least once every four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report.''; and

(3) in the second sentence, by adding before the end period the following: ''and provide a summary of research conducted under the program''.

SEC. 6. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204(b) (33 U.S.C. 1123(b)) is amended, in the matter preceding paragraph (1), by inserting ''for research, education, extension, training, technology transfer, and public service'' after ''financial assistance''.

SEC. 7. DESIGNATION OF NEW NATIONAL SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(b) (33 U.S.C. 1126(b)) is amended—

(1) in the subsection heading, by striking ''EXISTING DESIGNEES'' and inserting ''ADDITIONAL DESIGNATIONS''; and

(2) by striking ''Any institution'' and inserting the following:

''(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

''(A) IN GENERAL.—Not less than 30 days before designating an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a), the Secretary shall notify Congress in writing of the proposed designation. The notification shall include an evaluation and justification for the designation.

''(B) EFFECT OF JOINT RESOLUTION OF DISAPPROVAL.—The Secretary may not designate an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a) if, before the end of the 30-day period described in subparagraph (A), a joint resolution disapproving the designation is enacted.

''(2) EXISTING DESIGNEES.—Any institution''.

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—During fiscal year 2017 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subsection (b) directly to a position with the

Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

(1) earned a graduate or post-graduate degree in a field related to ocean, coastal, and Great Lakes resources or policy from an accredited institution of higher education; and

(2) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

(c) LIMITATION.—The direct hire authority under this section shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the fellowship described in subsection (b).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) IN GENERAL.—Section 212(a) (33 U.S.C. 1131(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $75,600,000 for fiscal year 2017;

''(B) $79,380,000 for fiscal year 2018;

''(C) $83,350,000 for fiscal year 2019;

''(D) $87,520,000 for fiscal year 2020;

''(E) $91,900,000 for fiscal year 2021; and

''(F) $96,500,000 for fiscal year 2022.''; and

(2) by amending paragraph (2) to read as follows:

''(2) PRIORITY ACTIVITIES FOR FISCAL YEARS 2017 THROUGH 2022.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated $6,000,000 for each of fiscal years 2017 through 2022 for competitive grants for the following:

''(A) University research on the biology, prevention, and control of aquatic nonnative species.

''(B) University research on oyster diseases, oyster restoration, and oyster-related human health risks.

''(C) University research on the biology, prevention, and forecasting of harmful algal blooms.

''(D) University research, education, training, and extension services and activities focused on coastal resilience and United States working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).

''(E) University research and extension on sustainable aquaculture techniques and technologies.

''(F) Fishery research and extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.''.

(b) MODIFICATION OF LIMITATIONS ON AMOUNTS FOR ADMINISTRATION.—Paragraph (1) of section 212(b) (33 U.S.C. 1131(b)) is amended to read as follows:

''(1) ADMINISTRATION.—

''(A) IN GENERAL.—There may not be used for administration of programs under this title in a fiscal year more than 5.5 percent of the lesser of—

''(i) the amount authorized to be appropriated under this title for the fiscal year; or

''(ii) the amount appropriated under this title for the fiscal year.

''(B) CRITICAL STAFFING REQUIREMENTS.—

''(i) IN GENERAL.—The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, and under section 210 of this title, to meet any critical staffing requirement while carrying out the activities authorized under this title.

''(ii) EXCEPTION FROM CAP.—For purposes of subparagraph (A), any costs incurred as a result of an exercise of authority as described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.''.

(c) ALLOCATION OF FUNDING.—

(1) IN GENERAL.—Section 204(d)(3) (33 U.S.C. 1123(d)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''With respect to sea grant colleges and sea grant institutes'' and inserting ''With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects''; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking ''funding among sea grant colleges and sea grant institutes'' and inserting ''funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects''.

(2) REPEAL OF REQUIREMENTS CONCERNING DISTRIBUTION OF EXCESS AMOUNTS.—Section 212 (33 U.S.C. 1131) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 10. TECHNICAL CORRECTIONS.

The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(1) in section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)(B)), by moving clause (vi) 2 ems to the right; and

(2) in section 209(b)(2) (33 U.S.C. 1128(b)(2)), as amended by section 6, in the third sentence, by striking ''The Secretary shall'' and inserting the following:

''(3) AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.—The Secretary shall''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, September 14, 2017 at 9:30 a.m., in 216 Hart Senate Office Building, in order to conduct a hearing entitled ''Nutrition Programs: Perspectives for the 2018 Farm Bill.''

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, September 14, 2017 at 10 a.m. to conduct a hearing entitled, ''Examining the Committee on Foreign Investment in the United States.''

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, September 14, 2017, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Individual Tax Reform.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Stabilizing Premiums and Helping Individuals in the Individual Insurance Market for 2018: Health Care Stakeholders'' on Thursday, September 14, 2017, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on September 14, 2017, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, September 14, 2017, at 10 a.m. in order to conduct a hearing titled ''FCC's Lifeline Program: A Case Study of Government Waste and Mismanagement.''

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, September 14, 2017 from 9:30 a.m., in an offsite secure location to hold a closed Member briefing.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 26, S. 129.

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

The senior assistant legislative clerk read as follows:

A bill (S. 129) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Wicker substitute amendment at the desk be considered and agreed to, and the bill, as amended, be considered read a third time.

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

The amendment (No. 1091) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall it pass?