

SA 4194. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

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SA 4196. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

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SA 4199. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4200. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4201. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4202. Mr. DAINES (for himself, Mrs. ERNST, Mr. CARDIN, Mr. GARDNER, Mr. WARNER, Ms. MIKULSKI, Mr. BLUMENTHAL, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4203. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4204. Mr. INHOFE (for himself, Ms. MIKULSKI, Mr. ROUNDS, Mr. TILLIS, Mr. BURR, Ms. MURKOWSKI, Mr. HATCH, Mr. UDALL, Ms. HIRONO, Mr. LANKFORD, Ms. COLLINS, Mrs. BOXER, Mr. CARDIN, Mrs. MURRAY, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. BOOZMAN, Mr. VITTER, Mrs. GILLIBRAND, Mr. NELSON, Mr. SCHUMER, Mr. KAINE, Mr. MARKEY, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. CASEY, Ms. STABENOW, Mr. TESTER, Mr. HELLER, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4205. Mr. ROUNDS (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4206. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4207. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4208. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4209. Mrs. CAPITO (for herself, Ms. STABENOW, Ms. COLLINS, and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4210. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. JOHNSON, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4211. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4212. Mr. TESTER submitted an amendment intended to be proposed by him to the

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

SA 4213. Mr. TESTER (for himself, Mr. HELLER, Mrs. ERNST, Mr. ROUNDS, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4214. Mr. KIRK (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4215. Mr. REID (for himself, Mr. SCHUMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4216. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4217. Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KING, Mr. WICKER, Mr. NELSON, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4218. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4219. Mr. DAINES (for himself, Mr. HOEVEN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4220. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4221. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4222. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4223. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4224. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4225. Mr. MENENDEZ (for himself, Mr. BROWN, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4226. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4227. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4228. Ms. HIRONO (for herself, Ms. MURKOWSKI, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4229. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4230. Mr. ROUNDS (for Mr. SCHATZ) proposed an amendment to the resolution S. Res. 416, recognizing the contributions of Hawaii to the culinary heritage of the United States and designating the week beginning on June 12, 2016, as "National Hawaiian Food Week".

SA 4231. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for

fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4232. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4233. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4234. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4235. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4236. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4142. Mr. NELSON (for himself, Mrs. FISCHER, Mr. BOOKER, Mr. THUNE, Mr. SULLIVAN, Ms. CANTWELL, Mr. WICKER, Ms. AYOTTE, and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title XXXV of division C, strike section 3501 and insert the following:

SEC. 3500. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017".

Subtitle A—Maritime Administration Authorization

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2017, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$99,902,000, of which—

(A) \$74,851,000 shall be for Academy operations; and

(B) \$25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$29,550,000, of which—

(A) \$2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) \$3,000,000 shall remain available until expended for direct payments to such academies;

(C) \$22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) \$1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) \$350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$6,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, \$57,142,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$20,000,000, which shall remain available until expended.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$3,000,000, which shall remain available until expended for administrative expenses of the program.

SEC. 3502. MARITIME ADMINISTRATION AUTHORIZATION REQUEST.

Section 109 of title 49, United States Code, is amended by adding at the end the following:

“(k) SUBMISSION OF ANNUAL MARITIME ADMINISTRATION AUTHORIZATION REQUEST.—

“(1) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Maritime Administrator shall submit a Maritime Administration authorization request with respect to such fiscal year to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) DEFINED TERM.—In this subsection, the term ‘Maritime Administration authorization request’ means a proposal for legislation that, with respect to the Maritime Administration for the relevant fiscal year—

“(A) recommends authorizations of appropriations for that fiscal year; and

“(B) addresses any other matter that the Maritime Administrator determines is appropriate for inclusion in a Maritime Administration authorization bill.”.

Subtitle B—Prevention of Sexual Harassment and Assault at the United States Merchant Marine Academy

SEC. 3506. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) POLICY.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“§51318. Policy on sexual harassment and sexual assault

“(a) REQUIRED POLICY.—

“(1) IN GENERAL.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

“(2) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

“(A) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

“(B) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual assault, including—

“(i) specifying the person or persons to whom an alleged occurrence of sexual har-

assment or sexual assault should be reported by a cadet and the options for confidential reporting;

“(ii) specifying any other person whom the victim should contact; and

“(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

“(C) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

“(D) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual assault involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

“(E) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual assault involving Academy personnel.

“(3) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under this subsection is available to—

“(A) all cadets and employees of the Academy; and

“(B) the public.

“(4) CONSULTATION AND ASSISTANCE.—In developing the policy under this subsection, the Secretary may consult or receive assistance from such Federal, State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

“(b) DEVELOPMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary of Transportation shall ensure that the development program of the United States Merchant Marine Academy includes a section that—

“(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment and sexual assault at the Academy; and

“(B) includes a brief history of the problem of sexual harassment and sexual assault in the merchant marine, in the Armed Forces, and at the Academy; and

“(C) includes information relating to reporting sexual harassment and sexual assault, victims’ rights, and dismissal for offenders.

“(2) TRAINING.—The Superintendent of the Academy shall ensure that all cadets receive the training described in paragraph (1)—

“(A) not later than 7 days after their initial arrival at the Academy; and

“(B) biannually thereafter until they graduate or leave the Academy.

“(c) ANNUAL ASSESSMENT.—

“(1) IN GENERAL.—The Secretary of Transportation, in cooperation with the Superintendent of the Academy, shall conduct an assessment at the Academy during each Academy program year to determine the effectiveness of the policies, procedures, and training of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

“(2) BIENNIAL SURVEY.—For each assessment of the Academy under paragraph (1) during an Academy program year that begins in an odd-numbered calendar year, the Secretary shall conduct a survey of cadets and other Academy personnel—

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have been reported to officials of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have not been reported to officials of the Academy; and

“(B) to assess the perceptions of cadets and other Academy personnel on—

“(i) the policies, procedures, and training on sexual harassment and sexual assault involving cadets or Academy personnel;

“(ii) the enforcement of the policies described in clause (i);

“(iii) the incidence of sexual harassment and sexual assault involving cadets or Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual assault involving cadets or Academy personnel.

“(3) FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of Transportation is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

“(d) ANNUAL REPORT.—

“(1) IN GENERAL.—The Superintendent of the Academy shall submit a report to the Secretary of Transportation that provides information about sexual harassment and sexual assault involving cadets or other personnel at the Academy for each Academy program year.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the Academy program year covered by the report—

“(A) the number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials;

“(B) the number of the reported cases described in subparagraph (A) that have been substantiated;

“(C) the policies, procedures, and training implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual assault involving cadets or other Academy personnel; and

“(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, sexual harassment and sexual assault involving cadets or other Academy personnel.

“(3) SURVEY AND FOCUS GROUP RESULTS.—

“(A) SURVEY RESULTS.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

“(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary of Transportation is not required to conduct the survey described (c)(2) shall include the results of the focus group conducted in that program year under subsection (c)(3).

“(4) REPORTING REQUIREMENT.—

“(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent under this subsection, the Superintendent shall provide the Secretary of Transportation and the Board of Visitors of the Academy with a report that includes—

“(i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and

“(ii) the Academy’s response to the incident.

“(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary’s comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United

States Code, is amended by adding at the end the following:

“51318. Policy on sexual harassment and sexual assault.”.

SEC. 3507. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) **COORDINATORS AND ADVOCATES.**—Chapter 513 of title 46, United States Code, as amended by section 3506, is further amended by adding at the end the following:

“§51319. Sexual assault response coordinators and sexual assault victim advocates

“(a) **SEXUAL ASSAULT RESPONSE COORDINATORS.**—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside on or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as may be necessary.

“(b) **VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.**—

“(1) **IN GENERAL.**—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, shall designate 1 or more permanent employees who volunteer to serve as advocates for victims of sexual assaults involving—

“(A) cadets of the Academy; or

“(B) individuals who work with or conduct business on behalf of the Academy.

“(2) **TRAINING; OTHER DUTIES.**—Each victim advocate designated under this subsection shall—

“(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318 of title 46, United States Code; and

“(B) serve as a victim advocate voluntarily, in addition to the individual's other duties as an employee of the Academy.

“(3) **PRIMARY DUTIES.**—While performing the duties of a victim advocate under this subsection, a designated employee shall—

“(A) support victims of sexual assault by informing them of the rights and resources available to them as victims;

“(B) identify additional resources to ensure the safety of victims of sexual assault; and

“(C) connect victims of sexual assault to an Academy sexual assault response coordinator, or full-time or part-time victim advocate, who shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

“(4) **COMPANION.**—At least 1 victim advocate designated under this subsection, while performing the duties of a victim advocate, shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

“(5) **HOTLINE.**—The Secretary shall establish a 24-hour hotline through which the victim of a sexual assault can receive victim support services.

“(6) **FORMAL RELATIONSHIPS WITH OTHER ENTITIES.**—The Secretary may enter into formal relationships with other entities to make available additional victim advocates or to implement paragraphs (3), (4), and (5).

“(7) **CONFIDENTIALITY.**—Information disclosed by a victim to an advocate designated under this subsection—

“(A) shall be treated by the advocate as confidential; and

“(B) may not be disclosed by the advocate without the consent of the victim.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“51319. Sexual assault response coordinators and sexual assault victim advocates.”.

SEC. 3508. REPORT FROM THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.

(a) **IN GENERAL.**—Not later than March 31, 2018, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the United States Merchant Marine Academy.

(b) **CONTENTS.**—The report required under subsection (a) shall—

(1) assess progress toward addressing any outstanding recommendations;

(2) include any recommendations to reduce the number of sexual assaults involving members of the United States Merchant Marine Academy, whether a member is the victim, the alleged assailant, or both;

(3) include any recommendations to improve the response of the Department of Transportation and the United States Merchant Marine Academy to reports of sexual assaults involving members of the Academy, whether a member is the victim, the alleged assailant, or both.

(c) **EXPERTISE.**—In compiling the report required under this section, the inspection teams acting under the direction of the Inspector General shall—

(1) include at least 1 member with expertise and knowledge of sexual assault prevention and response policies; or

(2) consult with subject matter experts in the prevention of and response to sexual assaults.

SEC. 3509. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator shall convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a Cadet's Sea Year experience with the United States Merchant Marine Academy.

(b) **MEMBERSHIP.**—The Maritime Administrator shall designate individuals to serve as members of the working group convened pursuant to subsection (a). Membership in the working group shall consist of—

(1) a representative of the Maritime Administration, which shall serve as chair of the working group;

(2) the Superintendent of the Academy, or designee;

(3) the sexual assault response coordinator appointed under section 51319 of title 46, United States Code;

(4) a subject matter expert from the Coast Guard;

(5) a subject matter expert from the Military Sealift Command;

(6) at least 1 representative from each of the State maritime academies;

(7) at least 1 representative from each private contracting party participating in the maritime security program;

(8) at least 1 representative from each non-profit labor organization representing a class or craft of employees employed on vessels in the Maritime Security Fleet;

(9) at least 2 representatives from approved maritime training institutions; and

(10) at least 1 representative from companies that—

(A) participate in sea training of Academy cadets; and

(B) do not participate in the maritime security program.

(c) **NO QUORUM REQUIREMENT.**—The Maritime Administration may convene the working group without all members present.

(d) **RESPONSIBILITIES.**—The working group shall—

(1) evaluate options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment and sexual assault and those who commit it, across the United States Flag Fleet;

(2) raise awareness of the United States Merchant Marine Academy's sexual assault prevention and response program across the United States Flag Fleet;

(3) assess options that could be implemented by the United States Flag Fleet that would remove any barriers to the reporting of sexual harassment and sexual assault response that occur during a Cadet's Sea Year experience and protect the victim's confidentiality;

(4) assess a potential program or policy, applicable to all participants of the maritime security program, to improve the prevention of, and response to, sexual harassment and sexual assault incidents;

(5) assess a potential program or policy, applicable to all vessels operating in the United States Flag Fleet that participate in the Maritime Security Fleet under section 53101 of title 46, United States Code, which carry cargos to which chapter 531 of such title applies, or are chartered by a Federal agency, requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the Cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment and sexual assault;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent potential incidents of sexual harassment or sexual assault; and

(iii) that encourages victims of sexual assault to report any incident of sexual harassment or sexual assault; and

(B) understanding the needs of, and the resources available to, a victim after an incident of sexual harassment or sexual assault;

(6) assess whether the United States Merchant Marine Academy should continue with sea year training on privately owned vessels or change its curricula to provide alternative training; and

(7) assess how vessel operators could ensure the confidentiality of a report of sexual harassment or sexual assault in order to protect the victim and prevent retribution.

(e) **REPORT.**—Not later than 15 months after the date of the enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) recommendations on each of the working group's responsibilities described in subsection (d);

(2) the trade-offs, opportunities, and challenges associated with the recommendations made in paragraph (1); and

(3) any other information the working group determines appropriate.

Subtitle C—Maritime Administration Enhancement

SEC. 3511. STATUS OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 4405 of title 50, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: “Vessels in the National Defense Reserve Fleet, including vessels loaned to State maritime academies, shall be considered public vessels of the United States.”; and

(2) by adding at the end the following:

“(g) VESSEL STATUS.—Ships or other watercraft in the National Defense Reserve Fleet determined by the Maritime Administration to be of insufficient value to remain in the National Defense Reserve Fleet—

“(1) shall remain vessels (as defined in section 3 of title 1); and

“(2) shall remain subject to the rights and responsibilities of a vessel under admiralty law until such time as the vessel is delivered to a dismantling facility or is otherwise disposed of from the National Defense Reserve Fleet.”.

SEC. 3512. PORT INFRASTRUCTURE DEVELOPMENT.

Section 50302(c)(4) of title 46, United States Code, is amended—

(1) by striking “There are authorized” and inserting the following:

“(A) IN GENERAL.—There are authorized”; and

(2) by adding at the end the following:

“(B) ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the Administrator may use not more than 3 percent of the amounts appropriated to carry out this section for the administrative expenses of the program.”.

SEC. 3513. USE OF STATE ACADEMY TRAINING VESSELS.

Section 51504(g) of title 46, United States Code, is amended to read as follows:

“(g) VESSEL SHARING.—The Secretary, after consulting with the affected State maritime academies, may implement a program requiring a State maritime academy to share its training vessel with another State maritime academy if the vessel of another State maritime academy—

“(1) is being used during a humanitarian assistance or disaster response activity;

“(2) is incapable of being maintained in good repair as required under subsection (c);

“(3) requires maintenance or repair for an extended period;

“(4) is activated as a National Defense Reserve Fleet vessel pursuant to section 4405 of title 50;

“(5) loses its Coast Guard Certificate of Inspection or its classification; or

“(6) does not comply with applicable environmental regulations.”.

SEC. 3514. STATE MARITIME ACADEMY PHYSICAL STANDARDS AND REPORTING.

Section 51506 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “must” and inserting “shall”;

(B) in paragraph (2), by striking “and” at the end;

(C) in paragraph (3), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(4) agree that any individual enrolled at such State maritime academy in a merchant marine officer preparation program—

“(A) shall, not later than 9 months after each such individual’s date of enrollment, pass an examination in form and substance satisfactory to the Secretary that demonstrates that such individual meets the medical and physical requirements—

“(i) required for the issuance of an original license under section 7101; or

“(ii) set by the Coast Guard for issuing merchant mariners’ documentation under section 7302, with no limit to his or her operational authority;

“(B) following passage of the examination under subparagraph (A), shall continue to meet the requirements or standards described in subparagraph (A) throughout the remainder of their respective enrollments at the State maritime academy; and

“(C) if the individual has a medical or physical condition that disqualifies him or

her from meeting the requirements or standards referred to in subparagraph (A), shall be transferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements or standards.”; and

(2) by adding at the end the following:

“(c) SECRETARIAL WAIVER AUTHORITY.—The Secretary is authorized to modify or waive any of the terms set forth in subsection (a)(4) with respect to any individual or State maritime academy.”.

SEC. 3515. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS PARTICIPATING IN THE MARITIME SECURITY FLEET.

(a) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

“(g) AUTHORITY FOR EXTENSION OF MAXIMUM SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may extend the maximum age restrictions under sections 53101(5)(A)(i) and 53106(c)(3) for a particular participating fleet vessel for up to 5 years if the Secretary of Defense and the Secretary of Transportation jointly determine that such extension is in the national interest.”.

(b) REPEAL OF UNNECESSARY AGE LIMITATION.—Section 53106(c)(3) of such title is amended—

(1) in subparagraph (A), by striking “or (C);” and inserting “; or”;

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

(3) by striking subparagraph (C).

SEC. 3516. APPOINTMENTS.

(a) IN GENERAL.—Section 51303 of title 46, United States Code, is amended by striking “40” and inserting “50”.

(b) CLASS PROFILE.—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy’s public website a summary profile of each class at the Academy.

(c) CONTENTS.—Each summary profile posted under subsection (b) shall include, for the incoming class and for the 4 classes that precede the incoming class, the number and percentage of students—

(1) by State;

(2) by country;

(3) by gender;

(4) by race and ethnicity; and

(5) with prior military service.

SEC. 3517. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.

(a) IN GENERAL.—Notwithstanding section 3316(a) of title 46, United States Code, the Secretary of the Navy may use the services of an approved classification society for only a high-speed craft that—

(1) was acquired by the Secretary from the Maritime Administration;

(2) is not a high-speed naval combatant, patrol vessel, expeditionary vessel, or other special purpose military or law enforcement vessel;

(3) is operated for commercial purposes;

(4) is not operated or crewed by any department, agency, instrumentality, or employee of the United States Government;

(5) is not directly engaged in any mission or other operation for or on behalf of any department, agency, instrumentality, or employee of the United States Government; and

(6) is not primarily designed to carry freight owned, leased, used, or contracted for or by the United States Government.

(b) DEFINITION OF APPROVED CLASSIFICATION SOCIETY.—In this section, the term “ap-

proved classification society” means a classification society that has been approved by the Secretary of the department in which the Coast Guard is operating under section 3316(c) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to affect the requirements under section 3316 of title 46, United States Code, for a high-speed craft that does not meet the conditions under paragraphs (1) through (6) of subsection (a).

SEC. 3518. MARITIME WORKFORCE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to examine and assess the size of the pool of citizen mariners necessary to support the United States Flag Fleet in times of national emergency.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall include, at a minimum, the following members:

(1) At least 1 representative of the Maritime Administration, who shall serve as chairperson of the working group.

(2) At least 1 subject matter expert from the United States Merchant Marine Academy.

(3) At least 1 subject matter expert from the Coast Guard.

(4) At least 1 subject matter expert from the Military Sealift Command.

(5) 1 subject matter expert from each of the State maritime academies.

(6) At least 1 representative from each non-profit labor organization representing a class or craft of employees (licensed or unlicensed) who are employed on vessels operating in the United States Flag Fleet.

(7) At least 4 representatives of owners of vessels operating in the United States Flag Fleet, or their private contracting parties, which are primarily operating in non-contiguous or coastwise trades.

(8) At least 4 representatives of owners of vessels operating in the United States Flag Fleet, or their private contracting parties, which are primarily operating in international transportation.

(c) NO QUORUM REQUIREMENT.—The Maritime Administration may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) identify the number of United States citizen mariners—

(A) in total;

(B) that have a valid United States Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(C) that are involved in Federal programs that support the United States Merchant Marine and United States Flag Fleet;

(D) that are available to crew the United States Flag Fleet and the surge sealift fleet in times of a national emergency;

(E) that are full-time mariners;

(F) that have sailed in the prior 18 months; and

(G) that are primarily operating in non-contiguous or coastwise trades;

(2) assess the impact on the United States Merchant Marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States Merchant Marine;

(3) assess the Coast Guard Merchant Mariner Licensing and Documentation System,

which tracks merchant mariner credentials and medical certificates, and its accessibility and value to the Maritime Administration for the purposes of evaluating the pool of United States citizen mariners; and

(4) make recommendations to enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, and the Bureau of Transportation Statistics, for use by the Maritime Administration for evaluating the pool of United States citizen mariners.

(e) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under this section, including—

(1) the number of United States citizen mariners identified for each category described in subparagraphs (A) through (G) of subsection (d)(1);

(2) the results of the assessments conducted under paragraphs (2) and (3) of subsection (d); and

(3) the recommendations made under subsection (d)(4).

SEC. 3519. VESSEL DISPOSAL PROGRAM.

(a) **ANNUAL REPORT.**—Not later than January 1 of each year, the Administrator of the Maritime Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the management of the vessel disposal program of the Maritime Administration.

(b) **CONTENTS.**—The report under subsection (a) shall include—

(1) the total amount of funds credited in the prior fiscal year to—

(A) the Vessel Operations Revolving Fund established by section 50301(a) of title 46, United States Code; and

(B) any other account attributable to the vessel disposal program of the Maritime Administration;

(2) the balance of funds available at the end of that fiscal year in—

(A) the Vessel Operations Revolving Fund; and

(B) any other account described in paragraph (1)(B);

(3) in consultation with the Secretary of the Interior, the total number of—

(A) grant applications under the National Maritime Heritage Grants Program in the prior fiscal year; and

(B) the applications under subparagraph (A) that were approved by the Secretary of the Interior, acting through the National Maritime Initiative of the National Park Service;

(4) a detailed description of each project funded under the National Maritime Heritage Grants Program in the prior fiscal year for which funds from the Vessel Operations Revolving Funds were obligated, including the information described in paragraphs (1) through (3) of section 308703(j) of title 54, United States Code; and

(5) a detailed description of the funds credited to and distributions from the Vessel Operations Revolving Funds in the prior fiscal year.

(c) **ASSESSMENTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Administrator shall assess the vessel disposal program of the Maritime Administration.

(2) **CONTENTS.**—Each assessment under paragraph (1) shall include—

(A) an inventory of each vessel, subject to a disposal agreement, for which the Maritime Administration acts as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the Federal agency with which the Maritime Administration has entered into a disposal agreement;

(B) a description of each vessel of a Federal agency that may meet the criteria for the Maritime Administration to act as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the applicable Federal agency;

(C) the Maritime Administration's plan to serve as the disposal agent, as appropriate, for the vessels described in subparagraph (B); and

(D) any other information related to the vessel disposal program that the Administrator determines appropriate.

(d) **CESSATION OF EFFECTIVENESS.**—This section ceases to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 3520. MARITIME EXTREME WEATHER TASK FORCE.

(a) **ESTABLISHMENT OF TASK FORCE.**—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall establish a task force to analyze the impact of extreme weather events, such as in the maritime environment (referred to in this section as the "Task Force").

(b) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary or the Secretary's designee; and

(2) a representative of—

(A) the Coast Guard;

(B) the National Oceanic and Atmospheric Administration;

(C) the Federal Maritime Commission; and

(D) such other Federal agency or independent commission as the Secretary considers appropriate.

(c) **REPORT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4), not later than 180 days after the date it is established under subsection (a), the Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the analysis under subsection (a).

(2) **CONTENTS.**—The report under paragraph (1) shall include—

(A) an identification of available weather prediction, monitoring, and routing technology resources;

(B) an identification of industry best practices relating to response to, and prevention of marine casualties from, extreme weather events;

(C) a description of how the resources described in subparagraph (A) are used in the various maritime sectors, including by passenger and cargo vessels;

(D) recommendations for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events;

(E) recommendations for any legislative or regulatory actions for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events.

(3) **PUBLICATION.**—The Secretary shall make the report under paragraph (1) and any notification under paragraph (4) publicly accessible in an electronic format.

(4) **IMMINENT THREATS.**—The Task Force shall immediately notify the Secretary of

any finding or recommendations that could protect the safety of an individual on a vessel from an imminent threat of extreme weather.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle D—Implementation of Workforce Management Improvements

SEC. 3521. WORKFORCE PLANS AND ONBOARDING POLICIES.

(a) **WORKFORCE PLANS.**—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall review the Maritime Administration's workforce plans, including its Strategic Human Capital Plan and Leadership Succession Plan, and fully implement competency models for mission-critical occupations, including—

(1) leadership positions;

(2) human resources positions; and

(3) transportation specialist positions.

(b) **ONBOARDING POLICIES.**—Not later than 9 months after the date of the enactment of this Act, the Administrator shall—

(1) review the Maritime Administration's policies related to new hire orientation, training, and misconduct policies;

(2) align the onboarding policies and procedures at headquarters and the field offices to ensure consistent implementation and provision of critical information across the Maritime Administration; and

(3) update the Maritime Administration's training policies and training systems to include controls that ensure that all completed training is tracked in a standardized training repository.

(c) **ONBOARDING POLICIES.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 3522. DRUG AND ALCOHOL POLICY.

(a) **REVIEW.**—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall—

(1) review the Maritime Administration's drug and alcohol policies, procedures, and training practices;

(2) ensure that all fleet managers have received training on the Department of Transportation's drug and alcohol policy, including the testing procedures used by the Department and the Maritime Administration in cases of reasonable suspicion; and

(3) institute a system for tracking all drug and alcohol policy training conducted under paragraph (2) in a standardized training repository.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 3523. VESSEL TRANSFERS.

Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the policies and procedures for vessel transfer, including—

(1) a summary of the actions taken to update the Vessel Transfer Office procedures manual to reflect the current range of program responsibilities and processes; and

(2) a copy of the updated Vessel Transfer Office procedures to process vessel transfer applications.

Subtitle E—Technical Amendments

SEC. 3526. CLARIFYING AMENDMENT; CONTINUATION BOARDS.

Section 290(a) of title 14, United States Code, is amended by striking “five officers serving in the grade of vice admiral” and inserting “5 officers (other than the Commandant) serving in the grade of admiral or vice admiral”.

SEC. 3527. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“§ 520. Prospective payment of funds necessary to provide medical care

“(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

“(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

“(2) for which a reimbursement would otherwise be made under such section 1085.

“(b) AMOUNT.—The amount of the prospective payment under subsection (a)—

“(1) shall be derived from amounts appropriated for the operating expenses of the Coast Guard for treatment or care provided to members of the Coast Guard and their dependents;

“(2) shall be derived from amounts appropriated for retired pay for treatment or care provided to former members of the Coast Guard and their dependents;

“(3) shall be determined under procedures established by the Secretary of Defense;

“(4) shall be paid during the fiscal year in which treatment or care is provided; and

“(5) shall be subject to adjustment or reconciliation, as the Secretary of Homeland Security and the Secretary of Defense jointly determine appropriate, during or promptly after such fiscal year if the prospective payment is determined excessive or insufficient based on the services actually provided.

“(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

“(d) RELATIONSHIP TO TRICARE.—This section may not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“520. Prospective payment of funds necessary to provide medical care.”.

(c) REPEAL.—Section 217 of the Coast Guard Authorization Act of 2016 (Public Law

114-120) and the item relating to that section in the table of contents in section 2 of such Act, are repealed.

SEC. 3528. TECHNICAL CORRECTIONS TO TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Title 46, United States Code, is amended—

(1) in section 4503(f)(2), by striking “that” after “necessary,”; and

(2) in section 7510(c)—

(A) in paragraph (1)(D), by striking “engine” and inserting “engineer”; and

(B) in paragraph (9), by inserting a period after “App”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of the Coast Guard Authorization Act of 2015 (Public Law 114-120).

SEC. 3529. COAST GUARD USE OF THE PRIBILOF ISLANDS.

(a) IN GENERAL.—Section 522(a)(1) of the Pribilof Island Transition Completion Act of 2015 (subtitle B of title V of Public Law 114-120) is amended by striking “Lots” and inserting “Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, lots”.

(b) REPORT.—Not later than 60 days after the date of the enactment of the Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the Coast Guard’s use of Tracts 43 and 39, located on St. Paul Island, Alaska, since operation of the LORAN-C system was terminated;

(2) the Coast Guard’s plans for using the tracts described in paragraph (1) during fiscal years 2016, 2017, and 2018; and

(3) the Coast Guard’s plans for using the tracts described in paragraph (1) and other facilities on St. Paul Island after fiscal year 2018.

Subtitle F—Polar Icebreaker Fleet Recapitalization Transparency Act

SEC. 3531. SHORT TITLE.

This subtitle may be cited as the “Polar Icebreaker Fleet Recapitalization Transparency Act”.

SEC. 3532. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SECRETARY.—Except as otherwise specifically provided, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

SEC. 3533. POLAR ICEBREAKER RECAPITALIZATION PLAN.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Navy, shall submit to the appropriate committees of Congress, a detailed recapitalization plan to meet the 2013 Department of Homeland Security Mission Need Statement.

(b) CONTENTS.—The plan required by subsection (a) shall—

(1) detail the number of heavy and medium polar icebreakers required to meet Coast Guard statutory missions in the polar regions;

(2) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling the mission requirements of the Coast Guard and the Navy, and the requirements of other agencies and department of the United States, as the Secretary determines appropriate;

(3) list the specific appropriations required for the acquisition of each icebreaker, for each fiscal year, until the full fleet is recapitalized;

(4) describe the potential savings of serial acquisition for new polar class icebreakers, including specific schedule and acquisition requirements needed to realize such savings;

(5) describe any polar icebreaking capacity gaps that may arise based on the current fleet and current procurement outlook; and

(6) describe any additional polar icebreaking capability gaps due to any further delay in procurement schedules.

SEC. 3534. GAO REPORT ICEBREAKING CAPABILITY IN THE UNITED STATES.

(a) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the current state of the United States Federal polar icebreaking fleet.

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

(1) an analysis of the icebreaking assets in operation in the United States and a description of the missions completed by such assets;

(2) an analysis of how such assets and the capabilities of such assets are consistent, or inconsistent, with the polar icebreaking mission requirements described in the 2013 Department of Homeland Security Mission Need Statement, the Naval Operations Concept 2010, or other military and civilian governmental missions in the United States;

(3) an analysis of the gaps in icebreaking capability of the United States based on the expected service life of the fleet of United States icebreaking assets;

(4) a list of countries that are allies of the United States that have the icebreaking capacity to exercise missions in the Arctic during any identified gap in United States icebreaking capacity in a polar region; and

(5) a description of the policy, financial, and other barriers that have prevented timely recapitalization of the Coast Guard polar icebreaking fleet and recommendations to overcome such barriers, including potential international fee-based models used to compensate governments for icebreaking escorts or maintenance of maritime routes.

Subtitle G—National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act

SEC. 3540. SHORT TITLE.

This subtitle may be cited as the “National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act”.

PART I—SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 3541. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) REQUIRED POLICY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with

or conduct business on behalf of the Administration.

(b) **MATTERS TO BE SPECIFIED IN POLICY.**—The policy developed under subsection (a) shall include—

(1) establishment of a program to promote awareness of the incidence of sexual harassment;

(2) clear procedures an individual should follow in the case of an occurrence of sexual harassment, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

(i) options and contact information for after-hours contact; and

(ii) procedure for obtaining assistance and reporting sexual harassment while working in a remote scientific field camp, at sea, or in another field status; and

(B) a specification of any other person whom the victim should contact;

(3) establishment of a mechanism by which—

(A) questions regarding sexual harassment can be confidentially asked and confidentially answered; and

(B) incidents of sexual harassment can be confidentially reported; and

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) **CONSULTATION AND ASSISTANCE.**—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(d) **AVAILABILITY OF POLICY.**—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) **GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY PERSONNEL.**—The Secretary shall ensure that at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment is stationed—

(1) in each region in which the Administration conducts operations; and

(2) in each marine and aviation center of the Administration.

(f) **QUARTERLY REPORTS.**—

(1) **IN GENERAL.**—Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment in the Administration.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) Number of sexual harassment cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) Number of open actionable sexual harassment cases and how long the cases have been open.

(C) Such trends or region specific issues as the Director may have discovered with respect to sexual harassment in the Administration.

(D) Such recommendations as the Director may have with respect to sexual harassment in the Administration.

SEC. 3542. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) **COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.**—Not later than 1 year after the date of the enact-

ment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) **ELEMENTS OF COMPREHENSIVE POLICY.**—The comprehensive policy developed under subsection (a) shall, at minimum, address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) A list of support resources an individual may use in the occurrence of sexual assault, including—

(A) options and contact information for after-hours contact; and

(B) procedure for obtaining assistance and reporting sexual assault while working in a remote scientific field camp, at sea, or in another field status.

(4) Easy and ready availability of information described in paragraph (3).

(5) Establishing a mechanism by which—

(A) questions regarding sexual assault can be confidentially asked and confidentially answered; and

(B) incidents of sexual assault can be confidentially reported.

(6) Protocols for the investigation of complaints by command and law enforcement personnel.

(7) Prohibiting retaliation and consequences for retaliatory actions against someone who reports a sexual assault.

(8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantial incidents of sexual assault.

(9) Victim advocacy, including establishment of and the responsibilities and training requirements for victim advocates as described in subsection (c).

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) **VICTIM ADVOCACY.**—

(1) **IN GENERAL.**—The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(2) **VICTIM ADVOCATES.**—For purposes of this subsection, a victim advocate is a permanent employee of the Administration who—

(A) is trained in matters relating to sexual assault and the comprehensive policy developed under subsection (a); and

(B) serves as a victim advocate voluntarily and in addition to the employee's other duties as an employee of the Administration.

(3) **PRIMARY DUTIES.**—The primary duties of a victim advocate established under paragraph (1) shall include the following:

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

(B) Acting as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

(C) Helping to identify resources to ensure the safety of victims of sexual assault.

(4) **LOCATION.**—The Secretary shall ensure that at least 1 victim advocate established under paragraph (1) is stationed—

(A) in each region in which the Administration conducts operations; and

(B) in each marine and aviation center of the Administration.

(5) **HOTLINE.**—

(A) **IN GENERAL.**—In carrying out this subsection, the Secretary shall establish a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) **24-HOUR ACCESS.**—The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(6) **FORMAL RELATIONSHIPS WITH OTHER ENTITIES.**—The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

(d) **AVAILABILITY OF POLICY.**—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) **CONSULTATION AND ASSISTANCE.**—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

SEC. 3543. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.

A victim of a sexual assault covered by the comprehensive policy developed under section 3542(a) has the right to be reasonably protected from the accused.

SEC. 3544. CHANGE OF STATION.

(a) **CHANGE OF STATION, UNIT TRANSFER, OR CHANGE OF WORK LOCATION OF VICTIMS.**—

(1) **TIMELY CONSIDERATION AND ACTION UPON REQUEST.**—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall—

(A) in the case of a member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who was a victim of a sexual assault, in order to reduce the possibility of retaliation or further sexual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) **PROCEDURES.**—

(A) **PERIOD FOR APPROVAL AND DISAPPROVAL.**—The Secretary, acting through the Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

(B) **REVIEW.**—If an application or request submitted under paragraph (1) by a victim of a sexual assault for a change of station, unit transfer, or change of work location of the victim is denied—

(i) the victim may request the Secretary review the denial; and

(ii) the Secretary, acting through the Under Secretary, shall, not later than 72 hours after receiving such request, affirm or overturn the denial.

(b) **CHANGE OF STATION, UNIT TRANSFER, AND CHANGE OF WORK LOCATION OF ALLEGED PERPETRATORS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual

assault with a change of station, unit transfer, or change of work location, as the case may be, if the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) **POLICY REQUIREMENTS.**—The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(C) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall promulgate regulations to carry out this section.

(2) **CONSISTENCY.**—When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

SEC. 3545. APPLICABILITY OF POLICIES TO CREWS OF VESSELS SECURED BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNDER CONTRACT.

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the National Oceanic and Atmospheric Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 3541(a) and the comprehensive policy developed under section 3542(a).

SEC. 3546. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) **IN GENERAL.**—Not later than January 15 of each year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) **CONTENTS.**—Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual assaults involving employees, members, and individuals described in subsection (a).

(2) A synopsis of each case and the disciplinary action taken, if any, in each case.

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 3541(f).

(c) **PRIVACY PROTECTION.**—In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual assault can be identified by the contents of the report.

SEC. 3547. DEFINITION.

In this part, the term “sexual assault” shall have the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

PART II—COMMISSIONED OFFICER CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 3550. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this part an amendment or re-

peal 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 Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

Subpart A—General Provisions

SEC. 3551. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

“(a) **GRADES.**—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

“(1) Vice admiral.

“(2) Rear admiral.

“(3) Rear admiral (lower half).

“(4) Captain.

“(5) Commander.

“(6) Lieutenant commander.

“(7) Lieutenant.

“(8) Lieutenant (junior grade).

“(9) Ensign.

“(b) **GRADE DISTRIBUTION.**—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

“(c) **ANNUAL COMPUTATION OF NUMBER IN GRADE.**—

“(1) **IN GENERAL.**—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) **METHOD OF COMPUTATION.**—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) **FRACTIONS.**—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is $\frac{1}{2}$, the next higher whole number shall be taken.

“(d) **TEMPORARY INCREASE IN NUMBERS.**—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) **PRESERVATION OF GRADE AND PAY.**—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”.

SEC. 3552. RECALLED OFFICERS.

Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking “Effective” and inserting the following:

“(a) **IN GENERAL.**—Effective”; and

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

“(b) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—Officers serving in positions designated under section 228 and officers recalled from retired status—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”.

SEC. 3553. OBLIGATED SERVICE REQUIREMENT.

(a) **IN GENERAL.**—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

“SEC. 216. OBLIGATED SERVICE REQUIREMENT.

“(a) **IN GENERAL.**—

“(1) **RULEMAKING.**—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

“(2) **WRITTEN AGREEMENTS.**—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

“(b) **REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) **OBLIGATION AS DEBT TO UNITED STATES.**—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

“(3) **DISCHARGE IN BANKRUPTCY.**—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) **WAIVER OR SUSPENSION OF COMPLIANCE.**—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.”.

(b) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

SEC. 3554. TRAINING AND PHYSICAL FITNESS.

(a) **IN GENERAL.**—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3553(a), is further amended by adding at the end the following:

“SEC. 217. TRAINING AND PHYSICAL FITNESS.

“(a) **TRAINING.**—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

“(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

“(2) Providing officers and officer candidates with books and school supplies.

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 3553(b), is further amended by inserting after the item relating to section 216 the following:

“Sec. 217. Training and physical fitness.”.

SEC. 3555. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3554(a), is further amended by adding at the end the following:

“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

“The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 3554(b), is further amended by inserting after the item relating to section 217 the following:

“Sec. 218. Use of recruiting materials for public relations.”.

SEC. 3556. CHARTER VESSEL SAFETY POLICY.

(a) POLICY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop and implement a charter vessel safety policy applicable to the acquisition by the National Oceanic and Atmospheric Administration of charter vessel services.

(b) ELEMENTS.—The policy required by subsection (a) shall address vessel safety, operational safety, and basic personnel safety requirements applicable to the vessel size, type, and intended use. At a minimum, the policy shall include the following:

(1) Basic vessel safety requirements that address stability, egress, fire protection and lifesaving equipment, hazardous materials, and pollution control.

(2) Personnel safety requirements that address crew qualifications, medical training and services, safety briefings and drills, and crew habitability.

(c) LIMITATION.—The Secretary shall ensure that the basic vessel safety requirements and personnel safety requirements included in the policy required by subsection (a)—

(1) do not exceed the vessel safety requirements and personnel safety requirements promulgated by the Secretary of the department in which the Coast Guard is operating; and

(2) to the degree practicable, are consistent with the requirements described in paragraph (1).

SEC. 3557. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

Subpart B—Parity and Recruitment

SEC. 3558. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy 1 of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

SEC. 3559. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3558(a), is further amended by adding at the end the following:

“SEC. 268. INTEREST PAYMENT PROGRAM.

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than 3 years of service on active duty;

“(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

“(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

“(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of

the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term ‘special allowance’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(1) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(1) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively” after “Armed Forces”.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 3558(b), is further amended by inserting after the item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

SEC. 3560. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3559(a), is further amended by adding at the end the following:

“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

“(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than 5 academic years; or

“(2) a postbaccalaureate degree.

“(b) ELIGIBLE PERSONS.—

“(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

“(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

“(C) enters into a written agreement with the Secretary described in paragraph (2).

“(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement

between the person and the Secretary in which the person agrees—

“(A) to accept an appointment as an officer, if tendered; and

“(B) upon completion of the person’s educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to 3 years if the person received less than 3 years of assistance; and

“(ii) up to 5 years if the person received at least 3 years of assistance.

“(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

“(1) Tuition and fees charged by the educational institution involved.

“(2) The cost of books.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

“(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

“(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

“(f) SUBSISTENCE ALLOWANCE.—

“(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

“(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

“(g) INITIAL CLOTHING ALLOWANCE.—

“(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person’s initial clothing and equipment issue.

“(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) TERMINATION OF FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

“(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

“(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

“(C) the person fails to fulfill any term or condition of the agreement.

“(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

“(3) WAIVER.—The Secretary may waive the service obligation of a person through an

agreement entered into under subsection (b)(1)(C) if the person—

“(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

“(B) is—

“(i) not physically qualified for appointment; and

“(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person’s own misconduct or grossly negligent conduct.

“(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

“(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

“(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 3559(c), is further amended by inserting after the item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

SEC. 3561. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 3558(a)), section 268 of such Act (as added by section 3559(a)), and section 269 of such Act (as added by section 3560(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 3576(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term “officer candidate” has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 3576(c).

SEC. 3562. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

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

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (17), as redesignated, the following:

“(18) Subchapter I of chapter 88, relating to Military Family Programs.

“(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “armed forces” and inserting “uniformed services”; and

(B) in subsection (b)(4), by striking “armed forces” both places it appears and inserting “uniformed services”.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), by striking “armed forces” and inserting “uniformed services”; and

(B) by adding at the end the following new subsection:

“(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to members of the National Oceanic and Atmospheric Administration.”.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting “or the commissioned corps of the National Oceanic and Atmospheric Administration” after “in the case of the Navy”; and

(ii) by striking “other armed forces” and inserting “other uniformed services”; and

(B) in subsection (b)(1), by inserting “or the Secretary of Commerce, as applicable,” after “the Secretary of Defense”.

SEC. 3563. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

“(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

“(1) Section 324, relating to accession bonuses for new officers in critical skills.

“(2) Section 403(f)(3), relating to prescribing regulations defining the terms ‘field duty’ and ‘sea duty’.

“(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

“(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(5) Section 488, relating to allowances for recruiting expenses.

“(6) Section 495, relating to allowances for funeral honors duty.

“(b) REFERENCES.—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary’s designee.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

SEC. 3564. LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking “armed forces” and inserting “uniformed services”.

SEC. 3565. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 3562, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

“(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may promulgate regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by promulgating such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.”.

SEC. 3566. PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking “Service or any” and inserting “Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any”.

SEC. 3567. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”; and

(2) in paragraph (2), by striking “or veteran” and inserting “, veteran, or member”; and

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

SEC. 3568. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

SEC. 3569. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this part, is further amended by adding at the end the following:

“SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

“(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

“(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

“(c) COMPETITIVE SERVICE DEFINED.—In this section, the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 269, as added by this part, the following:

“Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”.

SEC. 3570. DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The head of a 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 such title, a qualified candidate described subsection (b) directly to a position in the agency for which the candidate meets qualification standards of the Office of Personnel Management.

(b) CANDIDATES DESCRIBED.—A candidate described in this subsection is a current or former member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who—

(1) fulfilled his or her obligated service requirement under section 216 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, as added by section 3553;

(2) if no longer a member of the commissioned officer corps of the Administration, was not discharged or released therefrom as part of a disciplinary action; and

(3) has been separated or released from service in the commissioned officer corps of the Administration for a period of not more than 5 years.

(c) **EFFECTIVE DATE.**—This section shall apply with respect to appointments made in fiscal year 2016 and in each fiscal year thereafter.

Subpart C—Appointments and Promotion of Officers

SEC. 3571. APPOINTMENTS.

(a) **ORIGINAL APPOINTMENTS.**—

(1) **IN GENERAL.**—Section 221 (33 U.S.C. 3021) is amended to read as follows:

“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

“(a) **ORIGINAL APPOINTMENTS.**—

“(1) **GRADES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) **APPOINTMENT OF OFFICER CANDIDATES.**—

“(i) **LIMITATION ON GRADE.**—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) **RANK.**—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

“(2) **SOURCE OF APPOINTMENTS.**—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Graduates of the maritime academies of the States who—

“(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

“(ii) completed at least 3 years of regimented training while at a maritime academy of a State; and

“(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

“(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) **DEFINITIONS.**—In this subsection:

“(A) **MARITIME ACADEMIES OF THE STATES.**—The term ‘maritime academies of the States’ means the following:

“(i) California Maritime Academy, Vallejo, California.

“(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

“(iii) Maine Maritime Academy, Castine, Maine.

“(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

“(v) State University of New York Maritime College, Fort Schuyler, New York.

“(vi) Texas A&M Maritime Academy, Galveston, Texas.

“(B) **MILITARY SERVICE ACADEMIES OF THE UNITED STATES.**—The term ‘military service

academies of the United States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.

“(iii) The United States Air Force Academy, Colorado Springs, Colorado.

“(iv) The United States Coast Guard Academy, New London, Connecticut.

“(v) The United States Merchant Marine Academy, Kings Point, New York.

“(b) **REAPPOINTMENT.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) **REAPPOINTMENTS TO HIGHER GRADES.**—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

“(c) **QUALIFICATIONS.**—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) **PRECEDENCE OF APPOINTEES.**—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

“(e) **INTER-SERVICE TRANSFERS.**—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”

(2) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”

SEC. 3572. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

“SEC. 222. PERSONNEL BOARDS.

“(a) **CONVENING.**—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) **RETIRED OFFICERS.**—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) **NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.**—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) **DUTIES.**—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any

erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) **ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.**—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.”

SEC. 3573. DELEGATION OF AUTHORITY.

Section 226 (33 U.S.C. 3026) is amended—

(1) by striking “Appointments” and inserting the following:

“(a) **IN GENERAL.**—Appointments”; and

(2) by adding at the end the following:

“(b) **DELEGATION OF APPOINTMENT AUTHORITY.**—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.”

SEC. 3574. ASSISTANT ADMINISTRATOR OF THE OFFICE OF MARINE AND AVIATION OPERATIONS.

Section 228(c) (33 U.S.C. 3028(c)) is amended—

(1) in the fourth sentence, by striking “Director” and inserting “Assistant Administrator”; and

(2) in the heading, by inserting “ASSISTANT ADMINISTRATOR OF THE” before “OFFICE”.

SEC. 3575. TEMPORARY APPOINTMENTS.

(a) **IN GENERAL.**—Section 229 (33 U.S.C. 3029) is amended to read as follows:

“SEC. 229. TEMPORARY APPOINTMENTS.

“(a) **APPOINTMENTS BY PRESIDENT.**—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

“(b) **TERMINATION.**—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

“(c) **ORDER OF PRECEDENCE.**—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) **ANY ONE GRADE.**—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

“(e) **DELEGATION OF APPOINTMENT AUTHORITY.**—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.”

(b) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 229 and inserting the following:

“Sec. 229. Temporary appointments.”

SEC. 3576. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

“SEC. 234. OFFICER CANDIDATES.

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

“(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) AGREEMENT.—

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

“(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from the such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

“(ii) will serve on active duty for at least 4 years immediately after such appointment.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

“(2) procedures for determining whether such a breach has occurred.

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

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

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E-5 with less than 2 years service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.”.

SEC. 3577. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 3576(a), is further amended by adding at the end the following:

“SEC. 235. PROCUREMENT OF PERSONNEL.

“The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 3576(b), is further amended by inserting after the item relating to section 234 the following:

“235. Procurement of personnel.”.

Subpart D—Separation and Retirement of Officers**SEC. 3578. INVOLUNTARY RETIREMENT OR SEPARATION.**

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”.

SEC. 3579. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”.

PART III—HYDROGRAPHIC SERVICES**SEC. 3581. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.**

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking “There are” and inserting the following:

“(a) IN GENERAL.—There are”;

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking “surveys—” and all that follows through the end of the paragraph and inserting “surveys, \$70,814,000 for each of fiscal years 2016 through 2020.”;

(B) in paragraph (2), by striking “vessels—” and all that follows through the end of the paragraph and inserting “vessels, \$25,000,000 for each of fiscal years 2016 through 2020.”;

(C) in paragraph (3), by striking “Administration—” and all that follows through the end of the paragraph and inserting “Administration, \$29,932,000 for each of fiscal years 2016 through 2020.”;

(D) in paragraph (4), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$26,800,000 for each of fiscal years 2016 through 2020.”; and

(E) in paragraph (5), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$30,564,000 for each of fiscal years 2016 through 2020.”; and

(3) by adding at the end the following:

“(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for each fiscal year—

“(1) \$10,000,000 is authorized for use—

“(A) to acquire hydrographic data;

“(B) to provide hydrographic services;

“(C) to conduct coastal change analyses necessary to ensure safe navigation;

“(D) to improve the management of coastal change in the Arctic; and

“(E) to reduce risks of harm to Alaska Native subsistence and coastal communities associated with increased international maritime traffic; and

“(2) \$2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.”.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

“(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.”.

SA 4143. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 221. DESIGNATION OF INSTITUTION OF HIGHER EDUCATION AS ADVANCED LABORATORY FOR AIR VEHICLE SUSTAINMENT FOR APPLIED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ON SUSTAINMENT OF DEFENSE AIR VEHICLES.

(a) IN GENERAL.—The Secretary of Defense may, acting through the Office of Research and Engineering of the Department of Defense, designate an appropriate institution of higher education as an Advanced Laboratory for Air Vehicle Sustainment under the University Affiliated Research Center program to carry out applied research, development, test, and evaluation activities for the Department of Defense on the sustainment of defense air vehicles.

(b) REQUIREMENTS FOR DESIGNATION.—An institution of higher education designated pursuant to subsection (a) shall—

(1) have the capability to respond rapidly to new technology requirements with qualified engineers and technologists; and

(2) possess unique and leading-edge capabilities in testing and evaluation of full-scale aviation-related structures and materials for support of the sustainment of defense air vehicles.

(c) BUSINESS CASE ANALYSIS OF UARC PROGRAM.—The Secretary shall submit to the congressional defense committees a business case analysis comparing the conduct of applied research, development, test, and evaluation of Department aviation capabilities by institutions of higher education with the conduct of such activities by Department of Defense laboratories. The business case analysis shall include the following:

(1) An estimate of the cost-savings achieved, and to be achieved, by the Department in using institutions of higher education under the program.

(2) An assessment of the efficiencies achieved, and to be achieved, by the Department in using institutions of higher education in connection with the Better Buying Power 3.0 strategy of the Department to streamline the defense acquisition process.

(3) A description of the manner in which priorities under the Better Buying Power 3.0 strategy of the Department are achieved by the Department in using institutions of higher education as described in paragraph (2).

(4) An assessment of the “should cost” targets developed by the Office of Research and Engineering for aviation and implemented by each Department laboratory, which assessment addresses whether such targets reduced indirect and overhead expenses when using or subcontracting institutions of higher education.

(5) Any savings realized through activities under paragraph (4) with using institutions of higher education to achieve “should cost” targets.

(6) The results of a benchmarking analysis conducted by Assistant Secretary of Defense for Research and Engineering that compares the business models and performance of Department laboratories under the program with the business models and performance of similar laboratories elsewhere in the Government, in academia, and in the private sector.

SA 4144. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ ENVIRONMENTAL REMEDIATION, EXPLOSIVES CLEANUP, AND SITE RESTORATION AT SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) IN GENERAL.—As part of the land conveyance at Sunflower Army Ammunition Plant, Kansas, authorized under section 2841 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2135), the Secretary of the Army may accept as a payment-in-kind by the entity to which such land was conveyed an agreement to undertake activities selected by the entity from among the ac-

tivities described under subsection (b) that are reasonably estimated to cost approximately \$14,500,000. Upon receipt of a cash payment or the commencement of such activities by the entity, the Secretary shall release from the mortgage filed with the Register of Deeds, Johnson County, Kansas on August 6, 2005, that part of the Sunflower Army Ammunition Plant to which such payment or activities relate.

(b) ENVIRONMENTAL REMEDIATION, EXPLOSIVES CLEANUP, AND SITE RESTORATION ACTIVITIES.—The activities described under this subsection are—

(1) environmental remediation activities, including—

(A) corrective action required under a permit concerning the property to be issued by the Kansas Department of Health and Environment pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(B) activities to be carried out by the entity pursuant to Consent Order 05-E-0111, including any amendments thereto, regarding Army activities at the property between the entity and the Kansas Department of Health and Environment;

(C) abatement of potential explosive and ordnance conditions at the property;

(D) demolition, abatement, removal, disposal, backfilling and seeding of all structures containing asbestos and lead based paint, together with their foundations, footing and slabs;

(E) removal and disposal of all soils impacted with pesticides in excess of Kansas Department of Health and Environment standards together with backfilling and seeding;

(F) design, construction, closure and post-closure of a solid waste landfill facility permitted by the Kansas Department of Health and Environment pursuant to its delegated authority under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) to accommodate consolidation of existing landfills on the property and future requirements;

(G) lime sludge removal, disposal, and backfilling associated with the water treatment plant;

(H) septic tank closures; and

(I) financial assurances required in connection with these activities; and

(2) site restoration activities, including—

(A) collection and disposal of solid waste present on the property prior to August 6, 2005;

(B) removal of improvements to the property existing on August 6, 2005, including, without limitation, roads, sewers, gas lines, poles, ballast, structures, slabs, footings and foundations together with backfilling and seeding;

(C) any impediments to redevelopment of the property arising from the use of the property by or on behalf of the Army or any of its contractors;

(D) financial assurances required in connection with these activities; and

(E) legal, environmental and engineering costs incurred by the entity for the analysis of the work necessary to complete the environmental.

SA 4145. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENTS FOR BECOMING CIVILIAN EMERGENCY MEDICAL TECHNICIANS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

“SEC. 315. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENTS FOR BECOMING CIVILIAN EMERGENCY MEDICAL TECHNICIANS.

“(a) PROGRAM.—The Secretary shall establish a program consisting of awarding demonstration grants to States to streamline State requirements and procedures in order to assist veterans who completed military emergency medical technician training while serving in the Armed Forces of the United States to meet certification, licensure, and other requirements applicable to becoming an emergency medical technician in the State.

“(b) USE OF FUNDS.—Amounts received as a demonstration grant under this section shall be used to prepare and implement a plan to streamline State requirements and procedures as described in subsection (a), including by—

“(1) determining the extent to which the requirements for the education, training, and skill level of emergency medical technicians in the State are equivalent to requirements for the education, training, and skill level of military emergency medical technicians; and

“(2) identifying methods, such as waivers, for military emergency medical technicians to forego or meet any such equivalent State requirements.

“(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall demonstrate that the State has a shortage of emergency medical technicians.

“(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program under this section.

“(e) FUNDING.—No additional funds are authorized to be appropriated to carry out this section, and this section shall be carried out using amounts otherwise available for such purpose.”.

SA 4146. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. OMB DIRECTIVE ON MANAGEMENT OF SOFTWARE LICENSES.

(a) DEFINITION.—In this section—

(1) the term “Director” means the Director of the Office of Management and Budget; and

(2) the term “executive agency” has the meaning given that term in section 105 of title 5, United States Code.

(b) OMB DIRECTIVE.—The Director shall issue a directive to require each executive agency to develop a comprehensive software licensing policy, which shall—

(1) identify clear roles, responsibilities, and central oversight authority within the executive agency for managing enterprise software license agreements and commercial software licenses; and

(2) require the executive agency to—

(A) establish a comprehensive inventory, including 80 percent of software license

spending and enterprise licenses in the executive agency, by identifying and collecting information about software license agreements using automated discovery and inventory tools;

(B) regularly track and maintain software licenses to assist the executive agency in implementing decisions throughout the software license management life cycle;

(C) analyze software usage and other data to make cost-effective decisions;

(D) provide training relevant to software license management;

(E) establish goals and objectives of the software license management program of the executive agency; and

(F) consider the software license management life cycle phases, including the requisition, reception, deployment and maintenance, retirement, and disposal phases, to implement effective decision making and incorporate existing standards, processes, and metrics.

(c) REPORT ON SOFTWARE LICENSE MANAGEMENT.—

(1) **IN GENERAL.**—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter through fiscal year 2018, each executive agency shall submit to the Director a report on the financial savings or avoidance of spending that resulted from improved software license management.

(2) **AVAILABILITY.**—The Director shall make each report submitted under paragraph (1) publicly available.

SA 4147. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. COMPTROLLER GENERAL STUDY ON THE ACTIVITIES OF THE OFFICE OF RESOLUTION MANAGEMENT AND THE OFFICE OF EMPLOYMENT DISCRIMINATION COMPLAINT ADJUDICATION OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study on the activities of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs, including an analysis of the programs conducted by such offices and the effectiveness and oversight of such programs.

(b) **ELEMENTS.**—In conducting the study under subsection (a), the Comptroller General shall—

(1) analyze data in possession of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication of the Department from the period beginning on January 1, 2012, and ending on the date of commencement of the study;

(2) analyze the oversight by the Department of such offices and the programs conducted by such offices;

(3) analyze how such offices determine the amounts paid to complainants under such programs;

(4) assess whether the Department or any other entity conducts regular audits of such offices; and

(5) analyze how many repeat complaints from the same individuals are handled by such offices and whether there is a special

process used by such offices for repeat complainants.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Secretary of Veterans Affairs and Congress a report on the results of the study conducted under subsection (a).

SA 4148. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. IDENTIFICATION AND TRACKING OF BIOLOGICAL IMPLANTS USED IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) **IN GENERAL.**—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7330B. Identification and tracking of biological implants

“(a) **STANDARD IDENTIFICATION SYSTEM FOR BIOLOGICAL IMPLANTS.**—(1) The Secretary shall adopt the unique device identification system developed for medical devices by the Food and Drug Administration under section 519(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(f)), or implement a comparable standard identification system, for use in identifying biological implants intended for use in medical procedures conducted in medical facilities of the Department.

“(2) In adopting or implementing a standard identification system for biological implants under paragraph (1), the Secretary shall permit a vendor to use any of the accredited entities identified by the Food and Drug Administration as an issuing agency pursuant to section 830.100 of title 21, Code of Federal Regulations, or any successor regulation.

“(b) **BIOLOGICAL IMPLANT TRACKING SYSTEM.**—(1) The Secretary shall implement a system for tracking the biological implants described in subsection (a) from human donor or animal source to implantation.

“(2) The tracking system implemented under paragraph (1) shall be compatible with the identification system adopted or implemented under subsection (a).

“(3) The Secretary shall implement inventory controls compatible with the tracking system implemented under paragraph (1) so that all patients who have received, in a medical facility of the Department, a biological implant subject to a recall can be notified of the recall if, based on the evaluation by appropriate medical personnel of the Department of the risks and benefits, the Secretary determines such notification is appropriate.

“(c) **CONSISTENCY WITH FOOD AND DRUG ADMINISTRATION REGULATIONS.**—To the extent that a conflict arises between this section and a provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 or 361 of the Public Health Service Act (42 U.S.C. 262 and 264) (including any regulations issued under such provisions), the provision of the Federal Food, Drug, and Cosmetic Act or Public Health Service Act (including any regulations issued under such provisions) shall apply.

“(d) **BIOLOGICAL IMPLANT DEFINED.**—In this section, the term ‘biological implant’ means

any human cell, tissue, or cellular or tissue-based product or animal product—

“(1) under the meaning given the term ‘human cells, tissues, or cellular or tissue-based products’ in section 1271.3 of title 21, Code of Federal Regulations, or any successor regulation; or

“(2) that is regulated as a device under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330A the following new item:

“7330B. Identification and tracking of biological implants.”

(c) IMPLEMENTATION DEADLINES.—

(1) **STANDARD IDENTIFICATION SYSTEM.**—The Secretary of Veterans Affairs shall adopt or implement the standard identification system for biological implants required by subsection (a) of section 7330B of title 38, United States Code, as added by subsection (a), with respect to biological implants described in—

(A) subsection (d)(1) of such section, by not later than the date that is 180 days after the date of the enactment of this Act; and

(B) subsection (d)(2) of such section, in compliance with the compliance dates established by the Food and Drug Administration under section 519(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(f)).

(2) **TRACKING SYSTEM.**—The Secretary of Veterans Affairs shall implement the biological implant tracking system required by section 7330B(b) of title 38, United States Code, as added by subsection (a), by not later than the date that is 180 days after the date of the enactment of this Act.

(d) REPORTING REQUIREMENT.—

(1) **IN GENERAL.**—If the biological implant tracking system required by section 7330B(b) of title 38, United States Code, as added by subsection (a), is not operational by the date that is 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report explaining why the system is not operational for each month until such time as the system is operational.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include a description of the following:

(A) Each impediment to the implementation of the system described in such paragraph.

(B) Steps being taken to remediate each such impediment.

(C) Target dates for a solution to each such impediment.

SEC. 1098. PROCUREMENT OF BIOLOGICAL IMPLANTS USED IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) PROCUREMENT.—

(1) **IN GENERAL.**—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 8129. Procurement of biological implants

“(a) **IN GENERAL.**—(1) The Secretary may procure biological implants of human origin only from vendors that meet the following conditions:

“(A) The vendor uses the standard identification system adopted or implemented by the Secretary under section 7330B(a) of this title and has safeguards to ensure that a distinct identifier has been in place at each step of distribution of each biological implant from its donor.

“(B) The vendor is registered as required by the Food and Drug Administration under

subpart B of part 1271 of title 21, Code of Federal Regulations, or any successor regulation, and in the case of a vendor that uses a tissue distribution intermediary or a tissue processor, the vendor provides assurances that the tissue distribution intermediary or tissue processor is registered as required by the Food and Drug Administration.

“(C) The vendor ensures that donor eligibility determinations and such other records as the Secretary may require accompany each biological implant at all times, regardless of the country of origin of the donor of the biological material.

“(D) The vendor agrees to cooperate with all biological implant recalls conducted on the initiative of the vendor, on the initiative of the original product manufacturer used by the vendor, by the request of the Food and Drug Administration, or by a statutory order of the Food and Drug Administration.

“(E) The vendor agrees to notify the Secretary of any adverse event or reaction report it provides to the Food and Drug Administration, as required by sections 1271.3 and 1271.350 of title 21, Code of Federal Regulations, or any successor regulation, or any warning letter from the Food and Drug Administration issued to the vendor or a tissue processor or tissue distribution intermediary used by the vendor by not later than 60 days after the vendor receives such report or warning letter.

“(F) The vendor agrees to retain all records associated with the procurement of a biological implant by the Department for at least 10 years after the date of the procurement of the biological implant.

“(G) The vendor provides assurances that the biological implants provided by the vendor are acquired only from tissue processors that maintain active accreditation with the American Association of Tissue Banks or a similar national accreditation specific to biological implants.

“(2) The Secretary may procure biological implants of nonhuman origin only from vendors that meet the following conditions:

“(A) The vendor uses the standard identification system adopted or implemented by the Secretary under section 7330B(a) of this title.

“(B) The vendor is registered as an establishment as required by the Food and Drug Administration under sections 807.20 and 807.40 of title 21, Code of Federal Regulations, or any successor regulation (or is not required to register pursuant to section 807.65(a) of such title, or any successor regulation), and in the case of a vendor that is not the original product manufacturer of such implants, the vendor provides assurances that the original product manufacturer is registered as required by the Food and Drug Administration (or is not required to register).

“(C) The vendor agrees to cooperate with all biological implant recalls conducted on the initiative of the vendor, on the initiative of the original product manufacturer used by the vendor, by the request of the Food and Drug Administration, or by a statutory order of the Food and Drug Administration.

“(D) The vendor agrees to notify the Secretary of any adverse event report it provides to the Food and Drug Administration as required under part 803 of title 21, Code of Federal Regulations, or any successor regulation, or any warning letter from the Food and Drug Administration issued to the vendor or the original product manufacturer used by the vendor by not later than 60 days after the vendor receives such report or warning letter.

“(E) The vendor agrees to retain all records associated with the procurement of a biological implant by the Department for at

least 10 years after the date of the procurement of the biological implant.

“(3)(A) The Secretary shall procure biological implants under the Federal Supply Schedules of the General Services Administration unless such implants are not available under such Schedules.

“(B) With respect to biological implants listed on the Federal Supply Schedules, the Secretary shall accommodate reasonable vendor requests to undertake outreach efforts to educate medical professionals of the Department about the use and efficacy of such biological implants.

“(C) In the case of biological implants that are unavailable for procurement under the Federal Supply Schedules, the Secretary shall procure such implants using competitive procedures in accordance with applicable law and the Federal Acquisition Regulation, including through the use of a national contract.

“(4) In procuring biological implants under this section, the Secretary shall permit a vendor to use any of the accredited entities identified by the Food and Drug Administration as an issuing agency pursuant to section 830.100 of title 21, Code of Federal Regulations, or any successor regulation.

“(5) Section 8123 of this title shall not apply to the procurement of biological implants.

“(b) PENALTIES.—In addition to any applicable penalty under any other provision of law, any procurement employee of the Department who is found responsible for a biological implant procurement transaction with intent to avoid or with reckless disregard of the requirements of this section shall be ineligible to hold a certificate of appointment as a contracting officer or to serve as the representative of an ordering officer, contracting officer, or purchase card holder.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘biological implant’ has the meaning given that term in section 7330B(d) of this title.

“(2) The term ‘distinct identifier’ means a distinct identification code that—

“(A) relates a biological implant to the human donor of the implant and to all records pertaining to the implant;

“(B) includes information designed to facilitate effective tracking, using the distinct identification code, from the donor to the recipient and from the recipient to the donor; and

“(C) satisfies the requirements of section 1271.290(c) of title 21, Code of Federal Regulations, or any successor regulation.

“(3) The term ‘tissue distribution intermediary’ means an agency that acquires and stores human tissue for further distribution and performs no other tissue banking functions.

“(4) The term ‘tissue processor’ means an entity processing human tissue for use in biological implants, including activities performed on tissue other than donor screening, donor testing, tissue recovery and collection functions, storage, or distribution.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8128 the following new item:

“8129. Procurement of biological implants.”.

(b) EFFECTIVE DATE.—Section 8129 of title 38, United States Code, as added by subsection (a), shall take effect on the date that is 180 days after the date on which the tracking system required under section 7330B(b) of such title, as added by section 1079(a) of this Act, is implemented.

(c) SPECIAL RULE FOR CRYOPRESERVED PRODUCTS.—During the three-year period be-

ginning on the effective date of section 8129 of title 38, United States Code, as added by subsection (a), biological implants produced and labeled before that effective date may be procured by the Department of Veterans Affairs without relabeling under the standard identification system adopted or implemented under section 7330B of such title, as added by section 1079(a) of this Act.

SA 4149. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1039. RESTRICTIONS ON THE PROCUREMENT OF SERVICES OR PROPERTY IN CONNECTION WITH MILITARY SPACE LAUNCH FROM ENTITIES OWNED OR CONTROLLED BY PERSONS SANCTIONED IN CONNECTION WITH RUSSIA'S INVASION OF CRIMEA.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the Secretary of Defense may not enter into or renew a contract for the procurement of services or property in connection with space launch activities associated with the evolved expendable launch vehicle program unless the Secretary, as a result of affirmative due diligence and in consultation with the Secretary of the Treasury, conclusively certifies in accordance with subsection (b), that—

(1) no funding provided under the contract will be used for a purchase from, or a payment to, any entity owned or controlled by a person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to Executive Order 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine) or any other executive order or other provision of law imposing sanctions with respect to the Russian Federation in connection with the invasion of Crimea by the Russian Federation; and

(2) no individual who in any way supports the delivery of services or property for such space launch activities poses a counterintelligence risk to the United States or is subject to the influence of any foreign military or intelligence service.

(b) SUBMISSION OF CERTIFICATION.—Not later than 120 days before entering into or renewing a contract described in subsection (a), the Secretary of Defense shall submit to the congressional defense committees in writing the certification described in that subsection and the reasons of the Secretary for making the certification.

SA 4150. Ms. AYOTTE (for herself, Mr. RUBIO, Mr. KIRK, Mr. GRAHAM, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. ROUNDS, Mr. TILLIS, Mr. INHOFE, Mr. RISCH, Mr. PORTMAN, Mr. CRUZ, Mrs. ERNST, Mr. PERDUE, Ms. MURKOWSKI, Mr. GARDNER, Mr. ROBERTS, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction,

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

At the end of title XII, add the following:

Subtitle I—Iran Sanctions

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Iran Ballistic Missile Sanctions Act of 2016”.

SEC. 1282. FINDINGS.

Congress finds the following:

(1) On April 2, 2015, President Barack Obama said, “Other American sanctions on Iran for its support of terrorism, its human rights abuses, its ballistic missile program, will continue to be fully enforced.”.

(2) On July 7, 2015, General Martin Dempsey, then-Chairman of the Joint Chiefs of Staff, said, “Under no circumstances should we relieve the pressure on Iran relative to ballistic missile capabilities.”.

(3) On July 29, 2015, in his role as the top military officer in the United States and advisor to the President, General Dempsey confirmed that his military recommendation was that sanctions relating to the ballistic missile program of Iran not be lifted.

(4) The Government of Iran and Iran’s Revolutionary Guard Corps have been responsible for the repeated testing of illegal ballistic missiles capable of carrying a nuclear device, including observed tests in October and November 2015 and March 2016, violating United Nations Security Council resolutions.

(5) On October 14, 2015, Samantha Power, United States Ambassador to the United Nations, said, “One of the really important features in implementation of the recent Iran deal to dismantle Iran’s nuclear program is going to have to be enforcement of the resolutions and the standards that remain on the books.”.

(6) On December 11, 2015, the United Nations Panel of Experts concluded that the missile launch on October 10, 2015, “was a violation by Iran of paragraph 9 of Security Council resolution 1929 (2010)”.

(7) On January 17, 2016, Adam Szubin, Acting Under Secretary for Terrorism and Financial Intelligence, stated, “Iran’s ballistic missile program poses a significant threat to regional and global security, and it will continue to be subject to international sanctions. We have consistently made clear that the United States will vigorously press sanctions against Iranian activities outside of the Joint Comprehensive Plan of Action—including those related to Iran’s support for terrorism, regional destabilization, human rights abuses, and ballistic missile program.”.

(8) On February 9, 2016, James Clapper, Director of National Intelligence, testified that, “We judge that Tehran would choose ballistic missiles as its preferred method of delivering nuclear weapons, if it builds them. Iran’s ballistic missiles are inherently capable of delivering WMD, and Tehran already has the largest inventory of ballistic missiles in the Middle East. Iran’s progress on space launch vehicles—along with its desire to deter the United States and its allies—provides Tehran with the means and motivation to develop longer-range missiles, including ICBMs.”.

(9) On March 9, 2016, Iran reportedly fired two Qadr ballistic missiles with a range of more than 1,000 miles and according to public reports, the missiles were marked with a statement in Hebrew reading, “Israel must be wiped off the arena of time.”.

(10) On March 11, 2016, Ambassador Power called the recent ballistic missile launches by Iran “provocative and destabilizing” and called on the international community to “degrade Iran’s missile program”.

(11) On March 14, 2016, Ambassador Power said that the recent ballistic missile launches by Iran were “in defiance of provisions of UN Security Council Resolution 2231”.

(12) Iran has demonstrated the ability to launch multiple rockets from fortified underground facilities and mobile launch sites not previously known.

(13) The ongoing procurement by Iran of technologies needed to boost the range, accuracy, and payloads of its diverse ballistic missile arsenal represents a threat to deployed personnel of the United States and allies of the United States in Europe and the Middle East, including Israel.

(14) Ashton Carter, Secretary of Defense, testified in a hearing before the Armed Services Committee of the Senate on July 7, 2015, that, “[T]he reason that we want to stop Iran from having an ICBM program is that the I in ICBM stands for intercontinental, which means having the capability to fly from Iran to the United States, and we don’t want that. That’s why we oppose ICBMs.”.

(15) Through recent ballistic missile launch tests the Government of Iran has shown blatant disregard for international laws and its intention to continue tests of that nature throughout the implementation of the Joint Comprehensive Plan of Action.

(16) The banking sector of Iran has facilitated the financing of the ballistic missile programs in Iran and evidence has not been provided that entities in that sector have ceased facilitating the financing of those programs.

(17) Iran has been able to amass a large arsenal of ballistic missiles through its illicit smuggling networks and domestic manufacturing capabilities that have been supported and maintained by Iran’s Revolutionary Guard Corps and specific sectors of the economy of Iran.

(18) Penetration by Iran’s Revolutionary Guard Corps into the economy of Iran is well documented including investments in the construction, automotive, telecommunications, electronics, mining, metallurgy, and petrochemical sectors of the economy of Iran.

(19) Items procured through sectors of Iran specified in paragraph (18) have dual use applications that are currently being used to create ballistic missiles in Iran and will continue to be a source of materials for the creation of future weapons.

(20) In order to curb future illicit activity by Iran, the Government of the United States and the international community must take action against persons that facilitate and profit from the illegal acquisition of ballistic missile parts and technology in support of the missile programs of Iran.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the ballistic missile program of Iran represents a serious threat to allies of the United States in the Middle East and Europe, members of the Armed Forces deployed in the those regions, and ultimately the United States;

(2) the testing and production by Iran of ballistic missiles capable of carrying a nuclear device is a clear violation of United Nations Security Council Resolution 2231 (2015), which was unanimously adopted by the international community;

(3) Iran is using its space launch program to develop the capabilities necessary to deploy an intercontinental ballistic missile that could threaten the United States, and the Director of National Intelligence has assessed that Iran would use ballistic missiles as its “preferred method of delivering nuclear weapons”; and

(4) the Government of the United States should impose tough primary and secondary

sanctions against any sector of the economy of Iran or any Iranian person that directly or indirectly supports the ballistic missile program of Iran as well as any foreign person or financial institution that engages in transactions or trade that support that program.

SEC. 1284. EXPANSION OF SANCTIONS WITH RESPECT TO EFFORTS BY IRAN TO ACQUIRE BALLISTIC MISSILE AND RELATED TECHNOLOGY.

(a) CERTAIN PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484; 50 U.S.C. 1701 note) is amended, in the matter preceding paragraph (1), by inserting “, to acquire ballistic missile or related technology,” after “nuclear weapons”.

(b) FOREIGN COUNTRIES.—Section 1605(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484; 50 U.S.C. 1701 note) is amended, in the matter preceding paragraph (1), by inserting “, to acquire ballistic missile or related technology,” after “nuclear weapons”.

SEC. 1285. EXTENSION OF IRAN SANCTIONS ACT OF 1996 AND EXPANSION OF SANCTIONS WITH RESPECT TO PERSONS THAT ACQUIRE OR DEVELOP BALLISTIC MISSILES.

(a) EXPANSION OF MANDATORY SANCTIONS.—Section 5(b)(1)(B) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) in clause (i), by striking “would likely” and inserting “may”; and

(2) in clause (ii)—

(A) in subclause (I), by striking “; or” and inserting a semicolon;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

“(II) acquire or develop ballistic missiles and the capability to launch ballistic missiles; or”.

(b) EXTENSION OF IRAN SANCTIONS ACT OF 1996.—Section 13(b) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended by striking “December 31, 2016” and inserting “December 31, 2031”.

SEC. 1286. IMPOSITION OF SANCTIONS WITH RESPECT TO BALLISTIC MISSILE PROGRAM OF IRAN.

(a) IN GENERAL.—Title II of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8721 et seq.) is amended by adding at the end the following:

“Subtitle C—Measures Relating to Ballistic Missile Program of Iran

“SEC. 231. DEFINITIONS.

“(a) IN GENERAL.—In this subtitle:

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

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

“(A) the committees specified in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note); and

“(B) the congressional defense committees, as defined in section 101 of title 10, United States Code.

“(3) 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.

“(4) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

“(5) GOOD.—The term ‘good’ has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

“(6) GOVERNMENT.—The term ‘Government’, with respect to a foreign country, includes any agencies or instrumentalities of that Government and any entities controlled by that Government.

“(7) MEDICAL DEVICE.—The term ‘medical device’ has the meaning given the term ‘device’ in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

“(8) MEDICINE.—The term ‘medicine’ has the meaning given the term ‘drug’ in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

“(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

“SEC. 232. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN.

“(a) IDENTIFICATION OF PERSONS.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than once every 180 days thereafter, the President shall, in coordination with the Secretary of Defense, the Director of National Intelligence, the Secretary of the Treasury, and the Secretary of State, submit to the appropriate committees of Congress a report identifying persons that have knowingly aided the Government of Iran in the development of the ballistic missile program of Iran.

“(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

“(A) An identification of persons (disaggregated by Iranian and non-Iranian persons) that have knowingly aided the Government of Iran in the development of the ballistic missile program of Iran, including persons that have—

“(i) knowingly engaged in the direct or indirect provision of material support to such program;

“(ii) knowingly facilitated, supported, or engaged in activities to further the development of such program;

“(iii) knowingly transmitted information relating to ballistic missiles to the Government of Iran; or

“(iv) otherwise knowingly aided such program.

“(B) A description of the character and significance of the cooperation of each person identified under subparagraph (A) with the Government of Iran with respect to such program.

“(C) An assessment of the cooperation of the Government of the Democratic People's Republic of Korea with the Government of Iran with respect to such program.

“(3) CLASSIFIED ANNEX.—Each report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

“(b) BLOCKING OF PROPERTY.—

“(1) IN GENERAL.—Not later than 15 days after submitting a report required by subsection (a)(1), the President shall, 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 any person specified in such report 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.

“(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this subsection.

“(c) EXCLUSION FROM UNITED STATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien subject to blocking of property and interests in property under subsection (b).

“(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraph (1) shall not apply to the head of state of Iran, or necessary staff of that head of state, if admission to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States.

“(d) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person subject to blocking of property and interests in property under subsection (b).

“SEC. 233. BLOCKING OF PROPERTY OF PERSONS AFFILIATED WITH CERTAIN IRANIAN ENTITIES.

“(a) BLOCKING OF PROPERTY.—

“(1) IN GENERAL.—The President shall, 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 any person described in paragraph (3) 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.

“(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this subsection.

“(3) PERSONS DESCRIBED.—A person described in this paragraph is—

“(A) an entity that is owned, directly or indirectly, by a 25 percent or greater interest—

“(i) by the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group; or

“(ii) collectively by a group of individuals that hold an interest in the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group, even if none of those individuals hold a 25 percent or greater interest in the entity;

“(B) a person that controls, manages, or directs an entity described in subparagraph (A); or

“(C) an individual who is on the board of directors of an entity described in subparagraph (A).

“(b) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the

opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person subject to blocking of property and interests in property under subsection (a).

“(c) IRAN MISSILE PROLIFERATION WATCH LIST.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than annually thereafter, the Secretary of the Treasury shall submit to the appropriate committees of Congress and publish in the Federal Register a list of—

“(A) each entity in which the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group has an ownership interest of more than 0 percent and less than 25 percent;

“(B) each entity in which the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group does not have an ownership interest but maintains a presence on the board of directors of the entity or otherwise influences the actions, policies, or personnel decisions of the entity; and

“(C) each person that controls, manages, or directs an entity described in subparagraph (A) or (B).

“(2) REFERENCE.—The list required by paragraph (1) may be referred to as the ‘Iran Missile Proliferation Watch List’.

“(d) COMPTROLLER GENERAL REPORT.—

“(1) IN GENERAL.—The Comptroller General of the United States shall—

“(A) conduct a review of each list required by subsection (c)(1); and

“(B) not later than 60 days after each such list is submitted to the appropriate committees of Congress under that subsection, submit to the appropriate committees of Congress a report on the review conducted under subparagraph (A) that includes a list of persons not included in that list that qualify for inclusion in that list, as determined by the Comptroller General.

“(2) CONSULTATIONS.—In preparing the report required by paragraph (1)(B), the Comptroller General shall consult with non-governmental organizations.

“SEC. 234. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS INVOLVED IN BALLISTIC MISSILE ACTIVITIES.

“(a) CERTIFICATION.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than once every 180 days thereafter, the President shall submit to the appropriate committees of Congress a certification that each person listed in an annex of United Nations Security Council Resolution 1737 (2006), 1747 (2007), or 1929 (2010) is not directly or indirectly facilitating, supporting, or involved with the development of or transfer to Iran of ballistic missiles or technology, parts, components, or technology information relating to ballistic missiles.

“(b) BLOCKING OF PROPERTY.—

“(1) IN GENERAL.—If the President is unable to make a certification under subsection (a) with respect to a person and the person is not currently subject to sanctions with respect to Iran under any other provision of law, the President shall, not later than 15

days after that certification would have been required under that subsection—

“(A) 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 that person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person; and

“(B) publish in the Federal Register a report describing the reason why the President was unable to make a certification with respect to that person.

“(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this subsection.

“(C) EXCLUSION FROM UNITED STATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien subject to blocking of property and interests in property under subsection (b).

“(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraph (1) shall not apply to the head of state of Iran, or necessary staff of that head of state, if admission to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States.

“(d) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person subject to blocking of property and interests in property under subsection (b).

“SEC. 235. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN SECTORS OF IRAN THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN.

“(a) LIST OF SECTORS.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than once every 180 days thereafter, the President shall submit to the appropriate committees of Congress and publish in the Federal Register a list of the sectors of the economy of Iran that are directly or indirectly facilitating, supporting, or involved with the development of or transfer to Iran of ballistic missiles or technology, parts, components, or technology information relating to ballistic missiles.

“(2) CERTAIN SECTORS.—

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Iran Ballistic Missile Sanctions Act of 2016, the President shall submit to the appropriate committees of Congress a determination as to whether each of the automotive, chemical, computer science, construction, electronic, energy, metallurgy, mining, petrochemical, research (including universities and research institutions), and telecommunications sectors of Iran meet the criteria specified in paragraph (1).

“(B) INCLUSION IN INITIAL LIST.—If the President determines under subparagraph (A) that the sectors of the economy of Iran

specified in such subparagraph meet the criteria specified in paragraph (1), that sector shall be included in the initial list submitted and published under that paragraph.

“(b) SANCTIONS WITH RESPECT TO SPECIFIED SECTORS OF IRAN.—

“(1) BLOCKING OF PROPERTY.—

“(A) IN GENERAL.—The President shall, 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 any person described in paragraph (4) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this paragraph.

“(2) EXCLUSION FROM UNITED STATES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien that is a person described in paragraph (4).

“(B) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Subparagraph (A) shall not apply to the head of state of Iran, or necessary staff of that head of state, if admission to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States.

“(3) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person described in paragraph (4).

“(4) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016—

“(A) operates in a sector of the economy of Iran included in the most recent list published by the President under subsection (a);

“(B) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of, any activity or transaction on behalf of or for the benefit of a person described in subparagraph (A); or

“(C) is owned or controlled by a person described in subparagraph (A).

“(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

“SEC. 236. IDENTIFICATION OF FOREIGN PERSONS THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN IN CERTAIN SECTORS OF IRAN.

“(a) IN GENERAL.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than annually thereafter, the President shall submit to the appro-

priate committees of Congress and publish in the Federal Register a list of all foreign persons that have, based on credible information, directly or indirectly facilitated, supported, or been involved with the development of ballistic missiles or technology, parts, components, or technology information related to ballistic missiles in the following sectors of the economy of Iran during the period specified in subsection (b):

“(1) Automotive.

“(2) Chemical.

“(3) Computer Science.

“(4) Construction.

“(5) Electronic.

“(6) Energy.

“(7) Metallurgy.

“(8) Mining.

“(9) Petrochemical.

“(10) Research (including universities and research institutions).

“(11) Telecommunications.

“(12) Any other sector of the economy of Iran identified under section 235(a).

“(b) PERIOD SPECIFIED.—The period specified in this subsection is—

“(1) with respect to the first list submitted under subsection (a), the period beginning on the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016 and ending on the date that is 120 days after such date of enactment; and

“(2) with respect to each subsequent list submitted under such subsection, the one-year period preceding the submission of the list.

“(c) COMPTROLLER GENERAL REPORT.—

“(1) IN GENERAL.—With respect to each list submitted under subsection (a), not later than 120 days after the list is submitted under that subsection, the Comptroller General of the United States shall submit to the appropriate committees of Congress—

“(A) an assessment of the processes followed by the President in preparing the list;

“(B) an assessment of the foreign persons included in the list; and

“(C) a list of persons not included in the list that qualify for inclusion in the list, as determined by the Comptroller General.

“(2) CONSULTATIONS.—In preparing the report required by paragraph (1), the Comptroller General shall consult with non-governmental organizations.

“(d) CREDIBLE INFORMATION DEFINED.—In this section, the term ‘credible information’ 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).”.

(b) CLERICAL AMENDMENT.—The table of contents for the Iran Threat Reduction and Syria Human Rights Act of 2012 is amended by inserting after the item relating to section 224 the following:

“Subtitle C—Measures Relating to Ballistic Missile Program of Iran

“Sec. 231. Definitions.

“Sec. 232. Imposition of sanctions with respect to persons that support the ballistic missile program of Iran.

“Sec. 233. Blocking of property of persons affiliated with certain Iranian entities.

“Sec. 234. Imposition of sanctions with respect to certain persons involved in ballistic missile activities.

“Sec. 235. Imposition of sanctions with respect to certain sectors of Iran that support the ballistic missile program of Iran.

“Sec. 236. Identification of foreign persons that support the ballistic missile program of Iran in certain sectors of Iran.”.

SEC. 1287. EXPANSION OF MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS RELATING TO BALLISTIC MISSILE CAPABILITIES OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

- (1) in subsection (c)(2)—
- (A) in subparagraph (A)—
- (i) in clause (i), by striking “; or” and inserting a semicolon;
- (ii) by redesignating clause (ii) as clause (iii); and
- (iii) by inserting after clause (i) the following:
 - “(i) to acquire or develop ballistic missiles and capabilities and launch technology relating to ballistic missiles; or”;
- (B) in subparagraph (E)(ii)—
- (i) in subclause (I), by striking “; or” and inserting a semicolon;
- (ii) by redesignating subclause (II) as subclause (III); and
- (iii) by inserting after subclause (I) the following:
 - “(II) Iran’s development of ballistic missiles and capabilities and launch technology relating to ballistic missiles; or”;

(2) in subsection (f)—

- (A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving those subparagraphs, as so redesignated, two ems to the right;
- (B) by striking “WAIVER.—The” and inserting “WAIVER.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the”;

(C) by adding at the end the following:

- “(2) EXCEPTION.—The Secretary of the Treasury may not waive under paragraph (1) the application of a prohibition or condition imposed with respect to an activity described in subparagraph (A)(ii) or (E)(ii)(II) of subsection (c)(2).”.

SEC. 1288. DISCLOSURE TO THE SECURITIES AND EXCHANGE COMMISSION OF ACTIVITIES WITH CERTAIN SECTORS OF IRAN THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN.

(a) IN GENERAL.—Section 13(r)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(r)(1)) is amended—

- (1) in subparagraph (C), by striking “; or” and inserting a semicolon;
- (2) by redesignating subparagraph (D) as subparagraph (E); and
- (3) by inserting after subparagraph (C) the following:
 - “(D) knowingly engaged in any activity for which sanctions may be imposed under section 235 of the Iran Threat Reduction and Syria Human Rights Act of 2012.”.

(b) INVESTIGATIONS.—Section 13(r)(5)(A) of the Securities Exchange Act of 1934 is amended by striking “an Executive order specified in clause (i) or (ii) of paragraph (1)(D)” and inserting “section 235 of the Iran Threat Reduction and Syria Human Rights Act of 2012, an Executive order specified in clause (i) or (ii) of paragraph (1)(E)”.

(c) CONFORMING AMENDMENT.—Section 13(r)(5) of the Securities Exchange Act of 1934 is amended, in the matter preceding subparagraph (A), by striking “subparagraph (D)(iii)” and inserting “subparagraph (E)(iii)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 180 days after the date of the enactment of this Act.

SEC. 1289. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the President shall prescribe regulations to carry out this sub-

title and the amendments made by this subtitle.

SA 4151. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. TREATMENT OF OIL SHALE RESERVE RECEIPTS.

Section 7439 of title 10, United States Code, is amended—

- (1) in subsection (f)—
- (A) by striking paragraph (1) and inserting the following:
 - “(1) DISPOSITION.—

“(A) IN GENERAL.—Notwithstanding section 35 of the Mineral Leasing Act (30 U.S.C. 191), the amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that do not exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

- “(i) shall be deposited in the Treasury; and
- “(ii) shall not be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

“(B) MINERAL LEASING ACT.—Any amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

- “(i) shall be deposited in the Treasury; and
- “(ii) shall be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

“(C) NO IMPACT ON PAYMENTS IN LIEU OF TAXES.—Nothing in this paragraph impacts or reduces any payment authorized under section 6903 of title 31, United States Code.”;

- (B) in paragraph (2)—
- (i) by striking “(2) The period” and inserting the following:
 - “(2) PERIOD.—The period”;

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

(2) in subsection (g)—

- (A) in paragraph (1), in the matter preceding subparagraph (A), by striking “subsection (f)(1)” and inserting “subsection (f)(1)(A)”;

(B) in paragraph (2), in the first sentence, by striking “subsection (f)(1)” and inserting “subsection (f)(1)(A)”.

SA 4152. Mr. KIRK (for himself, Mr. DURBIN, Mr. GRASSLEY, and Mrs. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899C. ARMY ARSENAL REVITALIZATION.

(a) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term “legacy items” means manufactured items that are no longer produced by the private sector but continue to be used for Department of Defense weapons systems, excluding information technology and information systems (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term “organic industrial base” means United States military facilities that advance a vital national security interest by producing necessary materials, munitions, and hardware, including arsenals and depots.

(b) REPORT ON USE OF ORGANIC INDUSTRIAL BASE AND PRIVATE SECTOR TO MANUFACTURE CERTAIN ITEMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report listing all legacy items used by the Department of Defense with a contract value equal to or greater than \$5,000,000.

(2) ELEMENTS.—The report required under paragraph (1) shall include, for each item listed, a list of potential alternative manufacturing sources from the organic industrial base and private sector that could be developed to establish competition for those items.

(c) USE OF ORGANIC INDUSTRIAL BASE TO ADDRESS DIMINISHING MANUFACTURING SOURCES AND MATERIAL SHORTAGES.—

(1) REPORT ON IMPROVING GUIDANCE AND PRACTICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans to update and improve its guidance and practices on Diminishing Manufacturing Sources and Material Shortages (DMSMS), including through the use of the organic industrial base as a resource in the implementation of a DMSMS management plan.

(2) REPORT ON IDENTIFICATION OF ARMY ARSENAL CRITICAL CAPABILITIES AND MINIMUM WORKLOADS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(A) a standardized method for identifying the critical capabilities and minimum workloads of the Army arsenals; and

(B) a progress update on implementation of the United States Army Organic Industrial Base Strategic Plan 2012–2022.

(d) ASSESSMENT TO DETERMINE LABOR RATE FLEXIBILITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall complete a labor rate assessment for all Working Capital Fund entities to determine whether to utilize a flexible labor rate within the Working Capital Fund’s high and low labor rate budget amounts and change the period of time that rates are set from annual to bi-annual or quarterly. The assessment shall include recommendations based upon data received from the assessment, including incorporating more flexibility into the Working Capital Fund’s labor rates.

SA 4153. Mr. KIRK (for himself, Mr. DURBIN, Mr. GRASSLEY, and Mrs. ERNST) submitted an amendment intended to be proposed by him to the

bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899C. ARMY ARSENAL REVITALIZATION.

(a) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term “legacy items” means manufactured items that are no longer produced by the private sector but continue to be used for Department of Defense weapons systems, excluding information technology and information systems (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term “organic industrial base” means United States military facilities that advance a vital national security interest by producing necessary materials, munitions, and hardware, including arsenals and depots.

(b) USE OF ARSENALS TO MANUFACTURE CERTAIN ITEMS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report listing all legacy items used by the Department of Defense with a contract value equal to or greater than \$5,000,000.

(2) LEGACY ITEM PRODUCTION REQUIREMENT.—The Secretary of Defense shall use Army arsenals for the production of all legacy items identified in the report submitted under paragraph (1).

(c) USE OF ORGANIC INDUSTRIAL BASE TO ADDRESS DIMINISHING MANUFACTURING SOURCES AND MATERIAL SHORTAGES.—

(1) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans to update and improve its guidance and practices on Diminishing Manufacturing Sources and Material Shortages (DMSMS), including through the use of the organic industrial base as a resource in the implementation of a DMSMS management plan.

(2) GUIDANCE REGARDING USE OF ORGANIC INDUSTRIAL BASE.—The Secretary of the Army shall maintain the arsenals with sufficient workloads to ensure affordability and technical competence in all critical capability areas by establishing, not later than March 30, 2017, clear, step-by-step, prescriptive guidance on the process for conducting make-or-buy analyses, including the use of the organic industrial base.

(3) IDENTIFICATION OF ARMY ARSENAL CRITICAL CAPABILITIES AND MINIMUM WORKLOADS.—

(A) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that—

(i) includes a standardized, consistent method to use for identifying the critical capabilities and minimum workloads of the Army arsenals;

(ii) provides analysis on the critical capabilities and minimum workloads for each of the manufacturing arsenals; and

(iii) identifies fundamental elements, such as steps, milestones, timeframes, and resources for implementing the United States Army Organic Industrial Base Strategic Plan 2012–2022.

(B) GUIDANCE.—Not later than one year after the date of the enactment of this Act,

the Secretary of Defense shall issue guidance to implement the process for identifying the critical capabilities of the Army’s manufacturing arsenals and the method for determining the minimum workload needed to sustain these capabilities.

(d) AUTHORITY TO ADJUST LABOR RATES TO REFLECT WORK PRODUCTION.—

(1) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a three-year pilot program for the purpose of permitting Army arsenals to adjust their labor rates periodically throughout the year based upon changes in workload and other factors.

(2) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report that assesses—

(A) each Army arsenal’s changes in labor rates throughout the previous year;

(B) the ability of each arsenal to meet the costs of their working capital funds; and

(C) the effect on arsenal workloads of labor rate changes.

SA 4154. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. RETURN OF HUMAN REMAINS BY THE NATIONAL MUSEUM OF HEALTH AND MEDICINE.

The National Museum of Health and Medicine shall facilitate the relocation of the human cranium that is in the possession of the National Museum of Health and Medicine and that is associated with the Mountain Meadows Massacre of 1857 for interment at the Mountain Meadows grave site.

SA 4155. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.

Any person who is entitled under chapter 1223 of title 10, United States Code, to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.

SA 4156. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

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

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

SEC. 1097. MEMORIAL TO HONOR MEMBERS OF THE ARMED FORCES THAT SERVED ON ACTIVE DUTY IN SUPPORT OF OPERATION DESERT STORM OR OPERATION DESERT SHIELD.

(a) FINDINGS.—Congress finds that—

(1) section 8908(b)(1) of title 40, United States Code, provides that the location of a commemorative work in Area I, as depicted on the map entitled “Commemorative Areas Washington, DC and Environs”, numbered 869/86501 B, and dated June 24, 2003, shall be deemed to be authorized only if a recommendation for the location is approved by law not later than 150 calendar days after the date on which Congress is notified of the recommendation;

(2) section 3093 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113–291) authorized the National Desert Storm Memorial Association to establish a memorial on Federal land in the District of Columbia, to honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield; and

(3) the Secretary of the Interior has notified Congress of the determination of the Secretary of the Interior that the memorial should be located in Area I.

(b) APPROVAL OF LOCATION.—The location of a commemorative work to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield authorized by section 3093 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113–291), within Area I, as depicted on the map entitled “Commemorative Areas Washington, DC and Environs”, numbered 869/86501 B, and dated June 24, 2003, is approved.

SA 4157. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . RECOVERY OF CERTAIN IMPROPERLY WITHHELD SEVERANCE PAYMENTS.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the “Combat-Injured Veterans Tax Fairness Act of 2016”.

(2) FINDINGS.—Congress makes the following findings:

(A) Approximately 10,000 to 11,000 individuals are retired from service in the Armed Forces for medical reasons each year.

(B) Some of such individuals are separated from service in the Armed Forces for combat-related injuries (as defined in section 104(b)(3) of the Internal Revenue Code of 1986).

(C) Congress has recognized the tremendous personal sacrifice of veterans with combat-related injuries by, among other things, specifically excluding from taxable income severance pay received for combat-related injuries.

(D) Since 1991, the Secretary of Defense has improperly withheld taxes from severance pay for wounded veterans, thus denying them their due compensation and a significant benefit intended by Congress.

(E) Many veterans owed redress are beyond the statutory period to file an amended tax return because they were not or are not aware that taxes were improperly withheld.

(b) **RESTORATION OF AMOUNTS IMPROPERLY WITHHELD FOR TAX PURPOSES FROM SEVERANCE PAYMENTS TO VETERANS WITH COMBAT-RELATED INJURIES.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(A) identify—

(i) the severance payments—

(I) that the Secretary paid after January 17, 1991;

(II) that the Secretary computed under section 1212 of title 10, United States Code;

(III) that were excluded from gross income pursuant to section 104(a)(4) of the Internal Revenue Code of 1986; and

(IV) from which the Secretary withheld amounts for Federal income tax purposes; and

(ii) the individuals to whom such severance payments were made; and

(B) with respect to each person identified under subparagraph (A)(ii), provide—

(i) notice of—

(I) the amount of severance payments in subparagraph (A)(i) which were improperly withheld for tax purposes; and

(II) such other information determined to be necessary by the Secretary of Treasury to carry out the purposes of this section; and

(ii) instructions for filing amended tax returns to recover the amounts improperly withheld for tax purposes.

(2) **EXTENSION OF LIMITATION ON TIME FOR CREDIT OR REFUND.**—

(A) **PERIOD FOR FILING CLAIM.**—If a claim for credit or refund under section 6511(a) of the Internal Revenue Code of 1986 relates to a specified overpayment, the 3-year period of limitation prescribed by such subsection shall not expire before the date which is 1 year after the date the notice described in paragraph (1)(B) is provided. The allowable amount of credit or refund of a specified overpayment shall be determined without regard to the amount of tax paid within the period provided in section 6511(b)(2).

(B) **SPECIFIED OVERPAYMENT.**—For purposes of subparagraph (A), the term “specified overpayment” means an overpayment attributable to a severance payment described in paragraph (1)(A).

(C) **REQUIREMENT THAT SECRETARY OF DEFENSE ENSURE AMOUNTS ARE NOT WITHHELD FOR TAX PURPOSES FROM SEVERANCE PAYMENTS NOT CONSIDERED GROSS INCOME.**—The Secretary of Defense shall take such actions as may be necessary to ensure that amounts are not withheld for tax purposes from severance payments made by the Secretary to individuals when such payments are not considered gross income pursuant to section 104(a)(4) of the Internal Revenue Code of 1986.

(d) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—After completing the identification required by subsection (b)(1) and not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the actions taken by the Secretary to carry out this section.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include the following:

(A) The number of individuals identified under subsection (b)(1)(A)(ii).

(B) Of all the severance payments described in subsection (b)(1)(A)(i), the aggregate

amount that the Secretary withheld for tax purposes from such payments.

(C) A description of the actions the Secretary plans to take to carry out subsection (c).

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Finance of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Ways and Means of the House of Representatives.

SA 4158. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. PROHIBITION ON USE OF FUNDS TO DISESTABLISH SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAMS.

No amounts authorized to be appropriated by this Act may be used—

(1) to disestablish, or prepare to disestablish, a Senior Reserve Officers’ Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) to close, downgrade from host to extension center, or place on probation a Senior Reserve Officers’ Training Corps program in accordance with the information paper of the Department of the Army titled “Army Senior Reserve Officers Training Corps (SROTC) Program Review and Criteria” and dated January 27, 2014, or any successor information paper or policy of the Department of the Army.

SA 4159. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

(3) efforts should be made to ensure transparency and oversight mechanisms are in place for oversight of United States assist-

ance under section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 in order to combat waste, fraud, and abuse; and

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

SA 4160. Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1247. UNITED STATES POLICY ON TAIWAN.

(a) **FINDINGS.**—Congress makes the following findings:

(1) For more than 50 years, the United States and Taiwan have had a unique and close relationship, which has supported the economic, cultural, and strategic advantage to both countries.

(2) The United States has vital security and strategic interests in the Taiwan Strait.

(3) The Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979.

(4) The Taiwan Relations Act states that it is the policy of the United States to provide Taiwan with arms of a defensive character and to maintain the capacity of the United States to defend against any forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(b) **STATEMENT OF POLICY.**—The Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) forms the cornerstone of United States policy and relations with Taiwan.

(c) **REPORTS.**—

(1) **PROVISION OF DEFENSIVE ARMS TO TAIWAN.**—Not later than February 15, 2017, the Secretary of Defense and the Secretary of State shall jointly brief the appropriate committees of Congress on the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character, training, and software in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.).

(2) **ANNUAL REPORT ON FOREIGN MILITARY SALES TO TAIWAN.**—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

“(j) At the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a classified report that lists each request received from Taiwan and each letter of offer to sell any defense articles or services under this Act to Taiwan during such fiscal year.”

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 4161. Mr. RUBIO (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1204 and insert the following:

SEC. 1204. PROHIBITION ON USE OF FUNDS FOR TRAVEL TO CUBA OR TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.

(a) **PROHIBITION.**—No amounts authorized to be appropriated by this Act, or by any Act enacted before the date of the enactment of this Act, may be used for a purpose specified in subsection (b) until the Secretary of Defense, in coordination with the Director of National Intelligence, submits to Congress written assurances that—

(1) the Cuban military has ceased committing human rights abuses against civil rights activists and other citizens of Cuba;

(2) the Cuban military has ceased providing military intelligence, weapons training, strategic planning, and security logistics to the military and security forces of Venezuela;

(3) the Cuban military and other security forces in Cuba have ceased all persecution, intimidation, arrest, imprisonment, and assassination of dissidents and members of faith based organizations;

(4) the Government of Cuba no longer demands that the United States relinquish control of Guantanamo Bay, in violation of an international treaty; and

(5) the officials of the Cuban military that were indicted in the murder of United States citizens during the shutdown of planes operated by the Brothers to the Rescue humanitarian organization in 1996 are brought to justice.

(b) **PURPOSES.**—The purposes specified in this subsection are as follows:

(1) To station personnel or authorize temporary duty for personnel at the United States embassy in Cuba.

(2) To invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba.

(c) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any travel or joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

SA 4162. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

(2) not less than 30 days before the date on which the waiver is to take effect, submits to the appropriate committees of Congress—

(A) a notification of, and detailed justification for, the waiver; and

(B) a certification that—

(i) the person to which the waiver is to apply is no longer engaging in an activity described in subsection (a) or has taken significant verifiable and credible steps toward stopping such an activity, including winding down contracts or other agreements that were in effect before the date of the enactment of this Act; and

(ii) the Secretary of Defense has received reliable assurances in writing that the person will not knowingly engage in an activity described in subsection (a) in the future.

(d) **DEFINITIONS.**—In this section:

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

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

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

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

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

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

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

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

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

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

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

(3) **IRANIAN PERSON.**—The term “Iranian person” means—

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

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

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

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

SA 4163. Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1243, insert the following:

SEC. 1243A. GRANT OF OBSERVER STATUS TO THE MILITARY FORCES OF TAIWAN AT RIM OF THE PACIFIC EXERCISES.

(a) **IN GENERAL.**—The Secretary of Defense shall grant observer status to the military forces of Taiwan in any maritime exercise known as the Rim of the Pacific Exercise.

(b) **EFFECTIVE DATE.**—This section takes effect on the date of the enactment of this Act, and applies with respect to any maritime exercise described in subsection (a) that begins on or after such date.

SA 4164. Mr. RUBIO (for himself, Mr. COONS, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. REPORT ON USE BY THE GOVERNMENT OF IRAN OF COMMERCIAL AIRCRAFT AND RELATED SERVICES FOR ILLEGAL MILITARY OR OTHER ACTIVITIES.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in consultation with the Secretary of Defense and the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the use by the Government of Iran of

commercial aircraft and related services for illicit military or other activities during the 5-year period ending of such date of enactment.

(b) **ELEMENTS OF REPORT.**—The report required under subsection (a) shall include—

(1) a description of the extent to which the Government of Iran has used commercial aircraft or related services to transport illicit cargo to or from Iran, including military goods, weapons, military personnel, military-related electronic parts and mechanical equipment, and rocket or missile components;

(2) a list of airports outside of Iran at which such aircraft have landed;

(3) a description of the extent to which the commercial aviation sector of Iran has provided financial, material, and technological support to the Islamic Revolutionary Guard Corps or any of its agents or affiliates, including Mahan Air;

(4) a description of the extent to which foreign governments and persons have facilitated the activities described in paragraph (1), including allowing the use of airports, services, or other resources; and

(5) a description of the efforts of the President to address the activities described in paragraphs (1), (3), and (4).

SA 4165. Mr. RUBIO (for himself, Mr. KIRK, Ms. AYOTTE, Mr. ROBERTS, Mr. TOOMEY, and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. CLARIFICATION THAT FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS INCLUDES ASSETS IN POSSESSION OR CONTROL OF A UNITED STATES PERSON PURSUANT TO A U-TURN TRANSACTION.

Section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a) is amended—

(1) by striking “The President” and inserting “(1) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(2) **TREATMENT OF CERTAIN TRANSACTIONS.**—

“(A) **U-TURN TRANSACTIONS.**—Property that comes within the possession or control of a United States person pursuant to a transfer of funds that arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction shall be considered to come within the possession or control of that person for purposes of paragraph (1).

“(B) **BOOK TRANSFERS.**—A transfer of funds or other property for the benefit of an Iranian financial institution that is made between accounts of the same financial institution shall be considered property or interests in property of that Iranian financial institution for purposes of paragraph (1) even if that Iranian financial institution is not the direct recipient of the transfer.”.

SA 4166. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary 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 XII, insert the following:

SEC. ____ . SENSE OF CONGRESS ON MILITARY RELATIONS BETWEEN THE UNITED STATES AND TAIWAN.

It is the sense of Congress that the Government of the People's Republic of China should not dictate military relations between the United States and the Republic of China.

SA 4167. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . AUTHORITY FOR MILITARY PERSONNEL OF TAIWAN TO WEAR MILITARY UNIFORMS OF TAIWAN WHILE IN THE UNITED STATES.

Members of the military forces of Taiwan who are wearing an authorized uniform of such military forces in accordance with applicable authorities of Taiwan are hereby authorized to wear such uniforms while in the United States.

SA 4168. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REPORTS ON FORCE STRUCTURES REQUIRED BY THE NAVY AND THE AIR FORCE IN F-16 AND F-18 FIGHTER AIRCRAFT TO MAINTAIN WORLDWIDE AIR DOMINANCE AND AIR CONTROL.

(a) **IN GENERAL.**—Not later than September 30, 2017, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the congressional defense committees a report setting forth an assessment of the force structure in F-16 and F-18 fighter aircraft required by the Navy and the Air Force, respectively, in order to maintain worldwide air dominance and air control.

(b) **INDEPENDENT ASSESSMENTS.**—The Secretary of the Navy and the Secretary of the Air Force shall each obtain the assessment required for purposes of a report under subsection (a) from a not-for-profit entity independent of the Department of Defense that is appropriate for the conduct of the assessment. The same entity may conduct both assessments.

SA 4169. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE, CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) **ELEMENTS.**—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

SA 4170. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . AUTHORITY FOR VESSELS OF THE TAIWAN NAVY AND COAST GUARD ADMINISTRATION TO CALL ON UNITED STATES PORTS AND INSTALLATIONS OF THE UNITED STATES NAVY AND THE COAST GUARD.

Vessels of the Taiwan Navy and the Taiwan Coast Guard Administration are hereby authorized to call on United States ports and on installations of the United States Navy and the United States Coast Guard.

SA 4171. Mr. PERDUE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1236. SENSE OF CONGRESS ON RUSSIAN MILITARY AGGRESSION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) On May 25, 1972, the United States and the Soviet Union signed the Agreement Between the Government of The United States of America and the Government of The Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the

High Seas (the “Agreement”). Russia and the United States remain parties to the Agreement.

(2) Article IV of the Agreement provides that “Commanders of aircraft of the Parties shall use the greatest caution and prudence in approaching aircraft and ships of the other Party operating on and over the high seas, and . . . shall not permit simulated attacks by the simulated use of weapons against aircraft and ships, or performance of various aerobatics over ships”.

(3) On January 25, 2016, a Russian Su-27 air-superiority fighter flew within 15 feet of a United States Air Force RC-135U aircraft flying a routine patrol in international airspace over the Black Sea.

(4) On April 11, 2016, the USS DONALD COOK, an Arleigh-Burke-class guided-missile destroyer, was repeatedly buzzed by Russian Su-24 attack aircraft while operating in the Baltic Sea. United States officials described the low-passes as having a “simulated attack profile”.

(5) On April 12, 2014, a Russian Su-24 again conducted close-range low altitude passes for about 90 minutes near the DONALD COOK.

(6) The United States European Command expressed “deep concerns” about the April 11 and 12, 2016, Russian close-range passes over the DONALD COOK and stated that the maneuvers were “unprofessional and unsafe”.

(7) On April 14, 2016, a Russian Su-27 barrel-rolled over a United States reconnaissance aircraft operating in international airspace over the Baltic Sea, at one point coming within 50 feet of the United States plane. The Pentagon condemned the maneuver as “erratic and aggressive”.

(8) On April 20, 2016, Russian Permanent Representative to the North Atlantic Treaty Organization (NATO) Alexander Grushko accused United States military aircraft and vessels operating in international waters as attempting “to exercise military pressure on Russia” and promised to “take all necessary measures [and] precautions, to compensate for these attempts to use military force”.

(9) On April 29, 2016, another Russian Su-27 performed another barrel-roll over a United States Air Force RC-135 reconnaissance plane, this time coming within approximately 100 feet of the aircraft.

(10) The commander of the United States Cyber Command, Admiral Mike Rogers, warned Congress during a Senate hearing that Russia and China can now launch crippling cyberattacks on the electric grid and other critical infrastructures of the United States.

(11) Russia’s military build-up and increasing Anti-Access/Area Denial capabilities in Kaliningrad and its expanded operations in the Black Sea, the eastern Mediterranean Sea, and in Syria aim to deny United States access to key areas of Eurasia and often pose direct challenges to stated United States interests.

(12) The United States has determined that in 2015, Russia continued to be in violation of obligations under the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (the “INF Treaty”), signed in Washington, D.C. on December 8, 1987, and entered into force June 1, 1988, not to possess, produce, or flight-test a ground-launched cruise missile with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.

(13) Russia is adding multiple, independently targetable reentry vehicles or MIRVs to existing deployed road-mobile SS-27 and submarine-launched SS-N-32 missiles thereby doubling the number of its strategic nuclear warheads and exceeding the 1,550 permitted under the Treaty between the United

States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the “New START Treaty”), signed April 8, 2010, and entered into force February 5, 2011

(14) General Philip Breedlove, Commander of United States European Command, stated that “we face a resurgent and aggressive Russia, and as we have continued to witness these last two years, Russia continues to seek to extend its influence on its periphery and beyond”.

(b) SENSE OF CONGRESS.—Congress—

(1) condemns the recent dangerous and unprofessional Russian intercepts of United States-flagged aircraft and vessels;

(2) calls on the Government of the Russian Federation to cease provocative military maneuvers that endanger United States forces and those of its allies;

(3) calls on the United States, its European allies, and the international community to continue to apply pressure on the Government of the Russian Federation to cease its provocative international behavior; and

(4) reaffirms the right of the United States to operate military aircraft and vessels in international airspace and waters.

SA 4172. Mr. KIRK (for himself, Mr. MANCHIN, Mr. ROBERTS, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. CARDIN, Mr. RUBIO, Mr. VITTER, Mr. TILLIS, Mr. CRUZ, Mr. PORTMAN, Ms. AYOTTE, Mr. HATCH, and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Matters Relating to Israel

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Combating BDS Act of 2016”.

SEC. 1282. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM ENTITIES THAT ENGAGE IN CERTAIN BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITIES TARGETING ISRAEL.

(a) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the notice requirement of subsection (b) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(1) an entity that the State or local government determines, using credible information available to the public, engages in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel;

(2) a successor entity or subunit of an entity described in paragraph (1); or

(3) an entity that owns or controls, is owned or controlled by, or is under common ownership or control with, an entity described in paragraph (1).

(b) NOTICE REQUIREMENT.—

(1) IN GENERAL.—A State or local government shall provide written notice to each entity to which a measure taken by the State or local government under subsection (a) is to be applied before applying the measure with respect to the entity.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to prohibit a State or

local government from taking additional steps to provide due process with respect to an entity to which a measure is to be applied under subsection (a).

(c) NONPREEMPTION.—A measure of a State or local government authorized under subsection (a) is not preempted by any Federal law.

(d) EFFECTIVE DATE.—This section applies to any measure adopted by a State or local government before, on, or after the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the “McCarran-Ferguson Act”).

(f) DEFINITIONS.—In this section:

(1) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “assets” means any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term “assets” 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) BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITY TARGETING ISRAEL.—The term “boycott, divestment, or sanctions activity targeting Israel” means any activity that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business in Israel or in Israeli-controlled territories for purposes of coercing political action by, or imposing policy positions on, the Government of Israel.

(3) ENTITY.—The term “entity” includes—

(A) any corporation, company, business association, partnership, or trust; and

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))).

(4) 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.

(5) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) STATE OR LOCAL GOVERNMENT.—The term “State or local government” includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State and any agency or instrumentality thereof; and

(C) any other governmental instrumentality of a State or locality.

SEC. 1283. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

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” and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) engage in any boycott, divestment, or sanctions activity targeting Israel described

in section 1282 of the Combating BDS Act of 2016.”.

SA 4173. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. ____ . STANDARDIZATION OF AMOUNTS RECEIVABLE BY DISABILITY RETIREES WITH LESS THAN 20 YEARS OF SERVICE UNDER COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) STANDARDIZATION OF SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

“(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4174. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II subtitle D of title V, add the following:

SEC. ____ . ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR MILITARY RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED 40 PERCENT DISABLING.

(a) IN GENERAL.—Subsection (a)(2) of section 1414 of title 10, United States Code, is amended by striking “means” and all that follows and inserting “means the following:

“(A) During the period beginning on January 1, 2004, and ending on June 30, 2017, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

“(B) After June 30, 2017, a service-connected disability or combination of service-connected disabilities that is rated as not less than 40 percent disabling by the Secretary of Veterans Affairs.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

“§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation rated 40 percent or higher: concurrent payment of retired pay and disability compensation”.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans' disability compensation rated 40 percent or higher: concurrent payment of retired pay and disability compensation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SEC. ____ . COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENT TO STANDARDIZE SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

“(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. ____ . ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—Subsection (a) of section 1414 of title 10, United States Code, is amended by striking paragraph (2).

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

“§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation”.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SEC. ____ . COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, is amended—

(A) by striking “a member or” and all that follows through “retiree”)” and inserting “a qualified retiree”; and

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

“(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

“(A) is entitled to retired pay (other than by reason of section 12731b of this title); and

“(B) is also entitled for that month to veterans' disability compensation.”.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

“(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4176. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) RESTATEMENT OF CURRENT CONCURRENT PAYMENT AUTHORITY WITH EXTENSION OF PAYMENT AUTHORITY TO RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—Subsection (a) of section 1414 of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4) and subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is compensable under the laws administered by the

Secretary of Veterans Affairs (hereinafter in this section referred to as 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(2) ONE-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH TOTAL DISABILITIES.—During the period beginning on January 1, 2004, and ending on December 31, 2004, payment of retired pay to a qualified retiree is subject to subsection (c) if the qualified retiree is any of the following:

“(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent disabling by the Secretary of Veterans Affairs.

“(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a disability rated as 100 percent disabling by reason of a determination of individual unemployability.

“(3) 10-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c) if the qualified retiree is entitled to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is rated not less than 50 percent disabling by the Secretary of Veterans Affairs.

“(4) 10-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—During the period beginning on January 1, 2017, and ending on December 31, 2026, payment of retired pay to a qualified retiree is subject to subsection (d) if the qualified retiree is entitled to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is rated less than 50 percent disabling by the Secretary of Veterans Affairs but is compensable under the laws administered by the Secretary of Veterans Affairs.”

(b) PHASE-IN FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

“(d) PHASE-IN OF FULL CONCURRENT RECEIPT FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—During the period beginning on January 1, 2017, and ending on December 31, 2026, retired pay payable to a qualified retiree that pursuant to subsection (a)(4) is subject to this subsection shall be determined as follows:

“(1) CALENDAR YEAR 2017.—For a month during 2017, the amount of retired pay payable to a qualified retiree is the amount (if any) of retired pay in excess of the current baseline offset, plus \$100.

“(2) CALENDAR YEAR 2018.—For a month during 2018, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount specified in paragraph (1) for that qualified retiree; and

“(B) 10 percent of the difference between (i) the current baseline offset, and (ii) the amount specified in paragraph (1) for that member's disability.

“(3) CALENDAR YEAR 2019.—For a month during 2019, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (2) for that qualified retiree; and

“(B) 20 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (2) for that qualified retiree.

“(4) CALENDAR YEAR 2020.—For a month during 2020, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (3) for that qualified retiree; and

“(B) 30 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (3) for that qualified retiree.

“(5) CALENDAR YEAR 2021.—For a month during 2021, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (4) for that qualified retiree; and

“(B) 40 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (4) for that qualified retiree.

“(6) CALENDAR YEAR 2022.—For a month during 2022, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (5) for that qualified retiree; and

“(B) 50 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (5) for that qualified retiree.

“(7) CALENDAR YEAR 2023.—For a month during 2023, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (6) for that qualified retiree; and

“(B) 60 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (6) for that qualified retiree.

“(8) CALENDAR YEAR 2024.—For a month during 2024, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (7) for that qualified retiree; and

“(B) 70 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (7) for that qualified retiree.

“(9) CALENDAR YEAR 2025.—For a month during 2025, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (8) for that qualified retiree; and

“(B) 80 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (8) for that qualified retiree.

“(10) CALENDAR YEAR 2026.—For a month during 2026, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (9) for that qualified retiree; and

“(B) 90 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (9) for that qualified retiree.

“(11) GENERAL LIMITATION.—Retired pay determined under this subsection for a qualified retiree, if greater than the amount of retired pay otherwise applicable to that qualified retiree, shall be reduced to the amount of retired pay otherwise applicable to that qualified retiree.”

(c) CONFORMING AMENDMENTS TO PHASE-IN FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER.—Subsection (c) of such section is amended—

(1) in the subsection caption, by inserting “FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER” after “FULL CONCURRENT RECEIPT”; and

(2) by striking “the second sentence of subsection (a)(1)” and inserting “subsection (a)(3)”.

(d) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

“§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation”.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.”

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2016, and shall apply to payments for months beginning on or after that date.

SEC. ____ COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENT TO STANDARDIZE SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

“(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4177. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2615. REPORT ON REPLACEMENT OF SECURITY FORCES AND COMMUNICATIONS TRAINING FACILITY AT FRANCES S. GABRESKI AIR NATIONAL GUARD BASE, NEW YORK.

(a) FINDINGS.—Congress makes the following findings:

(1) The 106th Rescue Wing at Francis S. Gabreski Air National Guard Base, New York, provides combat search and rescue coverage for United States and allied forces.

(2) The mission of 106th Rescue Wing is to provide worldwide Personnel Recovery, Combat Search and Rescue Capability, Expeditionary Combat Support, and Civil Search and Rescue Support to Federal and State entities.

(3) The current security forces and communications facility at Frances S. Gabreski Air National Guard Base, specifically building 250, has fire safety deficiencies and does not comply with anti-terrorism/force protection standards, creating hazardous conditions for members of the Armed Forces and requiring expeditious abatement.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to

the congressional defense committees a report setting forth an assessment of the need to replace the security forces and communications training facility at Frances S. Gabreski Air National Guard Base.

SA 4178. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 590. INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE 74 MEMBERS OF THE CREW OF THE U.S.S. FRANK E. EVANS WHO PERISHED ON JUNE 3, 1969.

(a) FINDING.—Congress makes the following findings:

(1) On June 3, 1969, 74 sailors aboard the U.S.S. Frank E. Evans perished when their vessel was struck in the South China Sea during a Southeast Asia Treaty Organization exercise. The U.S.S. Frank E. Evans had been providing fire for combat operations in Vietnam prior to the exercise that resulted in this catastrophic accident and was scheduled to return upon completion of the exercise.

(2) The families of the lost 74 have been fighting for decades for their loved ones to receive the recognition they deserve. Exceptions have been granted to inscribe names on the Vietnam Memorial Wall for other members of the Armed Forces who were killed outside of the designated combat zone, including in 1983 when President Reagan ordered that 68 Marines who died on a flight outside of the combat zone be added to the Wall. Secretary of the Navy Ray Mabus also expressed support for the inclusion of the 74 names of those lost on the U.S.S. Frank E. Evans in June 1969.

(3) Those crewmembers aboard were essential to United States military efforts in Vietnam, and their presence in the South China Sea was directly related to their combat deployment. This heroism and sacrifice should not go unrecognized because of an arbitrary line on a map, as their combat-related service deserves comparable acknowledgment. The Vietnam Veterans Memorial Wall is a symbolic beacon of reflection and healing for generations. It is a sanctuary of honor for our members of the Armed Forces and family alike.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Required Review of Vietnam Era Ships detailing the findings of the ship logs and operational analysis of the U.S.S. Frank E. Evans.

(c) APPROVAL OF INCLUSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of the Interior, approve the inclusion on the Vietnam Veterans Memorial Wall of the names of the 74 sailors of the U.S.S. Frank E. Evans who perished on June 3, 1969.

SA 4179. Ms. CANTWELL (for herself, Mr. VITTER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction,

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

At the end of subtitle H insert the following:

SEC. 899C. INCLUSION OF WOMEN'S BUSINESS CENTERS AS APPROVED VENDORS UNDER DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

Section 831(f)(6) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (B), by striking “; or” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”; and

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

“(D) women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656).”.

SA 4180. Mr. BLUMENTHAL (for himself, Mr. LEAHY, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. . . . CLARIFICATIONS REGARDING SCOPE OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION REGARDING DEFINITION OF RIGHTS AND BENEFITS.—Section 4303(2) of title 38, United States Code, is amended—

(1) by inserting “(A)” before “The term”; and

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

“(B) Any procedural protections or provisions set forth in this chapter shall also be considered a right or benefit subject to the protection of this chapter.”.

(b) CLARIFICATION REGARDING RELATION TO OTHER LAW AND PLANS FOR AGREEMENTS.—Section 4302 of such title is amended by adding at the end the following:

“(c)(1) Pursuant to this section and the procedural rights afforded by subchapter III of this chapter, any agreement to arbitrate a claim under this chapter is unenforceable, unless all parties consent to arbitration after a complaint on the specific claim has been filed in court or with the Merit Systems Protection Board and all parties knowingly and voluntarily consent to have that particular claim subjected to arbitration.

“(2) For purposes of this subsection, consent shall not be considered voluntary when a person is required to agree to arbitrate an action, complaint, or claim alleging a violation of this chapter as a condition of future or continued employment, advancement in employment, or receipt of any right or benefit of employment.”.

SA 4181. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction,

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

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

SEC. 1097. RESTRICTIONS ON THE ESTABLISHMENT OF NATIONAL MONUMENTS.

Section 320301 of title 54, United States Code, is amended by adding at the end the following:

“(e) RESTRICTIONS ON THE ESTABLISHMENT OF NATIONAL MONUMENTS IN MILITARY OPERATIONS AREAS.—The President shall not establish a national monument under this section on land that is located under the lateral boundaries of a military operations area (as the term is defined in section 1.1 of title 14, Code of Federal Regulations (or successor regulations)), unless the proclamation includes language that ensures that the establishment of the national monument would not place any new limits on—

“(1) any flight operations of military aircraft;

“(2) the designation of a new unit of special use airspace;

“(3) the use or establishment of military flight training routes; or

“(4) air or ground access for—

“(A) emergency response;

“(B) electronic tracking and communications;

“(C) landing and drop zones; or

“(D) readiness training by the Air Force, joint forces, and coalition forces, including training using motorized vehicles on- or off-road, in accordance with applicable inter-agency agreements.”.

SA 4182. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 314. INSTALLATION RENEWABLE ENERGY PROJECT DATABASE.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a searchable database to uniformly report information regarding installation renewable energy projects undertaken since 2010.

(b) ELEMENTS.—The database established under subsection (a) shall include, for each installation energy project—

(1) the estimated project costs;

(2) estimated power generation;

(3) estimated total cost savings;

(4) estimated payback period;

(5) total project costs;

(6) actual power generation;

(7) actual cost savings to date;

(8) current operational status; and

(9) access to relevant business case documents, including the economic viability assessment.

(c) NON-DISCLOSURE OF CERTAIN INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may, on a case-by-case basis, withhold from inclusion in the database established under subsection (a) information pertaining to individual projects if the Secretary determines that the disclosure of such information would jeopardize operational security.

(2) **REQUIRED DISCLOSURE.**—In the event the Secretary withholds information related to one or more renewable energy projects under paragraph (1), the Secretary shall include in the database—

(A) a statement that information has been withheld; and

(B) an aggregate amount for each of paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) that includes amounts for all renewable energy projects described under subsection (a), including those with respect to which information has been withheld under paragraph (1) of this subsection.

(d) **UPDATES.**—The database established under subsection (a) shall be updated not less than quarterly.

SA 4183. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. ACKNOWLEDGMENT OF FEDERAL FUNDING IN PUBLICATION OF REPORTS ON STUDIES FUNDED BY THE DEPARTMENT OF DEFENSE.

(a) **ACKNOWLEDGMENT.**—Each report on a covered study that is submitted, issued, published, presented at a conference or meeting, or otherwise made available to the public shall clearly disclose, in the acknowledgment section of such report, the following:

(1) The department, agency, element, or component of the Department of Defense that provided funding for the covered study.

(2) The project or award number of the covered study.

(3) An estimate of the total cost of the covered study.

(b) **COVERED STUDY DEFINED.**—In this section, the term “covered study” means any study that is carried out in whole or in part with Federal funds, regardless of by whom carried out.

(1) To include a price tag estimating the cost to taxpayers on studies funded by the Department of Defense.

SA 4184. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2804. USE OF PROJECT LABOR AGREEMENTS IN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) **REQUIREMENTS.**—Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of Defense and the Secretaries of the military departments awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, shall not—

“(A) require or prohibit bidders, offerors, contractors, or subcontractors to enter into

or adhere to agreements with one or more labor organizations; and

“(B) discriminate against or give preference to bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such an agreement.

“(2) Nothing in this subsection shall prohibit a contractor or subcontractor from voluntarily entering into such an agreement, as is protected by the National Labor Relations Act (29 U.S.C. 151 et seq.).”

(b) **APPLICATION OF AMENDMENT.**—The amendment made by subsection (a) shall not apply to construction contracts awarded before the date of the enactment of this Act.

SA 4185. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. CONSOLIDATION OF FINANCIAL LITERACY PROGRAMS AND TRAINING FOR MEMBERS OF THE ARMED FORCES.

(a) **PLAN REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the consolidation of the current financial literacy training programs of the Department of Defense and the military departments for members of the Armed Forces into a single program of financial literacy training for members that—

(1) eliminates duplication and costs in the provision of financial literacy training to members; and

(2) ensures that members receive effective training in financial literacy in as few training sessions as is necessary for the receipt of effective training.

(b) **IMPLEMENTATION.**—The Secretary of Defense and the Secretaries of the military departments shall commence implementation of the plan required by subsection (a) 90 days after the date of the submittal of the plan as required by that subsection.

SA 4186. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 212.

SA 4187. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CONSERVATION AND REHABILITATION OF NATURAL RESOURCES ON MILITARY INSTALLATIONS.

Section 101(a)(3)(A)(ii) of the Sikes Act (16 U.S.C. 670a(a)(3)(A)(ii)) is amended by inserting “, which activities shall be conducted in accordance with applicable laws (including regulations) of the State in which the installation is located” after “nonconsumptive uses”.

SA 4188. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON PROGRAMS AND ACTIVITIES UNDER BUDGET FUNCTION 050 THAT DO NOT DIRECTLY IMPACT OR SUPPORT THE NATIONAL DEFENSE OF THE UNITED STATES.

(a) **REPORT REQUIRED.**—Not later than September 30, 2017, the Comptroller General of the United States shall submit to Congress a report that identifies each program or activity for which funds were provided under budget function 050 during fiscal year 2016 that did not have a direct impact on, or directly support, the national defense of the United States.

(b) **ELEMENTS.**—The report under subsection (a) shall include, for each program and activity identified in the report, the following:

(1) A description of the program or activity.

(2) The amount of funds provided under budget function 050 during fiscal year 2016 for the program or activity.

(c) **DEFINITIONS.**—In this section:

(1) The term “direct impact”, with respect to a program or activity and the national defense of the United States, means the program or activity had an immediate effect on the ability of the Armed Forces to be employed to protect and advance national interests of the United States.

(2) The term “direct support”, with respect to a program or activity and the national defense of the United States, means the program or activity provided a service to one or more components of the United States Government that was used to protect and advance national interests of the United States, including members of the Armed Forces and weapon systems.

SA 4189. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REPORT ON MILITARY BANDS.

Not later than December 1, 2016, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in unclassified form, on military bands. The report shall set forth the following:

(1) The current number and location of military bands, by Armed Force.

(2) The cost of military bands (including costs of recruitment, training, facilities, and transportation) during fiscal year 2016.

(3) The number of members of the Armed Forces assigned to military bands during fiscal year 2016.

(4) The history of reductions in military bands during the five fiscal years ending in fiscal year 2016.

(5) An assessment of the feasibility and advisability of combining military bands at joint locations.

SA 4190. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1523. REPROGRAMMING OF CERTAIN FUNDS FOR OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) **REPROGRAMMING REQUIREMENT.**—The Secretary of Defense shall submit to the congressional defense committees a reprogramming or transfer request in the amount of \$406,396,696 from unobligated funds in the Operation and Maintenance, Defense-wide, account and available for the Office of Economic Adjustment, or for transfer to the Secretary of Education, to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools, to the Operation and Maintenance, Overseas Contingency Operations, account.

(b) **TREATMENT OF REPROGRAMMING.**—The transfer of an amount pursuant to subsection (a) shall not be deemed to increase the amount authorized to be appropriated for fiscal year 2017 for operation and maintenance for overseas contingency operations by section 1505.

SA 4191. Mr. FLAKE (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Elimination, Neutralization, and Disruption of Wildlife Trafficking

SECTION 1099A. SHORT TITLE.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016”.

SEC. 1099B. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

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

(2) **CO-CHAIRS OF THE TASK FORCE.**—The term “Co-Chairs of the Task Force” means the Secretary of State, the Secretary of the Interior, and the Attorney General, as established pursuant to Executive Order 13648.

(3) **COMMUNITY CONSERVATION.**—The term “community conservation” means an approach to conservation that recognizes the rights of local people to sustainably manage, or benefit directly and indirectly from wildlife and other natural resources and includes—

(A) devolving management and governance to local communities to create positive conditions for sustainable resource use; and

(B) building the capacity of communities for conservation and natural resource management.

(4) **COUNTRY OF CONCERN.**—The term “country of concern” refers to a foreign country specially designated by the Secretary of State pursuant to subsection (b) of section 1099I as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which the government has actively engaged in or knowingly profited from the trafficking of endangered or threatened species.

(5) **FOCUS COUNTRY.**—The term “focus country” refers to a foreign country determined by the Secretary of State to be a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products.

(6) **DEFENSE ARTICLE; DEFENSE SERVICE; SIGNIFICANT MILITARY EQUIPMENT; TRAINING.**—The terms “defense article”, “defense service”, “significant military equipment”, and “training” have the meanings given such terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(7) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means the Implementation Plan for the National Strategy for Combating Wildlife Trafficking released on February 11, 2015, a modification of that plan, or a successor plan.

(8) **NATIONAL STRATEGY.**—The term “National Strategy” means the National Strategy for Combating Wildlife Trafficking published on February 11, 2014, a modification of that strategy, or a successor strategy.

(9) **NATIONAL WILDLIFE SERVICES.**—The term “national wildlife services” refers to the ministries and government bodies designated to manage matters pertaining to wildlife management, including poaching or trafficking, in a focus country.

(10) **SECURITY FORCE.**—The term “security force” means a military, law enforcement, gendarmerie, park ranger, or any other security force with a responsibility for protecting wildlife and natural habitats.

(11) **TASK FORCE.**—The term “Task Force” means the Presidential Task Force on Wildlife Trafficking, as established by Executive Order 13648 (78 Fed. Reg. 40621) and modified by section 201.

(12) **WILDLIFE TRAFFICKING.**—The term “wildlife trafficking” refers to the poaching or other illegal taking of protected or managed species and the illegal trade in wildlife and their related parts and products.

PART I—PURPOSES AND POLICY

SEC. 1099E. PURPOSES.

The purposes of this subtitle are—

(1) to support a collaborative, interagency approach to address wildlife trafficking;

(2) to protect and conserve the remaining populations of wild elephants, rhinoceroses, and other species threatened by poaching and the illegal wildlife trade;

(3) to disrupt regional and global transnational organized criminal networks and to prevent the illegal wildlife trade from being used as a source of financing for criminal groups that undermine United States and global security interests;

(4) to prevent wildlife poaching and trafficking from being a means to make a living in focus countries;

(5) to support the efforts of, and collaborate with, individuals, communities, local organizations, and foreign governments to combat poaching and wildlife trafficking;

(6) to assist focus countries in implementation of national wildlife anti-trafficking and poaching laws; and

(7) to ensure that United States assistance to prevent and suppress illicit wildlife trafficking is carefully planned and coordinated, and that it is systematically and rationally prioritized on the basis of detailed analysis of the nature and severity of threats to wildlife and the willingness and ability of foreign partners to cooperate effectively toward these ends.

SEC. 1099F. STATEMENT OF UNITED STATES POLICY.

It is the policy of the United States—

(1) to take immediate actions to stop the illegal global trade in wildlife and wildlife products and associated transnational organized crime;

(2) to provide technical and other forms of assistance to help focus countries halt the poaching of elephants, rhinoceroses, and other imperiled species and end the illegal trade in wildlife and wildlife products, including by providing training and assistance in—

(A) wildlife protection and management of wildlife populations;

(B) anti-poaching and effective management of protected areas including community managed and privately-owned lands;

(C) local engagement of security forces in anti-poaching responsibilities, where appropriate;

(D) wildlife trafficking investigative techniques, including forensic tools;

(E) transparency and corruption issues;

(F) management, tracking, and inventory of confiscated wildlife contraband;

(G) demand reduction strategies in countries that lack the means and resources to conduct them; and

(H) bilateral and multilateral agreements and cooperation;

(3) to employ appropriate assets and resources of the United States Government in a coordinated manner to curtail poaching and disrupt and dismantle illegal wildlife trade networks and the financing of those networks in a manner appropriate for each focus country;

(4) to build upon the National Strategy and Implementation Plan to further combat wildlife trafficking in a holistic manner and guide the response of the United States Government to ensure progress in the fight against wildlife trafficking; and

(5) to recognize the ties of wildlife trafficking to broader forms of transnational organized criminal activities, including trafficking, and where applicable, to focus on those crimes in a coordinated, cross-cutting manner.

PART II—REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES

SEC. 1099I. REPORT.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall submit to Congress a report that lists each country determined by the Secretary of State to be a focus country within the meaning of this subtitle.

(b) **SPECIAL DESIGNATION.**—In each report required under subsection (a), the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall identify each country listed in the report that also constitutes a country of concern (as defined in section 1099B(4)).

(c) **SUNSET.**—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

PART III—FRAMEWORK FOR INTERAGENCY RESPONSE

SEC. 1099L. PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING.

(a) **RESPONSIBILITIES.**—In addition to the functions required by Executive Order 13648 (78 Fed. Reg. 40621), the Task Force shall be informed by the Secretary of State's annual report required under section 1099I and considering all available information, ensure that relevant United States Government agencies—

(1) collaborate, to the greatest extent practicable, with the national wildlife services, or other relevant bodies of each focus country to prepare, not later than 90 days after the date of submission of the report required under section 1099I(a), a United States mission assessment of the threats to wildlife in that focus country and an assessment of the capacity of that country to address wildlife trafficking;

(2) collaborate, to the greatest extent practicable, with relevant ministries, national wildlife services, or other relevant bodies of each focus country to prepare, not later than 180 days after preparation of the assessment referred to in paragraph (1), a United States mission strategic plan that includes recommendations for addressing wildlife trafficking, taking into account any regional or national strategies for addressing wildlife trafficking in a focus country developed before the preparation of such assessment;

(3) coordinate efforts among United States Federal agencies and non-Federal partners, including missions, domestic and international organizations, the private sector, and other global partners, to implement the strategic plans required by paragraph (2) in each focus country;

(4) not less frequently than annually, consult and coordinate with stakeholders qualified to provide advice, assistance, and information regarding effective support for anti-poaching activities, coordination of regional law enforcement efforts, development of and support for effective legal enforcement mechanisms, and development of strategies to reduce illicit trade and reduce consumer demand for illegally traded wildlife and wildlife products, and other relevant topics under this subtitle; and

(5) coordinate or carry out other functions as are necessary to implement this subtitle.

(b) **DUPLICATION AND EFFICIENCY.**—The Task Force shall—

(1) ensure that the activities of the Federal agencies involved in carrying out efforts under this subtitle are coordinated and not duplicated; and

(2) encourage efficiencies and coordination among the efforts of Federal agencies and interagency initiatives ongoing as of the date of the enactment of this Act to address trafficking activities, including trafficking of wildlife, humans, weapons, and narcotics, illegal trade, transnational organized crime, or other illegal activities.

(c) **CONSISTENCY WITH AGENCY RESPONSIBILITIES.**—The Task Force shall carry out its responsibilities under this subtitle in a manner consistent with the authorities and responsibilities of agencies represented on the Task Force.

(d) **TASK FORCE STRATEGIC REVIEW.**—One year after the date of the enactment of this

Act, and annually thereafter, the Task Force shall submit a strategic assessment of its work and provide a briefing to the appropriate congressional committees that shall include—

(1) a review and assessment of the Task Force's implementation of this subtitle, identifying successes, failures, and gaps in its work, or that of agencies represented on the Task Force, including detailed descriptions of—

(A) what approaches, initiatives, or programs have succeeded best in increasing the willingness and capacity of focus countries to suppress and prevent illegal wildlife trafficking, and what approaches, initiatives, or programs have not succeeded as well as hoped; and

(B) which foreign governments subject to subsections (a) and (b) of section 1099I have proven to be the most successful partners in suppressing and preventing illegal wildlife trafficking, which focus countries have not proven to be so, and what factors contributed to these results in each country discussed;

(2) a description of each Task Force member agency's priorities and objectives for combating wildlife trafficking;

(3) an account of total United States funding each year since fiscal year 2014 for all government agencies and programs involved in countering poaching and wildlife trafficking;

(4) an account of total United States funding since fiscal year 2014 to support the activities of the Task Force, including administrative overhead costs and congressional reporting; and

(5) recommendations for how to improve United States and international efforts to suppress and prevent illegal wildlife trafficking in the future, based upon the Task Force's experience as of the time of the review.

(e) **TERMINATION OF TASK FORCE.**—The statutory authorization for the Task Force provided by this subtitle shall terminate 5 years after the date of the enactment of this Act or such earlier date that the President terminates the Task Force by rescinding, superseding, or otherwise modifying relevant portions of Executive Order 13648.

PART IV—PROGRAMS TO ADDRESS THE ESCALATING WILDLIFE TRAFFICKING CRISIS

SEC. 1099O. ANTI-POACHING PROGRAMS.

(a) **WILDLIFE LAW ENFORCEMENT PROFESSIONAL TRAINING AND COORDINATION ACTIVITIES.**—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and nongovernmental partners where appropriate, may provide assistance to focus countries to carry out the recommendations made in the strategic plan required by section 1099L(a)(2), among other goals, to improve the effectiveness of wildlife law enforcement in regions and countries that have demonstrated capacity, willingness, and need for assistance.

(b) **AUTHORITY TO PROVIDE SECURITY ASSISTANCE TO COUNTER WILDLIFE TRAFFICKING AND POACHING.**—

(1) **IN GENERAL.**—The President is authorized to provide defense articles, defense services, and related training to security forces of focus countries for the purpose of countering wildlife trafficking and poaching where appropriate.

(2) **TYPES OF ASSISTANCE.**—

(A) **IN GENERAL.**—Assistance provided under paragraph (1) may include intelligence and surveillance assets, communications and electronic equipment, mobility assets, night vision and thermal imaging devices, and or-

ganizational clothing and individual equipment, pursuant to the applicable provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.) or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(B) **LIMITATION.**—Assistance provided under paragraph (1) may not include significant military equipment.

(3) **SPECIAL RULE.**—Assistance provided under paragraph (1) shall be in addition to any other assistance provided to the countries under any other provision of law.

(4) **PROHIBITION ON ASSISTANCE.**—

(A) **IN GENERAL.**—No assistance may be provided under subsection (b) to a unit of a security force if the President determines that the unit has been found to engage in wildlife trafficking or poaching.

(B) **EXCEPTION.**—The prohibition in subparagraph (A) shall not apply with respect to a unit of a security force of a country if the President determines that the government of the country is taking effective steps to hold the unit accountable and prevent the unit from engaging in trafficking and poaching.

(5) **CERTIFICATION.**—With respect to any assistance provided pursuant to this subsection, the Secretary of State shall certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such assistance is necessary for the purposes of combating wildlife trafficking.

(6) **NOTIFICATION.**—Consistent with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Secretary of State shall notify the appropriate congressional committees regarding defense articles, defense services, and related training provided under paragraph (1).

SEC. 1099P. ANTI-TRAFFICKING PROGRAMS.

(a) **INVESTIGATIVE CAPACITY BUILDING.**—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and communities, regions, and governments in focus countries, may design and implement programs in focus countries to carry out the recommendations made in the strategic plan required under section 1099L(a)(2) among other goals, with clear and measurable targets and indicators of success, to increase the capacity of wildlife law enforcement and customs and border security officers in focus countries.

(b) **TRANSNATIONAL PROGRAMS.**—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with other relevant United States agencies, nongovernmental partners, and international bodies, and in collaboration with communities, regions, and governments in focus countries, may design and implement programs, including support for Wildlife Enforcement Networks, in focus countries to carry out the recommendations made in the strategic plan required under section 1099L(a)(2), among other goals, to better understand and combat the transnational trade in illegal wildlife.

SEC. 1099Q. ENGAGEMENT OF UNITED STATES DIPLOMATIC MISSIONS.

As soon as practicable but not later than 2 years after the date of the enactment of this Act, each chief of mission to a focus country should begin to implement the recommendations contained in the strategic plan required under section 1099L(a)(2), among other goals, for the country.

SEC. 1099R. COMMUNITY CONSERVATION.

The Secretary of State, in collaboration with the United States Agency for International Development, heads of other relevant United States agencies, the private sector, nongovernmental organizations, and

other development partners, may provide support in focus countries to carry out the recommendations made in the strategic plan required under section 1099L(a)(2) as such recommendations relate to the development, scaling, and replication of community wildlife conservancies and community conservation programs in focus countries to assist with rural stability and greater security for people and wildlife, empower and support communities to manage or benefit from their wildlife resources sustainably, and reduce the threat of poaching and trafficking, including through—

(1) promoting conservation-based enterprises and incentives, such as eco-tourism and sustainable agricultural production, that empower communities to manage wildlife, natural resources, and community ventures where appropriate, by ensuring they benefit from well-managed wildlife populations;

(2) helping create alternative livelihoods to poaching by mitigating wildlife trafficking, helping support rural stability, greater security for people and wildlife, sustainable economic development, and economic incentives to conserve wildlife populations;

(3) engaging regional businesses and the private sector to develop goods and services to aid in anti-poaching and anti-trafficking measures;

(4) working with communities to develop secure and safe methods of sharing information with enforcement officials;

(5) providing technical assistance to support sustainable land use plans to improve the economic, environmental, and social outcomes in community-owned or -managed lands;

(6) supporting community anti-poaching efforts, including policing and informant networks;

(7) working with community and national governments to develop relevant policy and regulatory frameworks to enable and promote community conservation programs, including supporting law enforcement engagement with wildlife protection authorities to promote information-sharing; and

(8) working with national governments to ensure that communities have timely and effective support from national authorities to mitigate risks that communities may face when engaging in anti-poaching and anti-trafficking activities.

PART V—TRANSITION OF OVERSEAS CONTINGENCY FUNDING TO BASE FUNDING

SEC. 1099U. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that the President and Congress should provide for an appropriate and responsible transition for funding designated for overseas contingency operations to traditional and regular annual appropriations, including emergency supplemental funding, as appropriate.

PART VI—OTHER ACTIONS RELATING TO WILDLIFE TRAFFICKING PROGRAMS

SEC. 1099X. AMENDMENTS TO FISHERMAN'S PROTECTIVE ACT OF 1967.

Section 8 of the Fisherman's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, in consultation with the Secretary of State,” after “Secretary of Commerce”;

(B) in paragraph (2), by inserting “, in consultation with the Secretary of State,” after “Secretary of the Interior”;

(C) in paragraph (3), by inserting “in consultation with the Secretary of State,” after “, as appropriate.”;

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

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

“(4) The Secretary of Commerce and the Secretary of the Interior shall each report to Congress each certification to the President made by such Secretary under this subsection, within 15 days after making such certification.”; and

(2) in subsection (d), by inserting “in consultation with the Secretary of State,” after “as the case may be.”.

SA 4192. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2804. PROHIBITION ON USE OF MILITARY CONSTRUCTION FUNDS FOR UNUTILIZED OVERSEAS MILITARY INSTALLATIONS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be made available for a construction project at a military installation located outside the United States that has been identified by the Special Inspector General for Afghanistan Reconstruction (SIGAR) as having a zero utilization rate or being completely unutilized.

SA 4193. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PROHIBITION ON USE OF FUNDS FOR ALTERNATIVE OR RENEWABLE ENERGY.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Defense—

(1) to purchase energy from alternative sources unless such energy is equivalent to conventional energy in terms of cost and capabilities; or

(2) to carry out any provision of law that requires the Department of Defense—

(A) to consume renewable energy, unless such energy is equivalent to conventional energy in terms of cost and capabilities; or

(B) to reduce the overall amount of energy consumed by the Department.

(b) CALCULATION.—For purposes of subsection (a), the cost of an energy source shall be calculated on a pre-tax basis in terms of life cycle cost.

SA 4194. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 601 and insert the following:

SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

(c) FUNDING.—

(1) INCREASE IN AMOUNT FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year 2017 by section 421 is hereby increased by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.1 percent rather than 1.6 percent, with the amount to be available for military personnel to provide such increase.

(2) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2017 by this division, other than the amount authorize to be appropriated by section 421, is hereby reduced by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.1 percent rather than 1.6 percent, with the amount of the reduction to be achieved by terminating funding for projects determined to be low-priority projects by the Joint Chiefs of Staff.

SA 4195. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 128. TICONDEROGA-CLASS GUIDED MISSILE CRUISER REPLACEMENT.

(a) IN GENERAL.—Not later than March 1, 2017, the Chief of Naval Operations shall submit to the congressional defense committees a report on any elements under subsection (b) regarding the TICONDEROGA-class guided missile cruiser replacement that were not covered in the studies of fleet platform architectures directed in section 1067 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 991).

(b) ELEMENTS.—The elements referred to in subsection (a) are as follows:

(1) Shipbuilding or other modernization options to meet or exceed the air defense commander capabilities of TICONDEROGA-class guided missile cruisers, such that there is no loss in capability as TICONDEROGA-class guided missile cruisers decommission.

(2) Options to alter the physical dimensions of Mark 41 vertical launching system cells to accommodate different weapons, as compared to the TICONDEROGA-class cruisers.

(3) Options to maintain or expand the number of vertical launching system cells available in the fleet, as TICONDEROGA-class cruisers decommission.

(4) Options to allow the Navy to reload vertical launching system cells at sea.

(5) Description of findings from the studies of fleet platform architectures that were incorporated in the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2018.

SA 4196. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. SENSE OF THE SENATE ON INTEGRATION OF ELECTROMAGNETIC RAILGUN INTO NAVY FLEET OF LARGE SURFACE COMBATANTS.

It is the sense of the Senate that the Navy should expedite the deployment and integration of the electromagnetic railgun into the fleet of large surface combatants.

SA 4197. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON TRANSFER OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES OR ENTITIES IN THE WESTERN HEMISPHERE.

(a) **PROHIBITION.**—An individual detained at Guantanamo may not be transferred to a foreign country or a foreign entity in the Western Hemisphere.

(b) **CONSTRUCTION.**—The prohibition in subsection (a) in connection with the transfer of an individual detained at Guantanamo is in addition to any other requirement or limitation on the transfer by law.

(c) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SA 4198. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON TRANSFER OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES OR ENTITIES WITHOUT ASSESSMENT THAT INDIVIDUALS WILL POSE NO RISK TO MILITARY AND CIVILIAN PERSONNEL OF THE UNITED STATES OVERSEAS AFTER TRANSFER.

(a) **PROHIBITION.**—An individual detained at Guantanamo may not be transferred to a foreign country or a foreign entity unless the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, and the Director of the Federal Bureau of Investigation unanimously agree that the individual after transfer will pose no risk to members of the Armed Forces or civilian personnel of the United States Government overseas.

(b) **CONSTRUCTION.**—The prohibition in subsection (a) in connection with the transfer of an individual detained at Guantanamo is in addition to any other requirement or limitation on the transfer by law.

(c) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SA 4199. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON RELINQUISHMENT OR ABANDONMENT OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No action may be taken to modify, abrogate, or replace the stipulations, agreements, and commitments contained in the Guantanamo Lease Agreements, or to impair or abandon the jurisdiction and control of the United States over United States Naval Station, Guantanamo Bay, Cuba, unless specifically authorized or otherwise provided for by one of the following:

(1) An Act that is enacted after the date of the enactment of this Act.

(2) A treaty that is ratified by and with the advice and consent of the Senate.

(3) A modification of the Treaty Between the United States of America and Cuba signed at Washington, DC, on May 29, 1934, that is ratified by and with the advice and consent of the Senate.

SA 4200. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

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

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

SEC. 1655. LIMITATION ON USE OF FUNDS RELATING TO REDUCING THE ALERTNESS LEVEL OR NUMBER OF INTERCONTINENTAL BALLISTIC MISSILES.

(a) **IN GENERAL.**—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended to reduce, or to prepare to reduce—

(1) the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(2) the number of deployed intercontinental ballistic missiles of the United States to a number that is less than 400.

(b) **EXCEPTIONS.**—The prohibition under subsection (a) shall not apply with respect to—

(1) activities relating to—

(A) the maintenance or sustainment of intercontinental ballistic missiles; or

(B) ensuring the safety, security, or reliability of intercontinental ballistic missiles; or

(2) reductions in the number of deployed intercontinental ballistic missiles that are carried out to comply with limitations imposed under—

(A) the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation (commonly known as the “New START Treaty”); or

(B) any Act authorizing appropriations for the military activities of the Department of Defense or for defense activities of the Department of Energy that is enacted before the date of the enactment of this Act.

SA 4201. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. IMPOSITION OF SANCTIONS ON INDIVIDUALS WHO WERE COMPLICIT IN VIOLATIONS OF THE GENEVA CONVENTION OR THE RIGHT UNDER INTERNATIONAL LAW TO CONDUCT INNOCENT PASSAGE.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(A) a determination with respect to whether, during or after the incident that began on January 12, 2016, in which forces of Iran boarded two United States Navy riverine combat vessels and detained at gunpoint the crews of those vessels, any of the actions of the forces of Iran constituted a violation of—

(i) the Geneva Convention; or

(ii) the right under international law to conduct innocent passage; and

(B) a certification with respect to whether or not Federal funds, including the \$1,700,000,000 payment that was announced by the Secretary of State on January 17, 2016, were paid to Iran, directly or indirectly, to effect the release of—

(i) the members of the United States Navy who were detained in the incident described in subparagraph (A); or

(ii) other United States citizens, including Jason Rezaian, Amir Hekmati, Saeed Abedini, Nosratollah Khosravi-Roodsari, and Matthew Trevithick, the release of whom was announced on January 16, 2016.

(2) ACTIONS TO BE ASSESSED.—In assessing actions of the forces of Iran under paragraph (1)(A), the President shall consider, at a minimum, the following actions:

(A) The stopping, boarding, search, and seizure of the two United States Navy riverine combat vessels in the incident described in paragraph (1)(A).

(B) The removal from their vessels and detention of members of the United States Armed Forces in that incident.

(C) The theft or confiscation of electronic navigational equipment or any other equipment from the vessels.

(D) The forcing of one or more members of the United States Armed Forces to apologize for their actions.

(E) The display, videotaping, or photographing of members of the United States Armed Forces and the subsequent broadcasting or other use of those photographs or videos.

(F) The forcing of female members of the United States Armed Forces to wear head coverings.

(3) DESCRIPTION OF ACTIONS.—In the case of each action that the President determines under paragraph (1)(A) is a violation of the Geneva Convention or the right under international law to conduct innocent passage, the President shall include in the report required by that paragraph a description of the action and an explanation of how the action violated the Geneva Convention or the right to conduct innocent passage, as the case may be.

(4) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) LIST OF CERTAIN PERSONS WHO HAVE BEEN COMPLICIT IN VIOLATIONS OF THE GENEVA CONVENTION OR THE RIGHT TO CONDUCT INNOCENT PASSAGE.—

(1) IN GENERAL.—Not later than 30 days after the submission of the report required by subsection (a), if the President has determined that one or more actions of the forces of Iran constituted a violation of the Geneva Convention or the right under international law to conduct innocent passage, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or were acting on behalf of that Government that, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, any such violation.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) as new information becomes available.

(3) PUBLIC AVAILABILITY.—To the maximum extent practicable, the list required by paragraph (1) shall be made available to the public and posted on publicly accessible Internet websites of the Department of Defense and the Department of State.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall impose the sanctions described in paragraph (2) with respect to each person on the list required by subsection (b).

(2) SANCTIONS.—

(A) PROHIBITION ON ENTRY AND ADMISSION TO THE UNITED STATES.—An alien on the list required by subsection (b) may not—

(i) be admitted to, enter, or transit through the United States;

(ii) receive any lawful immigration status in the United States under the immigration laws; or

(iii) file any application or petition to obtain such admission, entry, or status.

(B) BLOCKING OF PROPERTY.—

(i) IN GENERAL.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of a person on the list required by subsection (b) 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.

(ii) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(I) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under clause (i) shall not include the authority to impose sanctions on the importation of goods.

(II) GOOD.—In this subparagraph, the term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(iii) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of clause (i) or any regulation, license, or order issued to carry out clause (i) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN; IMMIGRATION LAWS.—The terms “admitted”, “alien”, and “immigration laws” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

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

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

(3) FORCES OF IRAN.—The term “forces of Iran” means the Islamic Revolutionary Guard Corps, members of other military or paramilitary units of the Government of Iran, and other agents of that Government.

(4) GENEVA CONVENTION.—The term “Geneva Convention” means the Convention relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316) (commonly referred to as the “Geneva Convention (III)”).

(5) INNOCENT PASSAGE.—The term “innocent passage” means the principle under customary international law that all vessels have the right to conduct innocent passage through another country’s territorial waters for the purpose of continuous and expeditious traversing.

(6) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

SA 4202. Mr. DAINES (for himself, Mrs. ERNST, Mr. CARDIN, Mr. GARDNER,

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

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

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

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

SA 4203. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. REPORT ON PLAN OF THE DEPARTMENT OF DEFENSE TO OBTAIN AN AUDIT WITH UNQUALIFIED OPINION ON THE GENERAL FUND STATEMENT OF ITS BUDGETARY RESOURCES.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 9 of Article I of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish “a regular statement and account of the receipts and expenditures of all public money”.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of Government. The Department has not complied with this law.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to obtain an audit with unqualified opinion on the general fund statement of the budgetary resources of the Department of Defense.

(2) PLAN ELEMENTS.—The plan required pursuant to paragraph (1) shall include the following:

(A) An intent to present auditable financial statements of the Department.

(B) The date, not later than September 1, 2017, on which the Department shall be ready to obtain an audit with unqualified opinion

on the general fund statement of its budgetary resources.

(C) A description of the matters that currently impede the ability of the Department to be ready as described in subparagraph (B).

(D) A strategy to address and resolve such matters.

SA 4204. Mr. INHOFE (for himself, Ms. MIKULSKI, Mr. ROUNDS, Mr. TILLIS, Mr. BURR, Ms. MURKOWSKI, Mr. HATCH, Mr. UDALL, Ms. HIRONO, Mr. LANKFORD, Ms. COLLINS, Mrs. BOXER, Mr. CARDIN, Mrs. MURRAY, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. BOOZMAN, Mr. VITTER, Mrs. GILLIBRAND, Mr. NELSON, Mr. SCHUMER, Mr. KAINE, Mr. MARKEY, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. CASEY, Ms. STABENOW, Mr. TESTER, Mr. HELLER, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 662.

SA 4205. Mr. ROUNDS (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. IMPOSITION OF SANCTIONS WITH RESPECT TO SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY CONDUCTED ON BEHALF OF OR AT THE DIRECTION OF THE GOVERNMENT OF IRAN.

(a) CYBERSECURITY REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on significant activities undermining cybersecurity conducted by persons on behalf of or at the direction of the Government of Iran (including members of paramilitary organizations such as Ansar-e Hezbollah and Basij-e Mostaz'afin) against the Government of the United States or any United States person.

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

(A) The identity of persons that have knowingly facilitated, participated or assisted in, engaged in, directed, or provided material support for significant activities undermining cybersecurity described in paragraph (1).

(B) A description of the conduct engaged in by each person identified under subparagraph (A).

(C) An assessment of the extent to which the Government of Iran or another foreign government directed, facilitated, or provided material support in the conduct of signifi-

cant activities undermining cybersecurity described in paragraph (1).

(D) A strategy to counter efforts by persons to conduct significant activities undermining cybersecurity described in paragraph (1), including efforts to engage foreign governments to halt the capability of persons to conduct those activities described in paragraph (1).

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

(b) DESIGNATION OF PERSONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall include on the specially designated nationals and blocked persons list maintained by the Office of Foreign Assets Control of the Department of the Treasury—

(A) any person identified under subsection (a)(2)(A); and

(B) any person for which the Department of Justice has issued an indictment in connection with significant activities undermining cybersecurity against the Government of the United States or any United States person.

(2) EXCEPTION.—The President is not required to include a person described in paragraph (1)(A) or (1)(B) on the specially designated nationals and blocked persons list maintained by the Office of Foreign Assets Control of the Department of the Treasury if the President submits to the appropriate congressional committees an explanation of the reasons for not including that person on that list.

(c) SANCTIONS DESCRIBED.—The President shall use authority provided in Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking property of persons certain persons engaging in significant malicious cyber-enabled activities) to impose sanctions against any person included on the specially designated nationals and blocked persons list maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to subsection (b).

(d) PRESIDENTIAL BRIEFINGS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide a briefing to the appropriate congressional committees on efforts to implement this section.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(2) 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 of service activities; and

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

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any government entity in the United States, whether Federal, State, or local.

SA 4206. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

(d) REPORT ON MODIFICATIONS.—

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

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

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

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

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

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

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

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

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

(e) COMPTROLLER GENERAL REPORT.—

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

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

SA 4207. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 740. AUTHORITY TO EXPEDITE OPERATIONAL CAPABILITY OF MILITARY MEDICAL FACILITIES.

The Secretary of a military department may accept a military medical facility under the jurisdiction of such Secretary and begin initial operational testing prior to the facility reaching full operational capability if such Secretary determines that—

(1) initial operational testing—

(A) does not pose a direct threat to the life and safety of individuals at the facility;

(B) would not degrade the quality of health care services provided at the facility or the ability of health care providers at the facility to provide high-quality health care services; and

(C) will support the readiness of members of the Armed Forces as advised by the commanding general of the military installation at which the facility is located; and

(2) the completion of remaining objectives with respect to the facility reaching full operational capability will not be negatively impacted by beginning initial operational testing.

SA 4208. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CLARIFICATION THAT VOCATIONAL AND OTHER TRAINING SERVICES AND ASSISTANCE FOR VETERANS INCLUDES PARTICIPATION IN AGRICULTURAL TRAINING PROGRAMS.

Section 3104(a)(7) of title 38, United States Code, is amended—

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

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

“(B) Vocational and other training services and assistance under subparagraph (A) may include participation in an agricultural training program authorized by a State legislature or certified by a State approving agency.”.

SA 4209. Mrs. CAPITO (for herself, Ms. STABENOW, Ms. COLLINS, and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 709. PROVISION OF CARE PLANNING SESSIONS FOR ALZHEIMER'S DISEASE AND RELATED DEMENTIAS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall provide to a covered beneficiary diagnosed with Alzheimer's disease or a related dementia a care planning session conducted by an appropriate health care provider as determined by the Secretary.

(b) CARE PLANNING SESSION.—A care planning session provided to a covered beneficiary under subsection (a) shall include the following:

(1) An explanation of the disease or dementia for which the care planning session is sought, including the expected progression of the disease or dementia.

(2) The creation of a patient-centered comprehensive care plan, as determined appropriate by the Secretary.

(3) Information regarding treatment options.

(4) A discussion of resources and services available to the covered beneficiary in the community that may reduce health risks and promote self-management of the disease or dementia for which the care planning session is sought.

(5) Such other information as the Secretary determines appropriate.

(c) STAKEHOLDER INPUT.—The Secretary shall seek input from physicians, practitioners, and other stakeholders regarding the structure of care planning sessions provided under subsection (a), as determined appropriate by the Secretary.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

SA 4210. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. JOHNSON, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1138. ADMINISTRATIVE LEAVE.

(a) SHORT TITLE.—This section may be cited as the “Administrative Leave Act of 2016”.

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

(1) agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—

(A) in contravention of—

(i) established precedent of the Comptroller General of the United States; and

(ii) guidance provided by the Office of Personnel Management; and

(B) resulting in significant cost to the Federal Government;

(2) administrative leave should be used sparingly;

(3) prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—

(A) temporary reassignment;

(B) transfer; and

(C) telework;

(4) an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that, not later than the conclusion of the leave period—

(A) the employee is returned to duty status; or

(B) an appropriate personnel action is taken with respect to the employee;

(5) data show that there are too many examples of employees placed in administrative leave for 6 months or longer, leaving the employees without any available recourse to—

(A) return to duty status; or

(B) challenge the decision of the agency;

(6) an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and

(7) other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section.

(c) ADMINISTRATIVE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

“§ 6329a. Administrative leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘administrative leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service; and

“(B) that is not authorized under any other provision of law;

“(2) the term ‘agency’—

“(A) means an Executive agency (as defined in section 105 of this title); and

“(B) does not include the Government Accountability Office; and

“(3) the term ‘employee’—

“(A) has the meaning given the term in section 2105; and

“(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

“(b) ADMINISTRATIVE LEAVE.—

“(1) IN GENERAL.—An agency may place an employee in administrative leave for a period of not more than 5 consecutive days.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to limit the use of leave that is—

“(A) specifically authorized under law; and

“(B) not administrative leave.

“(3) RECORDS.—An agency shall record administrative leave separately from leave authorized under any other provision of law.

“(c) REGULATIONS.—

“(1) OPM REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall—

“(A) prescribe regulations to carry out this section; and

“(B) prescribe regulations that provide guidance to agencies regarding—

“(i) acceptable agency uses of administrative leave; and

“(i) the proper recording of—

“(I) administrative leave; and

“(II) other leave authorized by law.

“(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

“(d) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”.

(2) OPM STUDY.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with Federal agencies, groups representing Federal employees, and other relevant stakeholders, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report identifying agency practices, as of the date of enactment of this Act, of placing an employee in administrative leave for more than 5 consecutive days when the placement was not specifically authorized by law.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329 the following:

“6329a. Administrative leave.”.

(d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

“§ 6329b. Investigative leave and notice leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’—

“(A) means an Executive agency (as defined in section 105 of this title); and

“(B) does not include the Government Accountability Office;

“(2) the term ‘Chief Human Capital Officer’ means—

“(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

“(B) the equivalent;

“(3) the term ‘committees of jurisdiction’, with respect to an agency, means each committee in the Senate and House of Representatives with jurisdiction over the agency;

“(4) the term ‘Director’ means the Director of the Office of Personnel Management;

“(5) the term ‘employee’—

“(A) has the meaning given the term in section 2105; and

“(B) does not include—

“(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

“(ii) the Inspector General of an agency;

“(6) the term ‘investigative leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service;

“(B) that is not authorized under any other provision of law; and

“(C) in which an employee who is the subject of an investigation is placed;

“(7) the term ‘notice leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service;

“(B) that is not authorized under any other provision of law; and

“(C) in which an employee who is in a notice period is placed; and

“(8) the term ‘notice period’ means a period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action.

“(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

“(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

“(A) investigative leave if the employee is the subject of an investigation;

“(B) notice leave if the employee is in a notice period; or

“(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

“(i) the agency proposes or initiates an adverse action against the employee; and

“(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in subsection (c)(1).

“(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

“(A) made a determination with respect to the employee under subsection (c)(1);

“(B) considered the available options for the employee under subsection (c)(2); and

“(C) determined that none of the available options under subsection (c)(2) is appropriate.

“(c) EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

“(1) DETERMINATIONS.—An agency may not place an employee in investigative leave or notice leave under subsection (b) unless the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

“(A) pose a threat to the employee or others;

“(B) result in the destruction of evidence relevant to an investigation;

“(C) result in loss of or damage to Government property; or

“(D) otherwise jeopardize legitimate Government interests.

“(2) AVAILABLE OPTIONS FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—After making a determination under paragraph (1) with respect to an employee, and before placing an employee in investigative leave or notice leave under subsection (b), an agency shall consider taking 1 or more of the following actions:

“(A) Assigning the employee to duties in which the employee is no longer a threat to—

“(i) safety;

“(ii) the mission of the agency;

“(iii) Government property; or

“(iv) evidence relevant to an investigation.

“(B) Allowing the employee to take leave for which the employee is eligible.

“(C) Requiring the employee to telework under section 6502(c).

“(D) If the employee is absent from duty without approved leave, carrying the employee in absence without leave status.

“(E) For an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

“(3) DURATION OF LEAVE.—

“(A) INVESTIGATIVE LEAVE.—Subject to extensions of a period of investigative leave for which an employee may be eligible under subsections (d) and (e), the initial placement

of an employee in investigative leave shall be for a period not longer than 10 days.

“(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

“(4) EXPLANATION OF LEAVE.—

“(A) IN GENERAL.—If an agency places an employee in leave under subsection (b), the agency shall provide the employee a written explanation of the leave placement and the reasons for the leave placement.

“(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

“(i) the applicable limitations under paragraph (3); and

“(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the period of leave, the agency shall take an action under paragraph (5).

“(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative leave for an employee under subsection (b)(1), an agency shall—

“(A) return the employee to regular duty status;

“(B) take 1 or more of the actions authorized under paragraph (2), meaning—

“(i) assigning the employee to duties in which the employee is no longer a threat to—

“(I) safety;

“(II) the mission of the agency;

“(III) Government property; or

“(IV) evidence relevant to an investigation;

“(ii) allowing the employee to take leave for which the employee is eligible;

“(iii) requiring the employee to telework under section 6502(c);

“(iv) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; or

“(v) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed;

“(C) propose or initiate an adverse action against the employee as provided under law; or

“(D) extend the period of investigative leave under subsections (d) and (e).

“(6) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (d) and (e).

“(d) INITIAL EXTENSION OF INVESTIGATIVE LEAVE.—

“(1) IN GENERAL.—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 days.

“(2) MAXIMUM NUMBER OF EXTENSIONS.—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 110 days.

“(3) DESIGNATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and

independent determination regarding the extension.

“(4) EXTENSIONS FOR OIG EMPLOYEES.—

“(A) APPROVAL.—In the case of an employee of an Office of Inspector General—

“(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

“(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

“(B) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is at a sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

“(e) FURTHER EXTENSION OF INVESTIGATIVE LEAVE.—

“(1) IN GENERAL.—After reaching the limit under subsection (d)(2), an agency may further extend a period of investigative leave for an employee for a period of not more than 60 days if, before the further extension begins, the head of the agency or, in the case of an employee of an Office of Inspector General, the Inspector General submits a notification that includes the reasons for the further extension to the—

“(A) committees of jurisdiction;

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

“(C) Committee on Oversight and Government Reform of the House of Representatives.

“(2) NO LIMIT.—There shall be no limit on the number of further extensions that an agency may grant to an employee under paragraph (1).

“(3) OPM REVIEW.—An agency shall request from the Director, and include with the notification required under paragraph (1), the opinion of the Director—

“(A) with respect to whether to grant a further extension under this subsection, including the reasons for that opinion; and

“(B) which shall not be binding on the agency.

“(4) SUNSET.—The authority provided under this subsection shall expire on the date that is 6 years after the date of enactment of this section.

“(f) CONSULTATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

“(1) pose a threat to the employee or others;

“(2) result in the destruction of evidence relevant to an investigation;

“(3) result in loss of or damage to Government property; or

“(4) otherwise jeopardize legitimate Government interests.

“(g) REPORTING AND RECORDS.—

“(1) IN GENERAL.—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

“(A) the basis for the determination made under subsection (c)(1);

“(B) an explanation of why an action under subsection (c)(2) was not appropriate;

“(C) the length of the period of leave;

“(D) the amount of salary paid to the employee during the period of leave;

“(E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (d)(1); and

“(F) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (d) or (e).

“(2) AVAILABILITY OF RECORDS.—An agency shall make a record kept under paragraph (1) available—

“(A) to any committee of Congress, upon request;

“(B) to the Office of Personnel Management; and

“(C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

“(h) REGULATIONS.—

“(1) OPM ACTION.—Not later than 1 year after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

“(A) acceptable purposes for the use of—

“(i) investigative leave; and

“(ii) notice leave;

“(B) the proper recording of—

“(i) the leave categories described in subparagraph (A); and

“(ii) other leave authorized by law;

“(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

“(i) pose a threat to the employee or others;

“(ii) result in the destruction of evidence relevant to an investigation;

“(iii) result in loss of or damage to Government property; or

“(iv) otherwise jeopardize legitimate Government interests; and

“(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (d) or (e).

“(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

“(i) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”

(2) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (xi), by striking “and” at the end;

(B) by redesignating clause (xii) as clause (xiii); and

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

“(xii) a determination made by an agency under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

“(I) pose a threat to the employee or others;

“(II) result in the destruction of evidence relevant to an investigation;

“(III) result in loss of or damage to Government property; or

“(IV) otherwise jeopardize legitimate Government interests; and”.

(3) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) and paragraph (1) of this subsection, respectively, including—

(A) an assessment of agency use of the authority provided under subsection (e) of such section 6329b, including data regarding—

(i) the number and length of extensions granted under that subsection; and

(ii) the number of times that the Director of the Office of Personnel Management, under paragraph (3) of that subsection—

(I) concurred with the decision of an agency to grant an extension; and

(II) did not concur with the decision of an agency to grant an extension, including the bases for those opinions of the Director;

(B) recommendations to Congress, as appropriate, on the need for extensions beyond the extensions authorized under subsection (d) of such section 6329b; and

(C) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (c)(1)(D) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence.

(4) TELEWORK.—Section 6502 of title 5, United States Code, is amended by adding at the end the following:

“(c) REQUIRED TELEWORK.—If an agency determines under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may pose 1 or more of the threats described in that section and the employee is eligible to telework under subsections (a) and (b) of this section, the agency may require the employee to telework for the duration of the investigation or the notice period, if applicable.”.

(5) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329a, as added by this section, the following:

“6329b. Investigative leave and notice leave.”.

(e) LEAVE FOR WEATHER AND SAFETY ISSUES.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

“§ 6329c. Weather and safety leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’—

“(A) means an Executive agency (as defined in section 105 of this title); and

“(B) does not include the Government Accountability Office; and

“(2) the term ‘employee’—

“(A) has the meaning given the term in section 2105; and

“(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

“(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—

- “(1) an act of God;
- “(2) a terrorist attack; or

“(3) another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.

“(c) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

“(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—

“(1) guidance to agencies regarding the appropriate purposes for providing leave under this section; and

“(2) the proper recording of leave provided under this section.

“(e) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329b, as added by this section, the following:

“6329c. Weather and safety leave.”.

(f) ADDITIONAL OVERSIGHT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall complete a review of agency policies to determine whether agencies have complied with the requirements of this section and the amendments made by this section.

(2) REPORT TO CONGRESS.—Not later than 90 days after completing the review under paragraph (1), the Director shall submit to Congress a report evaluating the results of the review.

SA 4211. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 673. CREDIT PROTECTIONS FOR SERVICEMEMBERS.

(a) ACTIVE DUTY FREEZE ALERTS.—Section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c-1) is amended—

(1) in the heading for such section, by striking “AND ACTIVE DUTY ALERTS” and inserting “, ACTIVE DUTY ALERTS, AND ACTIVE DUTY FREEZE ALERTS”;

(2) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

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

“(d) ACTIVE DUTY FREEZE ALERTS.—Upon the direct request of an active duty military consumer, or an individual acting on behalf of or as a personal representative of an active duty military consumer, a consumer reporting agency described in section 603(p) that maintains a file on the active duty military consumer and has received appropriate proof of the identity of the requester, at no cost to the active duty military consumer while the consumer is deployed, shall—

“(1) include an active duty freeze alert in the file of that active duty military consumer or such longer period as the Bureau shall determine, by regulation, beginning on the date of the request, unless the active duty military consumer or such representative requests that such freeze alert be removed before the end of such period, and the agency has received appropriate proof of the identity of the requester for such purpose;

“(2) during the 2-year period beginning on the date of such request, exclude the active duty military consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer requests that such exclusion be rescinded before the end of such period; and

“(3) refer the information regarding the active duty freeze alert to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).”;

(4) in subsection (e), as so redesignated—

(A) by striking “extended, and active duty alerts” and inserting “extended, active duty, and active duty freeze alerts”; and

(B) by striking “extended, or active duty alerts” and inserting “extended, active duty, or active duty freeze alerts”;

(5) in subsection (f), as so redesignated—

(A) in the matter preceding paragraph (1), by striking “or active duty alert” and inserting “active duty alert, or active duty freeze alert”;

(B) in paragraph (2), by striking “; and” and inserting a semicolon;

(C) in paragraph (3), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(4) paragraphs (1) and (2) of subsection (d), in the case of a referral under subsection (d)(3).”;

(6) in subsection (g), as so redesignated, by striking “or active duty alert” and inserting “active duty alert, or active duty freeze alert”; and

(7) in subsection (i), as so redesignated, by adding at the end the following:

“(3) REQUIREMENTS FOR ACTIVE DUTY FREEZE ALERTS.—

“(A) NOTIFICATION.—Each active duty freeze alert under this section shall include information that notifies all prospective users of a consumer report on the consumer to which the freeze alert relates that the consumer does not authorize the establishment of any new credit plan or extension of credit, including any credit under an open-end credit plan (as defined in section 103(i)), in the name of the consumer, or issuance of an additional card on an existing credit account requested by a consumer, or any increase in credit limit on an existing credit account requested by a consumer.

“(B) PROHIBITION ON USERS.—No prospective user of a consumer report that includes an active duty freeze alert in accordance with this section may establish a new credit plan or extension of credit, including any credit under an open-end credit plan (as defined in section 103(i)), in the name of the consumer, or issue an additional card on an existing credit account requested by a consumer, or grant any increase in credit limit

on an existing credit account requested by a consumer.”.

(b) RULEMAKING.—The Bureau of Consumer Financial Protection shall prescribe regulations to define what constitutes appropriate proof of identity for purposes of section 605A(d) of the Fair Credit Reporting Act, as amended by subsection (a).

(c) TECHNICAL AMENDMENT.—Section 603(q)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681a(q)(2)) is amended—

(1) in the heading for such paragraph, by striking “ACTIVE DUTY ALERT” and inserting “ACTIVE DUTY ALERT; ACTIVE DUTY FREEZE ALERT”; and

(2) by inserting “and ‘active duty freeze alert’” before “mean”.

(d) EFFECTIVE DATE.—This Act, and any amendment made by this Act, shall take effect 1 year after the date of enactment of this Act.

SA 4212. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 597. DEFERRAL OF STUDENTS LOANS FOR CERTAIN PERIOD IN CONNECTION WITH RECEIPT OF ORDERS FOR MOBILIZATION FOR WAR OR NATIONAL EMERGENCY.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in the matter preceding clause (i), by striking “, during any period”;

(2) in clause (i), by striking “during which” and inserting “during any period during which”;

(3) in clause (ii), by striking “during which” and inserting “during any period during which”;

(4) in clause (iii)—

(A) by striking “during which” and inserting “during any period during which”; and

(B) in the matter following subclause (II), by striking “or” after the semicolon;

(5) by redesignating clause (iv) as clause (vi);

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

“(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

“(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

“(II) the 180-day period preceding the first day of such service;

“(v) notwithstanding clause (iv)—

“(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

“(II) in the case of any borrower whose call or order to duty is cancelled before the first

day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and"; and

(7) in clause (vi) (as redesignated by paragraph (5)), by striking "not in excess" and inserting "during any period not in excess".

(b) **DIRECT LOANS.**—Section 455(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "during any period";

(2) in subparagraph (A), by striking "during which" and inserting "during any period during which";

(3) in subparagraph (B), by striking "not in excess" and inserting "during any period not in excess";

(4) in subparagraph (C)—

(A) in the matter preceding clause (i), by striking "during which" and inserting "during any period during which"; and

(B) in the matter following clause (ii), by striking "or" after the semicolon;

(5) by redesignating subparagraph (D) as subparagraph (F);

(6) by inserting after subparagraph (C) the following:

"(D) in the case of any borrower who has received a call or order to duty described in clause (i) or (ii) of subparagraph (C), during the shorter of—

"(i) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in clause (i) or (ii) of subparagraph (C); and

"(ii) the 180-day period preceding the first day of such service;

"(E) notwithstanding subparagraph (D)—

"(i) in the case of any borrower described in such subparagraph whose call or order to duty is cancelled before the first day of the service described in clause (i) or (ii) of subparagraph (C) because of a personal injury in connection with training to prepare for such service, during the period described in subparagraph (D) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

"(ii) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in clause (i), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and"; and

(7) in subparagraph (F) (as redesignated by paragraph (5)), by striking "not in excess" and inserting "during any period not in excess".

(c) **PERKINS LOANS.**—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking "during any period";

(2) in clause (i), by striking "during which" and inserting "during any period during which";

(3) in clause (ii), by striking "not in excess" and inserting "during any period not in excess";

(4) in clause (iii), by striking "during which" and inserting "during any period during which";

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

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

"(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

"(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

"(II) the 180-day period preceding the first day of such service;

"(v) notwithstanding clause (iv)—

"(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

"(II) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled;";

(7) in clause (vi) (as redesignated by paragraph (5)), by striking "not in excess" and inserting "during any period not in excess"; and

(8) in clause (vii) (as redesignated by paragraph (5)), by striking "during which" and inserting "during any period during which".

(d) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(e) **APPLICABILITY.**—The amendments made by this section shall apply with respect to all loans made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(f) **CONFORMING AMENDMENTS.**—Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 428B(d)(1)(A)(ii) (20 U.S.C. 1078-2(d)(1)(A)(ii)), by striking "428(b)(1)(M)(i)(I)" and inserting "or clause (i)(I), (iv), or (v) of section 428(b)(1)(M)"; and

(2) in section 493D(a) (20 U.S.C. 1098f(a)), by striking "section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(iii)" and inserting "clause (iii) or (iv) of section 428(b)(1)(M), subparagraph (C) or (D) of section 455(f)(2), or clause (iii) or (iv) of section 464(c)(2)(A)".

SA 4213. Mr. TESTER (for himself, Mr. HELLER, Mrs. ERNST, Mr. ROUNDS, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 709. PILOT PROGRAM ON EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING FROM DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE MEMBERS OF THE SELECTED RESERVE OF THE ARMED FORCES.

(a) **IN GENERAL.**—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the feasibility and advisability of furnishing counseling under section 1712A(a) of title 38, United States Code, to any member of the Selected Reserve of the Armed

Forces who has a behavioral health condition or psychological trauma.

(b) **COMPREHENSIVE INDIVIDUAL ASSESSMENT.**—Counseling furnished under the pilot program may include a comprehensive individual assessment under section 1712A(a)(1)(B)(i) of such title.

(c) **CONFIDENTIALITY.**—The Secretary shall ensure that the confidentiality of individuals furnished counseling under the pilot program is protected to the same extent as the confidentiality of individuals furnished counseling under section 1712A(a) of such title.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the completion of the pilot program, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to Congress a report on the findings of the Secretary of Veterans Affairs with respect to the pilot program.

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

(A) A description of the individuals who benefitted from counseling under the pilot program.

(B) A description of any impediments to the Secretary of Veterans Affairs in furnishing counseling under the pilot program.

(C) A description of any impediments encountered by individuals in receiving counseling under the pilot program.

(D) An assessment of the feasibility and advisability of furnishing counseling under the pilot program to all members of the Selected Reserve of the Armed Forces who have behavioral health conditions or psychological trauma.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the furnishing of counseling to such members.

(e) **VET CENTER DEFINED.**—In this section, the term "Vet Center" means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

SA 4214. Mr. KIRK (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

SEC. . IMPACT AID.

Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1806), the amendment made by section 7004(1) of such Act (Public Law 114-95; 129 Stat. 2077)—

(1) for fiscal year 2016, shall—

(A) be applied as if amending section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1802); and

(B) be in effect with respect to appropriations for use under title VIII of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act; and

(2) for fiscal year 2017 and each succeeding fiscal year, shall be in effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1802).

SA 4215. Mr. REID (for himself, Mr. SCHUMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.

(a) **DEFINITIONS.**—In this section—
(1) the term “annuity” includes a survivor annuity; and

(2) the terms “survivor”, “survivor annuitant”, and “unfunded liability” have the meanings given those terms under section 8331 of title 5, United States Code.

(b) **AMENDMENTS.**—

(1) **IN GENERAL.**—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking “and” at the end;

(B) in paragraph (17), by striking the period at the end and inserting “; and”;

(C) by inserting after paragraph (17) the following:

“(18) any period of service performed—

“(A) not later than December 31, 1977;

“(B) while a citizen of the United States;

“(C) in the employ of—

“(i) Air America, Inc.; or

“(ii) any entity associated with, predecessor to, or subsidiary to Air America, Inc., including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

“(D) during the period that Air America, Inc. or such other entity described in subparagraph (C) was owned and controlled by the United States Government.”; and

(D) in the second undesignated paragraph following paragraph (18) (as added by subparagraph (C)), by adding at the end the following: “For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee.”.

(2) **EXEMPTION FROM DEPOSIT REQUIREMENT.**—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking “or” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(7) any period of service for which credit is allowed under section 8332(b)(18) of this title.”.

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) **PROVISIONS RELATING TO CURRENT ANNUITY.**—

(A) **ELECTION.**—Any individual who is entitled to an annuity for the month in which this section becomes effective may elect to have the amount of such annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based.

(B) **SUBMISSION OF ELECTION.**—An individual shall make an election under subparagraph (A) by submitting an appropriate application to the Office of Personnel Manage-

ment not later than 2 years after the effective date of this section.

(C) **EFFECTIVE DATE OF RECOMPUTATION; RETROACTIVE PAY AS LUMP-SUM PAYMENT.**—

(i) **EFFECTIVE DATE.**—A recomputation under subparagraph (A) shall be effective as of the commencement date of the annuity.

(ii) **RETROACTIVE PAY AS LUMP-SUM PAYMENT.**—Any additional amounts becoming payable, due to a recomputation under subparagraph (A), for periods before the first month for which the recomputation is reflected in the regular monthly annuity payments of an individual shall be payable to the individual in the form of a lump-sum payment.

(3) **PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.**—

(A) **IN GENERAL.**—

(i) **ELECTION.**—An individual not described in paragraph (2) who becomes eligible for an annuity or an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or would be based.

(ii) **SUBMISSION OF ELECTION.**—An individual shall make an election under clause (i) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the later of—

(I) the effective date of this section; or

(II) the date on which the individual separates from service.

(B) **EFFECTIVE DATE OF ENTITLEMENT; RETROACTIVITY.**—

(i) **EFFECTIVE DATE.**—

(I) **IN GENERAL.**—Subject to clause (ii), any entitlement to an annuity or an increased annuity resulting from an election under subparagraph (A) shall be effective as of the commencement date of the annuity.

(II) **RETROACTIVE PAY AS LUMP-SUM PAYMENT.**—Any amounts becoming payable for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section shall be payable to the individual in the form of a lump-sum payment.

(ii) **RETROACTIVITY.**—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but not including any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for the annuity had been submitted as of the earliest date that would have been allowable, after the date on which the individual separated from service, if the amendments made by this section had been in effect throughout the periods of service referred to in subparagraph (A)(i).

(4) **RIGHT TO FILE ON BEHALF OF A DECEDENT.**—

(A) **IN GENERAL.**—The regulations promulgated under subsection (e)(1) shall include provisions, in accordance with the order of precedence under section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of such title (as added by subsection (b)(1)(C)) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under paragraph (2)(C)(ii) or (3)(B)(i)(II) of this subsection.

(B) **SUBMISSION OF APPLICATION.**—An application under this paragraph shall not be

valid unless it is filed not later than the later of—

(i) 2 years after the effective date of this section; or

(ii) 1 year after the date of the decedent's death.

(d) **FUNDING.**—

(1) **LUMP-SUM PAYMENTS.**—Any lump-sum payment under paragraph (2)(C)(ii) or (3)(B)(i)(II) of subsection (c) shall be payable out of the Civil Service Retirement and Disability Fund.

(2) **UNFUNDED LIABILITY.**—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(e) **REGULATIONS AND SPECIAL RULE.**—

(1) **IN GENERAL.**—The Director of the Office of Personnel Management shall promulgate any regulations necessary to carry out this section, which shall include provisions under which rules similar to those established under the amendments made by section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 588) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)) that was subject to title II of the Social Security Act.

(2) **SPECIAL RULE.**—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the “other event which gives rise to title to the benefit” to refer to the effective date of this section, if later than the date of the event that would otherwise apply.

(f) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SA 4216. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 154. REPORT ON NORTHCOM JOINT URGENT OPERATIONS NEED FOR AESA RADARS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States Northern Command (NORTHCOM) requested a Joint Urgent Operational Need (JUON) in 2015 at the request of the First Air Force for 72 F-16 aircraft equipped with active electronically scanned array (AESA) radars.

(2) According to a June 2009 report of the Defense Science Board Task Force on the Fulfillment of Urgent Operational Needs, a JUON is “a need prioritized by a combatant commander and is defined as a need requiring a solution that, if left unfilled, could result in the loss of life and/or prevent the successful completion of a near-term military mission”.

(3) According to Department of Defense Instruction 5000.02 “Operation of the Defense Acquisition System”, the purpose of urgent

operational needs is “to deliver capability quickly, within days or months”.

(4) Furthermore, Department of Defense Instruction 5000.02 states that “DoD Components will use all available authorities to expeditiously fund, develop, assess, produce, deploy, and sustain these capabilities for the duration of the urgent need”.

(5) One of the criteria for selecting a rapid fielding such as JUON is that the capability can be fielded within 2 years. However, to date no AESA Radars have been fielded in support of this JUON.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Commander of U.S. Northern Command and the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth—

(1) the status of the NORTHCOM JUON for 72 AESA radar-equipped F-16 aircraft;

(2) when the Air Force expects to field all 72 radars;

(3) what acquisition strategy the Department of Defense will use for the full buy; and

(4) how NORTHCOM is addressing threats to the homeland and capability gaps in United States air combat alert in the absence of F-16 aircraft equipped with AESA radars.

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

SA 4217. Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KING, Mr. WICKER, Mr. NELSON, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 145 and insert the following:
SEC. 145. COMPASS CALL RE-HOST PROGRAM.

(a) AUTHORIZATION.—The Secretary of the Air Force is authorized to obligate and expend fiscal year 2017 funds for the purpose of re-hosting the primary mission equipment of the current EC-130H Compass Call aircraft fleet on to a more operationally effective and survivable airborne platform to meet combatant commander requirements. This program may be implemented consistent with existing authorities, including Federal Acquisition Regulation Part 6.3 and Department of Defense Instruction 5000.02 “Operation of the Defense Acquisition System”.

(b) FUNDING ADJUSTMENTS.—

(1) AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities is hereby increased by \$32,600,000, with the amount of the increase to be allocated to aircraft procurement, Air Force, as specified in the funding tables in section 4101, and available for the following procurement in the amounts specified:

(A) EC-130H, Scope Increase, \$103,000,000.

(B) Compass Call Mods, Program Restructure, a decrease in the amount of \$70,400,000.

(2) PROCUREMENT OF AIRCRAFT SPARES AND REPAIR PARTS, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force,

and Defense-wide activities is hereby reduced by \$13,200,000, with the amount of the decrease to be allocated to aircraft spares and repair parts, Air Force, as specified in the funding tables in section 4101, and available for Initial Spares/Repair Parts; Compass Call, Program Restructure.

(3) PROCUREMENT OF AIRCRAFT SPARES AND REPAIR PARTS FOR OCO, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby reduced by \$25,600,000, with the amount of the decrease to be allocated to aircraft spares and repair parts, Air Force, for overseas contingency operations, as specified in the funding tables in section 4102, and available for Initial Spares/Repair Parts; Compass Call, Program Restructure.

(4) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 201 for research, development, test, and evaluation is hereby increased by \$37,100,000, with the amount of the increase to be allocated to operational systems development, as specified in the funding tables in section 4201, and available for Compass Call, Program Restructure.

(5) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 301 for operation and maintenance is hereby reduced by \$56,500,000, with the amount of such decrease to be allocated to operation and maintenance, Air Force operating forces for depot maintenance, as specified in the funding tables in section 4301, and available for Compass Call, Program Restructure.

(6) OPERATION AND MAINTENANCE FOR OCO, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 by section 1505 for the Department of Defense for operation and maintenance for overseas contingency operations is hereby increased by \$25,600,000, with the amount of such increase to be allocated to operation and maintenance, Air Force operating forces, for overseas contingency operations, for depot maintenance, as specified in the funding tables in section 4302, and available for Compass Call, Program Restructure.

SA 4218. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 147. ACQUISITION STRATEGY FOR AIR FORCE HELICOPTERS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an acquisition strategy for replacement of the Air Force UH-1N helicopter program.

(b) ELEMENTS.—The acquisition strategy required under subsection (a) shall include—

(1) a description of the separate and distinct rotorcraft requirements among Air Force Global Strike Command, Air Force District of Washington, and other Major Command airlift missions;

(2) a life-cycle cost analysis of mixed-fleet versus single-fleet acquisition of aircraft; and

(3) consideration of the trade-offs between the capability and affordability of commercial derivative aircraft versus military purpose designed aircraft.

SA 4219. Mr. DAINES (for himself, Mr. HOEVEN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

(3) not later than 60 days after such date of enactment, implement that decision, if the Chairman determines the implementation of the decision to be warranted to mitigate any risk posed to the nuclear forces of the United States.

SA 4220. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. EXPANSION OF PROHIBITION ON TRANSFER OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION BY LAW.

Paragraph (3) of section 2572(e) of title 10, United States Code, is amended to read as follows:

“(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object that is specifically authorized by law.”.

SA 4221. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 341. REIMBURSEMENT OF STATES FOR CERTAIN FIRE SUPPRESSION SERVICES AS A RESULT OF FIRE CAUSED BY MILITARY TRAINING OR OTHER ACTIONS OF THE ARMED FORCES OR THE DEPARTMENT OF DEFENSE.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, upon application by a State, reimburse the State for the reasonable costs of the State for fire suppression services coordinated by the State as a result of a wildland fire caused by military training or other actions of units or members of the Armed Forces in Federal status or employees of the Department of Defense on a military training installation owned by the State.

(2) SERVICES COVERED.—Services reimbursable under this subsection shall be limited to services proximately related to the fire for which reimbursement is sought under this subsection.

(3) LIMITATIONS.—Nothing in this section shall apply to Department-owned military training installations. Nothing in this section shall affect existing memoranda of understanding between Department-owned military training installations and local governments. Reimbursement may not be made under this section for any services for which a claim may be made under the Federal Tort Claims Act.

(b) APPLICATION.—Each application of a State for reimbursement for costs under subsection (a) shall set forth an itemized request of the services covered by the application, including the costs of such services.

(c) FUNDS.—Reimbursements under subsection (a) shall be made from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

SA 4222. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: Strike section 604.

SA 4223. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1059. USE OF THE NATIONAL GUARD FOR SUPPORT OF CIVILIAN FIRE-FIGHTING ACTIVITIES.

The Secretary of Defense may authorize members and units of the National Guard performing duty under section 328(b), 502(f), or 709(a) of title 32, United States Code, or on active duty under title 10, United States Code, to support firefighting operations, missions, and activities, including aerial firefighting employment of the Mobile Airborne Firefighting System (MAFFS), undertaken in support of a request from the National Interagency Fire Center or another Federal agency.

SA 4224. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amend-

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

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

SEC. 1097. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS.

(a) COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE REQUIRED.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense shall collaborate on developing ground-based sense and avoid (GBSAA) and airborne sense and avoid (ABSAA) capabilities for unmanned aircraft systems (UAS).

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

(A) Sharing information and technology on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

(B) Building upon Air Force and Department of Defense experience to inform the Federal Aviation Administration's development of civil standards, policies, and procedures for integrating unmanned aircraft systems in the national airspace system.

(C) Assisting in the development of best practices for unmanned aircraft airworthiness certification, development of airborne and ground-based sense and avoid capabilities for unmanned aircraft systems, and research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) PARTICIPATION BY FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) IN GENERAL.—The Administrator may participate and provide assistance for participation in test and evaluation efforts of the Department of Defense, including the Air Force, relating to ground-based sense and avoid and airborne sense and avoid capabilities for unmanned aircraft systems.

(2) PARTICIPATION THROUGH CENTERS OF EXCELLENCE AND TEST SITES.—Participation under paragraph (1) may include provision of assistance through the Unmanned Aircraft Systems Center of Excellence and Unmanned Aircraft Systems Test Sites.

(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term "unmanned aircraft system" has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note).

SA 4225. Mr. MENENDEZ (for himself, Mr. BROWN, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MILITARY FAMILIES CREDIT REPORTING ACT.

(a) SHORT TITLE.—This section may be cited as the "Military Families Credit Reporting Act".

(b) NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 605 (15 U.S.C. 1681c), by adding at the end the following:

"(i) NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.—

"(1) IN GENERAL.—With respect to an item of adverse information about a consumer that arises from the failure of the consumer to make any required payment on a debt or other obligation, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, the consumer may provide appropriate proof, including official orders, to a consumer reporting agency that the consumer was an active duty military consumer at the time such action or inaction occurred, and any consumer report provided by the consumer reporting agency that includes the item shall clearly and conspicuously disclose that the consumer was an active duty military consumer when the action or inaction that gave rise to the item occurred.

"(2) MODEL FORM.—The Bureau shall prepare a model form, which shall be made publicly available, including in an electronic format, by which a consumer may—

"(A) notify, and provide appropriate proof to, a consumer reporting agency in a simple and easy manner, including electronically, that the consumer is or was an active duty military consumer; and

"(B) provide contact information of the consumer for the purpose of communicating with the consumer while the consumer is an active duty military consumer.

"(3) NO ADVERSE CONSEQUENCES.—Notice, whether provided by the model form described in paragraph (2) or otherwise, that a consumer is or was an active duty military consumer may not provide the sole basis for—

"(A) with respect to a credit transaction between the consumer and a creditor, a creditor—

"(i) denying an application of credit submitted by the consumer;

"(ii) revoking an offer of credit made to the consumer by the creditor;

"(iii) changing the terms of an existing credit arrangement with the consumer; or

"(iv) refusing to grant credit to the consumer in a substantially similar amount or on substantially similar terms requested by the consumer;

"(B) furnishing negative information relating to the creditworthiness of the consumer by or to a consumer reporting agency; or

"(C) except as otherwise provided in this title, a creditor or consumer reporting agency noting in the file of the consumer that the consumer is or was an active duty military consumer.";

(2) in section 605A (15 U.S.C. 1681c-1)—

(A) in subsection (c)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(ii) in the matter preceding subparagraph (A), as so redesignated, by striking "Upon" and inserting the following:

"(1) IN GENERAL.—Upon"; and

(iii) by adding at the end the following:

"(2) NEGATIVE INFORMATION NOTIFICATION.—

If a consumer reporting agency receives an item of adverse information about a consumer who has provided appropriate proof that the consumer is an active duty military consumer, the consumer reporting agency

shall promptly notify the consumer, according to a frequency, manner, and timeliness determined by the Bureau or specified by the consumer—

“(A) that the consumer reporting agency has received the item of adverse information, along with a description of the item; and

“(B) the method by which the consumer may dispute the validity of the item.

“(3) CONTACT INFORMATION FOR ACTIVE DUTY MILITARY CONSUMERS.—

“(A) IN GENERAL.—If a consumer who has provided appropriate proof to a consumer reporting agency that the consumer is an active duty military consumer provides the consumer reporting agency with contact information for the purpose of communicating with the consumer while the consumer is an active duty military consumer, the consumer reporting agency shall use that contact information for all communications while the consumer is an active duty military consumer.

“(B) DIRECT REQUEST.—Unless the consumer directs otherwise, the provision of contact information by the consumer under subparagraph (A) shall be deemed to be a request for the consumer to receive an active duty alert under paragraph (1).

“(4) SENSE OF CONGRESS.—It is the sense of Congress that any person making use of a consumer report that contains an item of adverse information should, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, take such fact into account when evaluating the creditworthiness of the consumer.”; and

(B) in subsection (e), by striking paragraph (3) and inserting the following:

“(3) subparagraphs (A) and (B) of subsection (c)(1), in the case of a referral under subsection (c)(1)(C).”; and

(3) in section 611(a)(1) (15 U.S.C. 1681i(a)(1)), by adding at the end the following:

“(D) NOTICE OF DISPUTE RELATED TO ACTIVE DUTY MILITARY CONSUMERS.—With respect to an item of information described under subparagraph (A) that is under dispute, if the consumer to whom the item relates has notified the consumer reporting agency, and has provided appropriate proof, that the consumer was an active duty military consumer at the time the action or inaction that gave rise to the disputed item occurred, the consumer reporting agency shall—

“(i) include that fact in the file of the consumer; and

“(ii) indicate that fact in each consumer report that includes the disputed item.”.

SA 4226. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1641. PILOT PROGRAM ON TRAINING FOR NATIONAL GUARD PERSONNEL ON CYBER SKILLS FOR THE PROTECTION OF INDUSTRIAL CONTROL SYSTEMS ASSOCIATED WITH CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—The Chief of the National Guard Bureau shall carry out within the National Guard Bureau a pilot program to provide National Guard personnel with training on cyber skills for the protection of industrial control systems associated with critical

infrastructure that utilizes the Industrial Control System cyber assessment expertise assigned to a National Guard Cyber Operations Group.

(b) DURATION.—The duration of the pilot program shall be three years.

(c) SCOPE OF TRAINING.—The training provided pursuant to the pilot program shall be designed to permit personnel who receive such training to assist National Guard Cyber Protection Teams in carrying out activities to protect systems and infrastructure described in subsection (a) from cyber attacks in situations where such activities are otherwise authorized.

(d) CONSULTATION.—The Chief of the National Guard Bureau shall consult with the Under Secretary of Homeland Security for National Protection and Programs, Department of Energy national laboratories, and appropriate institutions of higher education and other organizations and entities in the private sector in carrying out the pilot program.

(e) RELATIONSHIP WITH EXISTING TRAINING PROGRAMS.—In conducting the pilot program, the Chief of the National Guard Bureau shall not duplicate, and shall consult with and may leverage, existing training programs, including training available through the national cybersecurity and communications integration center established under section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).

(f) REPORT.—

(1) IN GENERAL.—Not later than six months after the completion of the pilot program, the Chief of the National Guard Bureau shall submit to the officials, and the committees of Congress, specified in paragraph (2) a report that sets forth the following:

(A) An evaluation of the training needs of the National Guard Cyber Protection Teams in protecting industrial control systems from cyber attacks.

(B) An assessment whether new training capabilities are necessary for the remainder of the National Guard Cyber Protection Teams.

(C) Any other assessments, conclusions, and recommendations that the Chief of the National Guard Bureau considers appropriate in light of the pilot program.

(2) OFFICIALS AND COMMITTEES OF CONGRESS.—The officials, and the committees of Congress, specified in this paragraph are the following:

(A) The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Energy.

(B) The Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Energy and Natural Resources of the Senate.

(C) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives

SA 4227. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1674. INTELLIGENCE SHARING RELATIONSHIPS.

(a) REVIEW OF AGREEMENTS.—Not later than 90 days after the date of the enactment

of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall complete a review of each intelligence sharing agreement between the United States and a foreign country that—

(1) is experiencing a significant threat from the Islamic State of Iraq and the Levant; or

(2) is participating as part of the coalition in activities to degrade and defeat the Islamic State of Iraq and the Levant.

(b) INTELLIGENCE SHARING RELATED TO THE ISLAMIC STATE OF IRAQ AND THE LEVANT.—Not later than 90 days after the date that the Director of National Intelligence completes the reviews required by subsection (a), the Director shall develop an intelligence sharing agreement between the United States and each foreign country referred to in subsection (a) that—

(1) applies to the sharing of intelligence related to defensive or offensive measures to be taken with respect to the Islamic State of Iraq and the Levant; and

(2) provides for the maximum amount of sharing of such intelligence, as appropriate, in a manner that is consistent with the due regard for the protection of intelligence sources and methods, protection of human rights, and the ability of recipient nations to utilize intelligence for targeting purposes consistent with the laws of armed conflict.

SA 4228. Ms. HIRONO (for herself, Ms. MURKOWSKI, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. APPROVAL OF AGREEMENT BETWEEN UNITED STATES AND REPUBLIC OF PALAU.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010.

(2) COMPACT.—The term “Compact” means the Compact of Free Association between the Government of the United States of America and the Government of Palau, as contained in section 201 of Public Law 99-658 (48 U.S.C. 1931 note).

(b) RESULTS OF COMPACT REVIEW.—

(1) IN GENERAL.—Title I of Public Law 99-658 (48 U.S.C. 1931 et seq.) is amended by adding at the end the following:

“SEC. 105. RESULTS OF COMPACT REVIEW.

“(a) IN GENERAL.—The agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010 (referred to in this section as the ‘Agreement’), pursuant to section 432 of the Compact, are approved—

“(1) except for the extension of article X of the Agreement regarding Federal programs and services, concluded pursuant to article II of title II and section 232 of the Compact; and

“(2) subject to the provisions of this section.

“(b) WITHHOLDING OF FUNDS.—If the Republic of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact during fiscal year 2016, or more than \$8,000,000 during fiscal year 2017, the amounts payable under sections 1,

2(a), 3, and 4(a) of the Agreement shall be withheld from the Republic of Palau until the date on which the Republic of Palau reimburses the trust fund for the total amounts withdrawn that exceeded \$5,000,000 during fiscal year 2016 or \$8,000,000 during fiscal year 2017, as applicable.

“(c) FUNDING FOR CERTAIN PROVISIONS.—Not later than 30 days after the date of enactment of this section, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior such sums as are necessary for the Secretary of the Interior to implement sections 1, 2(a), 3, 4(a), and 5 of the Agreement, to remain available until expended, without any further appropriation.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to the Secretary of the Interior to subsidize postal services provided by the United States Postal Service to the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia \$1,500,000 for each of fiscal years 2017 through 2024, to remain available until expended; and

“(2) to the head of each Federal entity described in paragraphs (1), (3), and (4) of section 221(a) of the Compact (including any successor of such a Federal entity) to carry out the responsibilities of the Federal entity under section 221(a) of the Compact such sums as are necessary, to remain available until expended.”.

(2) OFFSET.—Section 3 of the Act of June 30, 1954 (68 Stat. 330, 82 Stat. 1213, chapter 423), is repealed.

(c) PAYMENT SCHEDULE; WITHHOLDING OF FUNDS; FUNDING.—

(1) COMPACT FUND.—Section 1 of the Agreement is amended to read as follows:

“SECTION 1. COMPACT FUND.

“The Government of the United States shall contribute \$30,250,000 to the Fund established under section 211(f) of the Compact in accordance with the following schedule:

“(1) \$20,000,000 for fiscal year 2017.

“(2) \$2,000,000 for each of fiscal years 2018 through 2022.

“(3) \$250,000 for fiscal year 2023.”.

(2) INFRASTRUCTURE MAINTENANCE FUND.—Subsection (a) of section 2 of the Agreement is amended to read as follows:

“(a) GRANT.—

“(1) IN GENERAL.—The Government of the United States shall provide a grant in an amount equal to \$3,500,000 for each of fiscal years 2017 through 2024 to create a trust fund (referred to in this agreement as the ‘Infrastructure Maintenance Fund’), to be used for the routine and periodic maintenance of major capital improvement projects financed using funds provided by the Government of the United States.

“(2) CONTRIBUTIONS BY PALAU.—The Government of Palau shall match the contributions made by the Government of the United States by making contributions of \$150,000 to the Infrastructure Maintenance Fund on a quarterly basis during the period beginning on October 1, 2016, and ending on September 30, 2024.

“(3) REQUIREMENT.—The implementation of this subsection shall be carried out in accordance with appendix A to this agreement.”.

(3) FISCAL CONSOLIDATION FUND.—Section 3 of the Agreement is amended to read as follows:

“SEC. 3. FISCAL CONSOLIDATION FUND.

“(a) IN GENERAL.—The Government of the United States shall provide to the Government of Palau \$5,000,000 for each of fiscal years 2017 and 2018 for deposit in an interest-bearing account to be used to reduce government arrears of the Government of Palau.

“(b) REQUIREMENT.—The implementation of this section shall be carried out in accordance with appendix B to this agreement.”.

(4) DIRECT ECONOMIC ASSISTANCE.—Subsection (a) of section 4 of the Agreement is amended to read as follows:

“(a) DIRECT ECONOMIC ASSISTANCE.—

“(1) IN GENERAL.—In addition to economic assistance in an amount equal to \$13,147,000 provided to the Government of Palau by the Government of the United States for each of fiscal years 2010 through 2016, and unless otherwise specified in this agreement or an appendix to this agreement, the Government of the United States shall provide to the Government of Palau \$28,721,000 in economic assistance, as follows:

“(A) \$7,500,000 for fiscal year 2017.

“(B) \$6,250,000 for fiscal year 2018.

“(C) \$5,000,000 for fiscal year 2019.

“(D) \$4,000,000 for fiscal year 2020.

“(E) \$3,000,000 for fiscal year 2021.

“(F) \$2,000,000 for fiscal year 2022.

“(G) \$971,000 for fiscal year 2023.

“(2) METHOD.—Unless otherwise specified in this agreement or in an appendix to this agreement, the funds provided for a fiscal year under this subsection shall be provided in 4 quarterly payments in an amount equal to—

“(A) 30 percent of the total applicable amount during the first quarter;

“(B) 30 percent of the total applicable amount during the second quarter;

“(C) 20 percent of the total applicable amount during the third quarter; and

“(D) 20 percent of the total applicable amount during the fourth quarter.”.

(5) INFRASTRUCTURE PROJECTS.—Section 5 of the Agreement is amended to read as follows:

“SEC. 5. INFRASTRUCTURE PROJECTS.

“(a) IN GENERAL.—The Government of the United States shall provide to the Government of Palau grants in a total amount equal to \$40,000,000, as follows:

“(1) \$8,000,000 for each of fiscal years 2017 through 2019.

“(2) \$6,000,000 for fiscal year 2020.

“(3) \$5,000,000 for each of fiscal years 2021 and 2022.

“(b) USE.—The Government of Palau shall use each grant provided under subsection (a) for 1 or more mutually agreed-upon infrastructure projects, in accordance with appendix C to this agreement.”.

(d) PASSPORT REQUIREMENT.—Section 141 of the Compact is amended to read as follows:

“SEC. 141. PASSPORT REQUIREMENT.

“(a) ADMISSION.—

“(1) IN GENERAL.—Any person who meets the requirements of any category described in paragraph (2) may be admitted to, and lawfully engage in occupations and establish residence as a nonimmigrant in, the United States and its territories and possessions, without regard to paragraph (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), subject to the condition that the passport presented to satisfy paragraph (7)(B)(i)(I) of that section is a valid, unexpired, machine-readable passport that satisfies the internationally accepted standard for machine readability.

“(2) DESCRIPTION OF CATEGORIES.—The categories referred to in paragraph (1) are the following:

“(A) A person who—

“(i) on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands (as defined in title 53 of the Trust Territory Code in force on January 1, 1979); and

“(ii) has become, and remains, a citizen of Palau.

“(B) A person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau.

“(C) A naturalized citizen of Palau who—

“(i) has been an actual resident of Palau for not less than 5 years after attaining that naturalization; and

“(ii) holds a certificate of that actual residence.

“(3) EFFECT OF SUBSECTION.—Nothing in this subsection—

“(A) confers on a citizen of Palau the right—

“(i) to establish residence necessary for naturalization under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

“(ii) to petition for benefits for alien relatives under that Act; or

“(B) prevents a citizen of Palau from otherwise acquiring—

“(i) a right described in subparagraph (A); or

“(ii) lawful permanent resident alien status in the United States.

“(b) ACCEPTANCE OF EMPLOYMENT.—Any person who meets the requirements of any category described in subsection (a)(2) shall be considered to have the permission of the Secretary of Homeland Security to accept employment in the United States.

“(c) ESTABLISHMENT OF HABITUAL RESIDENCE IN CERTAIN TERRITORIES AND POSSESSIONS.—The right of a person who meets the requirements of any category described in subsection (a)(2) to establish habitual residence in a territory or possession of the United States may be subject to any non-discriminatory limitation under any law (including regulations) of—

“(1) the United States; or

“(2) the applicable territory or possession of the United States.”.

(e) CONTINUING PROGRAMS AND LAWS.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

SA 4229. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1512. INCREASE IN AUTHORIZATIONS AND AUTHORIZATIONS OF APPROPRIATIONS TO MEET UNFUNDED PRIORITIES OF THE ARMED FORCES.

(a) SUPERSEDING END STRENGTHS FOR ACTIVE FORCES.—

(1) INEFFECTIVENESS OF SPECIFIED END STRENGTHS.—Section 401 shall have no force or effect.

(2) SUPERSEDED END STRENGTHS.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2017, as follows:

(A) The Army, 475,000.

(B) The Navy, 325,782.

(C) The Marine Corps, 185,000.

(D) The Air Force, 321,000.

(b) SUPERSEDING END STRENGTHS FOR SELECTED RESERVE.—

(1) INEFFECTIVENESS OF SPECIFIED END STRENGTHS.—Section 411(a) shall have no force or effect.

(2) SUPERSEDING END STRENGTHS.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(A) The Army National Guard of the United States, 342,000.

(B) The Army Reserve, 198,000.
 (C) The Navy Reserve, 58,300.
 (D) The Marine Corps Reserve, 38,900.
 (E) The Air National Guard of the United States, 106,200.

(F) The Air Force Reserve, 69,200.

(G) The Coast Guard Reserve, 7,000.

(3) APPLICABILITY OF CERTAIN AUTHORITIES.—Subsections (b) and (c) of section 411 shall apply in the calculation of end strengths under paragraph (2).

(c) SUPERSEDING PAY RAISE.—

(1) INEFFECTIVENESS OF SPECIFIED PAY RAISE.—Section 601(b) shall have no force or effect.

(2) SUPERSEDING INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

(d) INEFFECTIVENESS OF REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS.—Section 1088 shall have no force or effect, and the amendments proposed to be made by that section shall not be made.

(e) INCREASE IN AUTHORIZATION FOR OCO FOR AIRCRAFT PROCUREMENT, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$1,052,000,000, with the amount of the increase to be allocated to aircraft procurement, Army, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 10 AH-64 Apache Advance Procurement, consistent with the recommendation of the National Commission on the Future of the Army, \$71,000,000.

(2) 17 LUH-72 Lakota, consistent with the recommendation of the National Commission on the Future of the Army, \$110,000,000.

(3) 36 UH-60M Black Hawk, consistent with the recommendation of the National Commission on the Future of the Army, \$440,000,000.

(4) 5 AH-64 Apache New Builds, consistent with the recommendation of the National Commission on the Future of the Army, \$191,000,000.

(5) 5 Reman CH-47 Chinook, consistent with the recommendation of the National Commission on the Future of the Army, \$240,000,000.

(f) INCREASE IN AUTHORIZATION FOR OCO FOR PROCUREMENT OF W&TCV, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$245,000,000, with the amount of the increase to be allocated to procurement of wheeled and tracked combat vehicles, Army, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) Modernization of 14 M1 Abrams for the European Reassurance Initiative, \$172,200,000.

(2) Modernization of 14 M2 Bradley for the European Reassurance Initiative, \$72,800,000.

(g) INCREASE IN AUTHORIZATION FOR OCO OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$60,000,000, with the amount of the increase to be allocated to other procurement, Army, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) Assured Positioning Navigation and Timing (PNT), consistent with the recommendation of the National Commission on the Future of the Army, \$28,000,000.

(2) Modernized Warning System, consistent with the recommendation of the National Commission on the Future of the Army, \$32,000,000.

(h) INCREASE IN AUTHORIZATION FOR OCO FOR AIRCRAFT PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$2,489,700,000, with the amount of the increase to be allocated to aircraft procurement, Navy, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 14 F-18 Super Hornet, \$1,200,000,000.

(2) 2 AH-1Z Viper, \$57,000,000.

(3) 2 Marine Corps F-35B, \$269,600,000.

(4) 2 Marine Corps F-35C, \$270,000,000.

(5) 2 Marine Corps KC-130J, \$158,000,000.

(6) 2 Marine Corps MV-22, \$150,000,000.

(7) 2 Navy F-35C, \$270,000,000.

(8) CH-35 Degraded Visual Environment Display, \$13,300,000.

(9) KC-130J Digital Interoperability, \$20,800,000.

(10) RF Kill Chain Enhancements, \$81,000,000.

(i) INCREASE IN AUTHORIZATION FOR OCO FOR WEAPONS PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$36,000,000, with the amount of the increase to be allocated to weapons procurement, Navy, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 23 MK 54 Lightweight Torpedo Mod 0, \$16,000,000.

(2) 8 MK 48 Heavy Weight Torpedo, \$20,000,000.

(j) INCREASE IN AUTHORIZATION FOR OCO FOR PROCUREMENT OF AMMO, NAVY & MC.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$58,000,000, with the amount of the increase to be allocated to procurement of ammo, Navy and Marine Corps, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the procurement of JDAM Components in the amount of \$58,000,000.

(k) INCREASE IN AUTHORIZATION FOR OCO FOR SHIPBUILDING AND CONVERSION, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$1,830,000,000, with the amount of the increase to be allocated to shipbuilding and conversion, Navy, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 3 Ship to Shore Connector, \$165,000,000.

(2) DDG-51 Incremental Funding, \$383,000,000.

(3) LCU Replacement, \$22,000,000.

(4) Littoral Combat Ship, \$385,000,000.

(5) LX(R) Advance Funding, \$800,000,000.

(6) T-ATS(X) (SCN-21), \$75,000,000.

(l) INCREASE IN AUTHORIZATION FOR OCO FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$65,000,000, with the amount of the increase to be allocated to other procurement, Navy, for overseas contingency operations, as specified in the funding tables in section

4102, and available for the following procurement in the amounts specified:

(1) SSEE Inc F, \$43,000,000.

(2) Submarine Towed Arrays, \$22,000,000.

(m) INCREASE IN AUTHORIZATION FOR OCO FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$1,167,800,000, with the amount of the increase to be allocated to aircraft procurement, Air Force, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 5 Air Force F-35A, \$691,000,000.

(2) 5 Air Force C-130J, \$452,000,000.

(3) F-16 Mission Training Center, \$24,800,000.

(n) INCREASE IN AUTHORIZATION FOR OCO FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by \$303,000,000, with the amount of the increase to be allocated to procurement, Defense-wide, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) Israeli Missile Defense Procurement Arrow 3 Upper Tier, \$120,000,000.

(2) Israeli Missile Defense Procurement David's Sling, \$150,000,000.

(3) Israeli Missile Defense Procurement Iron Dome, \$20,000,000.

(4) SOUTHCOM Other Electronic Warfare/Countermeasures, \$13,000,000.

(o) INCREASE IN AUTHORIZATION FOR OCO FOR RDT&E, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1504 for research, development, test, and evaluation for overseas contingency operations is hereby increased by \$43,400,000, with the amount of the increase to be allocated to research, development, test, and evaluation, Navy, for overseas contingency operations, as specified in the funding tables in section 4202, and available for the following research, development, test, and evaluation in the amounts specified:

(1) APKWS II F/A-18D, \$25,900,000.

(2) LCS Propulsion and machinery control test capability, \$17,500,000.

(p) INCREASE IN AUTHORIZATION FOR OCO FOR RDT&E, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1504 for research, development, test, and evaluation for overseas contingency operations is hereby increased by \$29,900,000, with the amount of the increase to be allocated to research, development, test, and evaluation, Defense-wide, for overseas contingency operations, as specified in the funding tables in section 4202, and available for the following research, development, test, and evaluation in the amounts specified:

(1) Israeli Missile Defense Development Arrow, \$6,500,000.

(2) Israeli Missile Defense Development Arrow-3, \$4,100,000.

(3) Israeli Missile Defense Development David's Sling, \$19,300,000.

(q) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$4,369,800,000, with the amount of the increase to be allocated to operation and maintenance, Army, for overseas contingency operations, as specified in the funding tables in

section 4302, and available for the following operation and maintenance in the amounts specified:

(1) 4 ANG AH-64 Training, consistent with the recommendation of the National Commission on the Future of the Army, \$62,100,000.

(2) Army Readiness Aviation Assets, \$7,200,000.

(3) Army Readiness Echelons Above Brigade, \$18,300,000.

(4) Army Readiness Facilities, Sustainment, Restoration & Modernization, \$354,400,000.

(5) Army Readiness Flight Training, \$6,400,000.

(6) Army Readiness Land Forces Operations Support, \$8,900,000.

(7) Army Readiness Maneuver Units, \$202,800,000.

(8) Army Readiness Modular Support Brigades, \$2,700,000.

(9) Army Readiness Theater Level Assets, \$10,200,000.

(10) ERI Realignment, a decrease of \$245,000,000.

(11) Force structure in Afghanistan 9,800, \$3,191,000,000.

(12) Heel-to-toe presence of CAB Europe, \$100,000,000.

(13) Maintain Eleventh Combat Aviation Brigades, \$305,400,000.

(14) National Guard Readiness, consistent with the recommendation of the National Commission on the Future of the Army, \$70,000,000.

(15) Army Readiness Aviation Assets, \$68,000,000.

(16) Army Readiness Land Forces Operations Support, \$207,400,000.

(r) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, ARMY NATIONAL GUARD.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$156,100,000, with the amount of the increase to be allocated to operation and maintenance, Army National Guard, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Army National Guard Readiness Echelons Above Brigade, \$15,000,000.

(2) Army National Guard Readiness Modular Support Brigades, \$15,000,000.

(3) Army National Guard Readiness Theater Level Assets, \$15,000,000.

(4) Army National Guard Readiness Facilities, Sustainment, Restoration & Modernization, \$32,100,000.

(5) Army National Guard Readiness Aviation Assets, \$44,000,000.

(6) Army National Guard Readiness Maneuver Units 111, \$35,000,000.

(s) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, ARMY RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$81,500,000, with the amount of the increase to be allocated to operation and maintenance, Army Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Army Reserve Readiness Echelons Above Brigade, \$60,000,000.

(2) Army Reserve Facilities, Sustainment, Restoration and Modernization, \$21,500,000.

(t) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for op-

eration and maintenance for overseas contingency operations is hereby increased by \$1,007,400,000, with the amount of the increase to be allocated to operation and maintenance, Navy, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Dry Dock Initiative, \$80,000,000.

(2) Navy Readiness Mission and Other Ship Operations, \$158,000,000.

(3) Navy Readiness Ship Depot Maintenance, \$238,000,000.

(4) Navy Readiness Sustainment, Restoration, and Modernization, \$160,900,000.

(5) Reactive Yard Patrol Craft, \$45,000,000.

(6) Navy Readiness Ship Depot Operations Support, \$79,000,000.

(7) Restore 10th Air Wing, \$86,500,000.

(8) Restore Cruisers, \$161,000,000.

(u) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, NAVY RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$25,800,000, with the amount of the increase to be allocated to operation and maintenance, Navy Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Navy Reserve Readiness Ship Operations Support & Training, \$20,000,000.

(2) Navy Reserve Sustainment, Restoration, and Modernization, \$5,800,000.

(v) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, MARINE CORPS.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$39,300,000, with the amount of the increase to be allocated to operation and maintenance, Marine Corps, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Marine Corps Readiness Sustain, Restoration, & Modernization in the amount of \$39,300,000.

(w) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, MARINE CORPS RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$5,500,000, with the amount of the increase to be allocated to operation and maintenance, Marine Corps Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Marine Corps Reserve Sustain, Restoration and Modernization in the amount of \$5,500,000.

(x) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$392,700,000, with the amount of the increase to be allocated to operation and maintenance, Air Force, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Air Force Readiness Airlift Operations, \$16,700,000.

(2) Air Force Readiness Facilities Sustainment, Restoration & Modernization, \$157,700,000.

(3) Contract Maintenance Shortfall A-10, \$74,000,000.

(4) Air Force Readiness Combatant Command Direct Mission Support, \$50,000,000.

(5) Air Force Readiness Logistics Operations, \$61,400,000.

(6) Air Force Readiness Primary Combat Forces, \$32,900,000.

(y) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, AIR FORCE RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$11,700,000, with the amount of the increase to be allocated to operation and maintenance, Air Force Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Air Force Reserve Facilities Sustainment, Restoration & Modernization in the amount of \$11,700,000.

(z) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, AIR NATIONAL GUARD.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$14,000,000, with the amount of the increase to be allocated to operation and maintenance, Air National Guard, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Air Guard Readiness Echelons Above Brigade 113 in the amount of \$14,000,000.

(aa) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by \$400,000,000, with the amount of the increase to be allocated to operation and maintenance, Defense-wide, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) PGM stockpiling for partners and allies in Europe/Middle East, \$200,000,000.

(2) Stipends for Kurdish Peshmerga, \$200,000,000.

(bb) INCREASE IN AUTHORIZATION FOR OCO FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1506 for military personnel for overseas contingency operations is hereby increased by \$2,734,800,000, with the amount of the increase to be allocated to military personnel for overseas contingency operations, as specified in the funding tables in section 4402, and available for military personnel for purposes and in the amounts specified as follows:

(1) Active Army Endstrength to 475,000, \$1,539,000,000.

(2) Air Force Reserve endstrength increase 200, \$6,000,000.

(3) Air National Guard Endstrength increase 500, \$17,000,000.

(4) Army National Guard endstrength increase 7,000, \$217,000,000.

(5) Army Reserve endstrength increase 3,000, \$73,000,000.

(6) Increase Active Marine Endstrength to 185,000, \$300,000,000.

(7) Increase Military Pay Raise to 2.1%, \$300,000,000.

(8) Navy Reserve endstrength increase 300, \$10,000,000.

(9) Restore 10th Air Wing Endstrength increase 1,167, \$46,500,000.

(10) Restore 10th Air Wing Endstrength Medicare Eligible Retirement Health Fund, \$2,300,000.

(11) Restore Cruisers increase 1,715, \$67,000,000.

(12) USAF Endstrength to 321,000, \$145,000,000.

(13) USMC Reserve endstrength increase 400, \$12,000,000.

(cc) INCREASE IN AUTHORIZATION FOR AFGHANISTAN SECURITY FORCES FUND.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by this title for overseas contingency operations is hereby increased by \$800,000,000, with the amount of the increase to be allocated to the Afghanistan Security Forces Fund as specified in the funding tables in division D, and available for purposes of the Afghanistan Security Forces Fund in the amount of \$800,000,000.

(dd) INCREASE IN AUTHORIZATION FOR COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by this title for overseas contingency operations is hereby increased by \$100,000,000, with the amount of the increase to be allocated to the Counter Islamic State in Iraq and the Levant Fund as specified in the funding tables in division D, and available for the Counter Islamic State in Iraq and the Levant Fund for Iraq Train and Equip Fund (Mosul) in the amount of \$100,000,000.

(ee) INCREASE IN AUTHORIZATION FOR UKRAINE SECURITY ASSISTANCE INITIATIVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by this title for overseas contingency operations is hereby increased by \$150,000,000, with the amount of the increase to be allocated to the Ukraine Security Assistance Initiative as specified in the funding tables in division D, and available for purposes of the Ukraine Security Assistance Initiative in the amount of \$150,000,000.

(ff) INCREASE IN AUTHORIZATION FOR OCO FOR ARMY MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—The amount authorized to be appropriated under section 2903 and available for Army military construction projects as specified in the funding table in section 4602 is increased by \$29,900,000, with the amount of such increase to be allocated as follows:

(A) \$23,000,000 for a Vehicle Maintenance Shop, Fort Belvoir, Virginia.

(B) \$6,900,000 for a Fire Station, Fort Leonard Wood, Missouri.

(2) FAMILY HOUSING.—The amount authorized to be appropriated under section 2903 and available for Army military family housing functions as specified in the funding table in section 4602 is increased by \$14,400,000, with the amount of such increase to be allocated to Family Housing Replacement, Natick, Massachusetts.

(gg) INCREASE IN AUTHORIZATION FOR OCO FOR NAVY MILITARY CONSTRUCTION.—The amount authorized to be appropriated under section 2903 and available for Navy military construction projects as specified in the funding table in section 4602 is increased by \$143,000,000, with the amount of such increase to be allocated as follows:

(1) \$108,300,000 to cover funding shortfalls, various locations.

(2) \$34,700,000 for a Communications Complex and Infrastructure Upgrades, Miramar, California.

(hh) INCREASE IN AUTHORIZATION FOR OCO FOR AIR FORCE MILITARY CONSTRUCTION.—The amount authorized to be appropriated under section 2903 and available for military construction projects inside the United States as specified in the funding table in section 4602 is increased by \$119,465,000, with the amount of such increase to be allocated as follows:

(1) \$17,000,000 for a Fire and Rescue Station, Joint Base Charleston, South Carolina.

(2) \$10,965,000 for the Vandenberg Gate Complex, Hanscom Air Force Base, Massachusetts.

(3) \$35,000,000 for Dormitories, Eglin Air Force Base, Florida.

(4) \$41,000,000 for a Consolidated Communications Facility, Scott Air Force Base, Illinois.

(5) \$15,500,000 for Judge Advocate General's School Expansion, Maxwell Air Force Base, Alabama.

(ii) INCREASE IN AUTHORIZATION FOR OCO FOR AIR NATIONAL GUARD MILITARY CONSTRUCTION.—The amount authorized to be appropriated under section 2903 and available for the National Guard and Reserve as specified in the funding table in section 4602 is increased by \$11,000,000, with the amount of such increase to be allocated as follows:

(1) \$6,000,000 for an Indoor Small Arms Range, Toledo Airport, Ohio.

(2) \$5,000,000 for a Munitions Load Crew Training/Corrosion Control Facility, Andrews Air Force Base, Maryland.

SA 4230. Mr. ROUNDS (for Mr. SCHATZ) proposed an amendment to the resolution S. Res. 416, recognizing the contributions of Hawaii to the culinary heritage of the United States and designating the week beginning on June 12, 2016, as “National Hawaiian Food Week”; as follows:

Strike the preamble and insert the following:

Whereas when individuals first came to the Hawaiian islands more than 1,500 years ago, there was little to eat other than birds and a few species of ferns, but the individuals found rich volcanic soil, a year-round growing season, and abundant fisheries;

Whereas the history of Hawaii is inextricably linked with—

(1) foods brought to the Hawaiian islands by the first individuals who came to Hawaii and successive waves of voyagers to the Hawaiian islands;

(2) the agricultural and ranching potential of the land of Hawaii; and

(3) the readily available seafood from the ocean and coasts of Hawaii;

Whereas the food cultures initially brought to Hawaii came from places including French Polynesia, China, Japan, Portugal, North Korea, South Korea, the Philippines, Puerto Rico, and Samoa;

Whereas the foods first brought to Hawaii were simple, hearty fare of working men and women that reminded the men and women of their distant homes;

Whereas individuals in Hawaii, in the spirit of Aloha, shared favorite dishes with each other, and as a result, the individuals began to appreciate new tastes and learned how to bring new ideas into their cooking;

Whereas the blend of styles in Hawaiian cooking evolves as new groups of individuals make Hawaii their home;

Whereas the fusion of dishes from around the world creates a unique cuisine for Hawaii that is as much a part of a visit to Hawaii as the welcoming climate, friendly individuals, and beautiful beaches in Hawaii;

Whereas the food of Hawaii is appealing because it came from hard-working communities of individuals that farmed, fished, or ranched for their livelihoods, which are core experiences of individuals throughout the United States; and

Whereas the growing appreciation for the food of Hawaii comes from hard-working and ingenious farmers, fishers, educators, ranchers, chefs, and businesses that innovate and export the taste of Hawaii all over the world: Now, therefore, be it

SA 4231. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize ap-

propriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. DEFENSE AND SECURITY COOPERATION WITH INDIA.

(a) AUTHORIZATION OF DEFENSE TRANSACTIONS.—The Secretary of Defense, in coordination with the Secretary of State and the Secretary of Commerce, shall ensure that the authorization of any proposed sale or export of defense articles, defense services, or technical data to India is treated in a manner similar to that of the United States' closest partners and allies, which include NATO members, Australia, Japan, the Republic of Korea, Israel, and New Zealand.

(b) DEFENSE TRADE FACILITATION.—

(1) IN GENERAL.—The President shall endeavor to further align laws, regulations, and systems within India and the United States for the facilitation of defense trade and the protection of mutual security interests.

(2) FACILITATION PLAN.—The President shall develop a plan for such facilitation and coordination efforts that identifies key priorities, any impediments, and the timeline for such efforts.

(3) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report detailing this coordination plan.

SA 4232. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 341. ACCESS TO WIRELESS HIGH-SPEED INTERNET AND NETWORK CONNECTIONS FOR CERTAIN MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

Consistent with section 2492a of title 10, United States Code, the Secretary of Defense is encouraged to enter into contracts with third-party vendors in order to provide members of the Armed Forces who are deployed overseas at any United States military facility, at which wireless high-speed Internet and network connections are otherwise available, with access to such Internet and network connections without charge.

SA 4233. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. REPORT AND GUIDANCE ON JOB TRAINING, EMPLOYMENT SKILLS TRAINING, APPRENTICESHIPS, AND INTERNSHIPS AND SKILLBRIDGE INITIATIVES FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTET—AI) and SkillBridge initiatives, under which civilian businesses and companies make available to members of the Armed Forces who are being separated from the Armed Forces training or internship opportunities that offer a high probability of employment for the members after their separation.

(b) **ELEMENTS.**—In preparing the report required by subsection (a), the Under Secretary shall use the effectiveness metrics described in Enclosure 5 of Department of Defense Instruction No. 1322.29. The report shall include the following:

(1) An assessment of the successes of the Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives.

(2) Recommendations by the Under Secretary on ways in which the administration of the initiatives could be improved.

(3) Recommendations by civilian companies participating in the initiatives on ways in which the administration of the initiatives could be improved.

(4) Testimony from a sample of members of the Armed Forces who are participating in each of the initiatives regarding the effectiveness of such initiatives and the members' support for such initiatives.

(5) Testimony from a sample of recently separated members of the Armed Forces who participated in each of the initiatives regarding the effectiveness of such initiatives and the members' support for such initiatives.

(c) **ISSUANCE OF GUIDANCE.**—Not later than 180 days after the submittal of the report required by subsection (a), the Under Secretary shall issue guidance to commanders of units of the Armed Forces for the purpose of encouraging commanders, consistent with unit readiness, to permit members of the Armed Forces under their command who are being separated from the Armed Forces to participate in the Job Training, Employment Skills Training, Apprenticeships, and Internships or SkillBridge initiative.

SA 4234. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. REPORT ON PROGRESS OF THE DEPARTMENT OF DEFENSE IN ESTABLISHING AND IMPLEMENTING PROCESS BY WHICH MEMBERS OF THE ARMED FORCES MAY CARRY APPROPRIATE FIREARMS ON MILITARY INSTALLATIONS.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the Committees on

Armed Services of the Senate and the House of Representatives a report setting forth a description and assessment of the progress of the Department of Defense in establishing and implementing a process by which members of the Armed Forces may carry appropriate firearms on military installations as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 813; 10 U.S.C. 2672 note).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the process established pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2016.

(2) A description and assessment of the implementation of that process at military installations, including a list of the military installations at which that process has been implemented.

SA 4235. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 623. TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH DISABILITIES RATED AS TOTAL.

(a) **AVAILABILITY OF TRANSPORTATION.**—Section 2641b of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

“(f) **SPECIAL PRIORITY FOR CERTAIN DISABLED VETERANS.**—(1) The Secretary of Defense shall provide transportation on scheduled and unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command on a space-available basis for any member or former member of the armed forces with a disability rated as total on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

“(2) The transportation priority required by paragraph (1) for veterans described in such paragraph applies whether or not the Secretary establishes the travel program authorized by this section.

“(3) In this subsection, the term ‘disability rated as total’ has the meanings given that term in section 1414(e)(3) of this title.”

(b) **EFFECTIVE DATE.**—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SA 4236. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REPORT ON PRIORITIES FOR BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS FOR C-130J AIRCRAFT OF THE AIR FORCE.

(a) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the Air Force Reserve Command contributes unique capabilities to the total force, including all the weather reconnaissance and aerial spray capabilities, and 25 percent of the Modular Airborne Firefighting System capabilities, of the Air Force; and

(2) special mission units of the Air Force Reserve Command currently operate aging aircraft, which jeopardizes future mission readiness and operational capabilities.

(b) **REPORT ON PRIORITIES FOR C-130J BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS.**—Not later than February 1, 2017, the Secretary of the Air Force shall submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C-130J aircraft unit bed downs.

(2) The strategic basing criteria of the Air Force for C-130J aircraft unit conversions.

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities.

(4) Such other information relating to C-130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 25, 2016, at 2:30 p.m., to conduct a hearing entitled “Understanding the Role of Sanctions Under the Iran Deal: Administration Perspectives.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 25, 2016, at 2 p.m., in room SR-253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled “Improvements in Hurricane Forecasting and the Path Forward.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 25, 2016, at 4:30 p.m., to conduct a closed briefing entitled “Trafficking in Persons: Preparing The 2016 Annual Report.”

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