SA 713. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 714. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 715. Mr. MORAN (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 716. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 717. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 718. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 719. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 720. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 721. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 667 proposed by Mr. MCCONNELL to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628 , to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 722. Mr. UDALL (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 723. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 724. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 725. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 726. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 727. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 728. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 729. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 730. Mr. NELSON (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 731. Mr. NELSON (for himself, Mr. CORNYN, Mr. WARNER, Mr. TILLIS, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 732. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 733. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 392. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2816. TREATMENT AS IN-KIND CONSIDERATION OF FINANCIAL SUPPORT AND SERVICES PROVIDED BY FINANCIAL INSTITUTIONS ON LAND LEASED ON MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended—

(1) in subsection (b)(4), by inserting '', except as otherwise provided in subsection (c)(4),'' after ''amount that''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(4)(A) In the case of a lease under this section that is entered into during the period described in subparagraph (C) with an insured depository institution chartered by the Federal Government or a State, the Secretary concerned may deem financial support and services provided by the insured depository institution to members of the armed forces, civilian employees of the Department of Defense, and their dependents as sufficient in-kind consideration to cover all lease, services, and utilities costs assessed with regard to the leased property.

''(B) The Secretary concerned may renegotiate the terms of a lease under this section that was entered into prior to the period described in subparagraph (C) with an insured depository institution to apply subparagraph (A) to the lease as if such subparagraph were in effect at the time the Secretary entered into the lease.

''(C) The period described in this subparagraph is the period that begins on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018 and ends on September 30, 2023.''.

SA 393. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899D. USE OF COMMERCIAL ITEMS FOR PHYSICAL ACCESS CONTROL SYSTEMS OR IDENTITY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—The procurement process for any covered Physical Access Control System or Identity Management System shall be carried out in accordance with section 2377 of title 10, United States Code.

(b) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Service Acquisition Executive responsible for each covered Physical Access Control System or Identity Management System shall certify to the congressional defense committees that the procurement process for any covered Physical Access Control System or Identity Management System procured after the date of the enactment of this Act will be carried out in accordance with section 2377 of title 10, United States Code.

(c) COVERED PHYSICAL ACCESS CONTROL SYSTEM OR IDENTITY MANAGEMENT SYSTEM DEFINED.—In this section, the term ''covered Physical Access Control System or Identity Management System'' includes the following:

(1) The Defense Biometric Identification System (DBIDS).

(2) The Automated Installation Entry (AIE) system.

(3) The Biometric Automated Access Control System (BAACS).

(4) The Navy Access Control Management System (NACMS).

SA 394. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATION ACCESS CONTROL INITIATIVES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating Department of Defense installation access control initiatives.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of Department of Defense requirements for managing access to military installations and the extent to

which the Department has taken an enterprise-wide approach to developing those requirements and identifying capability gaps.

(2) A description of capabilities (processes and systems) that are in place at military installations that currently meet these requirements.

(3) A summary of which options, including business process reengineering, the development or acquisition of business systems, and the acquisition of commercial solutions, are being are being pursued to close those gaps.

(4) A description of how the Department of Defense is assessing which options to pursue in terms of cost, schedule, and potential performance and to what extent the Department's assessments follow directives under the Federal Acquisition Regulation and Defense Supplement to the Federal Acquisition Regulation to consider commercial products and services.

SA 395. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. USE OF ROBOTIC SERVICING OF GEOSYNCHRONOUS SATELLITES PROGRAM OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) RETENTION OF OWNERSHIP.—The Secretary of Defense shall ensure that the United States retains all ownership of and rights to systems developed under the robotic servicing of geosynchronous satellites program of the Defense Advanced Research Projects Agency.

(b) PROHIBITION ON OPERATION BY CONTRACTOR.—The Secretary may not transfer ownership or the operation of systems resulting from the robotic servicing of geosynchronous satellites program to a commercial entity.

(c) USE OF PROGRAM.—The Secretary may use the robotic servicing of geosynchronous satellites program only if—

(1) such use services assets of the United States; and

(2) the Secretary determines that such use is more cost effective than any commercial alternative.

SA 396. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) REPORT REQUIRED.—Not later than December 1, 2018, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the results of a study, conducted by the Comptroller General for purposes of the report, on United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(2) The economic assistance practices of the People's Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) Any other matters the Comptroller General considers appropriate.

(c) CONSULTATION.—The Comptroller General shall consult in the preparation of the report with other departments and agencies of the United States Government, including elements of the intelligence community.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified for, but may include a classified annex.

SA 397. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2803. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION AUTHORITIES.

Section 2805 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project.''.

SA 398. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1049. ACCESS OF VETERANS SERVICE ORGANIZATIONS TO MILITARY INSTALLATIONS IN THE UNITED STATES FOR SUPPORT OF PROVISION OF PRESEPARATION COUNSELING AND RELATED BENEFITS TO MEMBERS OF THE ARMED FORCES.

(a) ACCESS TO BE AUTHORIZED.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense for purposes of this section, commanders of military installations in the United States shall permit representatives of veterans service organization reasonable and regular access to such military installations in order to permit such representatives to support and facilitate efforts of the Department of Defense to provide preseparation counseling and related benefits under chapter 58 of title 10, United States Code, to members of the Armed Forces stationed at such installations.

(2) SCOPE OF ACCESS.—Any access to an installation under this subsection shall occur only in a manner fully consistent with the maintenance of security and safety at such installation.

(b) VETERANS SERVICE ORGANIZATIONS.—For purposes of this section, veterans service organizations are organizations recognized by the Secretary of Veterans Affairs pursuant to section 5902 of title 38, United States Code.

(c) REGULATIONS.—In prescribing regulations for purposes of this section, the Secretary of Defense shall avoid the following:

(1) The recommendation or endorsement of a particular veterans service organization over another veterans service organization in the support or facilitation of efforts described in subsection (a).

(2) The encouragement, support, or other suggestion that a member of the Armed Forces seek membership in a veterans service organization.

(d) COMMENCEMENT OF ACCESS.—Access to installations under this section shall commence upon the date specified by the Secretary of Defense in the regulations prescribed for purposes of this section, which date shall be not later than one year after the date of the enactment of this Act.

SA 399. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2803. REVITALIZATION OF JUNGLE OPERATIONS TRAINING RANGES.

(a) AUTHORITY.—For the revitalization of jungle operations training ranges under the jurisdiction of the Secretary of the Army, the Secretary may obligate and expend—

(1) from appropriations available to the Secretary for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $6,600,000, notwithstanding section 2805(c) of title 10, United States Code; or

(2) from appropriations available to the Secretary for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $6,600,000.

(b) NOTIFICATION REQUIREMENT.—When a decision is made to carry out an unspecified

minor military construction project to which subsection (a) is applicable, the Secretary shall notify in writing the congressional defense committees of that decision, of the justification for the project, and of the estimated cost of the project in accordance with section 2805(b) of title 10, United States Code.

(c) SUNSET.—The authority to carry out a project under subsection (a) shall expire at the close of September 30, 2019.

SA 400. Mr. MCCAIN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Beginning on page 35, strike lines 8 through 23 and insert the following:

''(3) APPLICABLE ANNUAL INFLATION FACTOR.—In paragraph (2), the term 'applicable annual inflation factor' means, for a fiscal year—

''(A) for each of the 1903A enrollee categories described in subparagraphs (C), (D), and (E) of subsection (e)(2), the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved, plus 1 percentage point; and

''(B) for each of the 1903A enrollee categories described in subparagraphs (A) and (B) of subsection (e)(2), the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved, plus 2 percentage points.

SA 401. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Beginning on page 10, strike lines 21 and all that follows through page 11, line 5, and insert the following:

(ii) in subparagraph (B)(ii)—

(I) in subclause (IV), by striking the semicolon and inserting ''; and'';

(II) in subclause (V), by striking ''2018 is 90 percent; and'' and inserting ''2018 and each subsequent year is 90 percent.''; and

(III) by striking subclause (VI).

SA 402. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 107 and insert the following:

SEC. 107. MEDICAID EXPANSION.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2019,'' after ''2014,''; and

(ii) in clause (ii), in subclause (XX), by inserting ''and ending December 31, 2017,'' after ''2014,'', and by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) EXPANSION ENROLLEES.—

''(1) IN GENERAL.—In this title, the term 'expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i); and

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.

''(2) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1)—

(i) in the matter preceding subparagraph (A), by striking '', with respect to'' and all that follows through ''shall be equal to'' and inserting ''and that has elected to cover newly eligible individuals before March 1, 2017, with respect to amounts expended by such State before January 1, 2020, for medical assistance for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i), and, with respect to amounts expended by such State after December 31, 2019, and before January 1, 2030, for medical assistance for expansion enrollees (as defined in section 1902(nn)(1)), shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and'';

(ii) in subparagraph (D), by striking ''and'' after the semicolon;

(iii) by striking subparagraph (E) and inserting the following new subparagraphs:

''(E) 90 percent for calendar quarters in 2020;

''(F) 88 percent for calendar quarters in 2021;

''(G) 86 percent for calendar quarters in 2022;

''(H) 84 percent for calendar quarters in 2023;

''(I) 82 percent for calendar quarters in 2024;

''(J) 80 percent for calendar quarters in 2025;

''(K) 78 percent for calendar quarters in 2026;

''(L) 76 percent for calendar quarters in 2027;

''(M) 74 percent for calendar quarters in 2028; and

''(N) 72 percent for calendar quarters in 2029.''; and

(iv) by adding after and below subparagraph (H) (as added by clause (iii)), the following flush sentence:

''The Federal medical assistance percentage determined for a State and year under subsection (b) shall apply to expenditures for medical assistance to newly eligible individuals (as so described) and expansion enrollees (as so defined), in the case of a State that has elected to cover newly eligible individuals before March 1, 2017, for calendar quarters after 2029, and, in the case of any other State, for calendar quarters (or portions of calendar quarters) after February 28, 2017.''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A)—

(I) by inserting ''through 2023'' after ''each year thereafter''; and

(II) by striking ''shall be equal to'' and inserting ''and, for periods after December 31, 2019 and before January 1, 2024, who are expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (B)(ii)—

(I) in subclause (IV), by striking the semicolon and inserting ''; and'';

(II) in subclause (V), by striking ''2018 is 90 percent; and'' and inserting ''2018 and each subsequent year through 2029 is 90 percent.''; and

(III) by striking subclause (VI).

(b) SUNSET OF MEDICAID ESSENTIAL HEALTH BENEFITS REQUIREMENT.—Section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u–7(b)(5)) is amended by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''.

SA 403. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 112 and insert the following:

SEC. 112. MEDICAID EXPANSION.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2019,'' after ''2014,''; and

(ii) in clause (ii), in subclause (XX), by inserting ''and ending December 31, 2017,'' after ''2014,'', and by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) EXPANSION ENROLLEES.—

''(1) IN GENERAL.—In this title, the term 'expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i); and

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.

''(2) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1)—

(i) in the matter preceding subparagraph (A), by striking '', with respect to'' and all that follows through ''shall be equal to'' and inserting ''and that has elected to cover newly eligible individuals before March 1, 2017, with respect to amounts expended by such State before January 1, 2020, for medical assistance for newly eligible individuals

described in subclause (VIII) of section 1902(a)(10)(A)(i), and, with respect to amounts expended by such State after December 31, 2019, and before January 1, 2030, for medical assistance for expansion enrollees (as defined in section 1902(nn)(1)), shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and'';

(ii) in subparagraph (D), by striking ''and'' after the semicolon;

(iii) by striking subparagraph (E) and inserting the following new subparagraphs:

''(E) 90 percent for calendar quarters in 2020;

''(F) 88 percent for calendar quarters in 2021;

''(G) 86 percent for calendar quarters in 2022;

''(H) 84 percent for calendar quarters in 2023;

''(I) 82 percent for calendar quarters in 2024;

''(J) 80 percent for calendar quarters in 2025;

''(K) 78 percent for calendar quarters in 2026;

''(L) 76 percent for calendar quarters in 2027;

''(M) 74 percent for calendar quarters in 2028; and

''(N) 72 percent for calendar quarters in 2029.''; and

(iv) by adding after and below subparagraph (H) (as added by clause (iii)), the following flush sentence:

''The Federal medical assistance percentage determined for a State and year under subsection (b) shall apply to expenditures for medical assistance to newly eligible individuals (as so described) and expansion enrollees (as so defined), in the case of a State that has elected to cover newly eligible individuals before March 1, 2017, for calendar quarters after 2029, and, in the case of any other State, for calendar quarters (or portions of calendar quarters) after February 28, 2017.''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A)—

(I) by inserting ''through 2023'' after ''each year thereafter''; and

(II) by striking ''shall be equal to'' and inserting ''and, for periods after December 31, 2019 and before January 1, 2024, who are expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (B)(ii)—

(I) in subclause (IV), by striking the semicolon and inserting ''; and'';

(II) in subclause (V), by striking ''2018 is 90 percent; and'' and inserting ''2018 and each subsequent year through 2029 is 90 percent.''; and

(III) by striking subclause (VI).

(b) SUNSET OF MEDICAID ESSENTIAL HEALTH BENEFITS REQUIREMENT.—Section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u–7(b)(5)) is amended by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''.

SA 404. Ms. WARREN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1070 and insert the following:

SEC. _____. REPORTS ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) BIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than April 1, 2018, and every six months thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on civilian casualties caused as a result of United States military operations during the preceding six months.

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) A list of all the United States military operations during the six month covered by such report that were confirmed to have resulted in civilian casualties.

(B) For each military operation listed pursuant to subparagraph (A), the following:

(i) The date.

(ii) The location.

(iii) The type of operation.

(iv) The confirmed number of civilian casualties.

(b) ANNUAL REPORT.—Not later than April 1 each year, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) The information required under subsection (a)(2) for the preceding year, including any changes to such information as submitted previously in a report under subsection (a).

(2) Details on trends of civilian casualties caused as a result of United States military operations during the preceding year, as well as changes made or intended to be made to mitigate future civilian casualties as a result of United States military operations.

(c) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(d) SUNSET.—The requirements to submit reports under this section shall expire on the date that is five years after the date of the enactment of this Act.

SA 405. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASING COMPETITION IN MULTIPLE-AWARD TASK OR DELIVERY ORDER CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS.

Section 3306(c) of title 41, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ''except as provided in paragraph (3),'' before ''include cost or price''; and

(B) in subparagraph (C), by inserting ''except as provided in paragraph (3),'' before ''disclose to offerors''; and

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

''(3) INCREASING COMPETITION FOR CERTAIN MULTIPLE-AWARD CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS FOR SERVICES ACQUIRED ON AN HOURLY RATE.—If the head of an executive agency issues a solicitation for two or more contracts for services to be acquired on an hourly rate basis under the authority of sections 4103 and 4106 of this title (multiple award task or delivery order contracts) or section 152(3) of this title and section 501(b) of title 40 (Federal Supply Schedule contracts), then—

''(A) when the contract or contracts feature individually competed task or delivery orders based on or built up from hourly rates, the contracting officer need not consider cost or price as an evaluation factor for contract award;

''(B) the disclosure requirement of subparagraph (C) of paragraph (1) shall not apply; and

''(C) cost or price to the Federal Government shall be considered in conjunction with the issuance of any task pursuant to section 4106(c) of this title.''.

SA 406. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PILOT PROGRAM ON APPOINTMENT OF GRADUATE AND UNDERGRADUATE STUDENTS IN POSITIONS IN THE DEFENSE ACQUISITION WORKFORCES OF THE MILITARY DEPARTMENTS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics and the service acquisition executives of the military departments, carry out a pilot program to assess the feasibility and advisability of appointing graduate and undergraduate students described in subsection (b) to positions in the defense acquisition workforce of the military departments in accordance with the provisions of this section.

(b) GRADUATE AND UNDERGRADUATE STUDENTS.—

(1) IN GENERAL.—The graduate and undergraduate students described in this subsection are individuals who—

(A) are citizens of the United States;

(B) are currently enrolled in a qualifying educational institution on a full-time basis in a course of academic study leading to a graduate degree or baccalaureate degree in a field that is related to acquisition; and

(C) are in good academic standing at the qualifying educational institution concerned.

(2) QUALIFYING EDUCATIONAL INSTITUTIONS.—For purposes of this subsection, a qualifying educational institution is any educational institution awarding graduate or baccalaureate degrees that is accredited by an appropriate accrediting body recognized by the Secretary of Education.

(c) LIMITATION.—The number of positions in the defense acquisition workforce of a military department that are filled under the pilot program in any fiscal year may not exceed the number equal to one percent of the total number of positions in the defense acquisition workforce of the military department that are filled as of the end of the preceding fiscal year.

(d) AGREEMENTS.—

(1) IN GENERAL.—Each graduate or undergraduate student selected for participation

in the pilot program shall enter into an agreement with the Under Secretary regarding participation in the pilot program.

(2) ELEMENTS.—A graduate or undergraduate student shall agree in the agreement under this subsection as follows:

(A) To accept a term appointment with the Department of Defense as described in subsection (e).

(B) To obtain and maintain a security clearance at the secret level or higher during participation in the pilot program.

(C) To successfully complete the course of academic study of the student as described in subsection (b)(1)(B).

(3) PARTICIPANTS.—Each graduate or undergraduate student participating in the pilot program may be known as an ''Acquisition Collegiate Program Intern'' or ''ACPI''.

(e) APPOINTMENT.—

(1) IN GENERAL.—Each graduate or undergraduate student participating in the pilot program shall be appointed to a renewable term appointment in a position in the defense acquisition workforce of a military department performing such acquisition or acquisition-related duties, and for such term, as the performance plan of the student under subsection (h) shall specify.

(2) SCOPE OF APPOINTMENT AUTHORITY.—Appointments under the pilot program may be made without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(f) COMPENSATION.—

(1) IN GENERAL.—The rates of compensation for graduate and undergraduate students in a position under the pilot program pursuant to an initial appointment under the pilot program shall be established in accordance with guidance issued by the Secretary for purposes of the pilot program.

(2) FUNDS.—Funds for the compensation of graduate and undergraduate students appointed to positions under the pilot program may be derived from amounts in the Department of Defense Acquisition Workforce Development Fund.

(g) WORK SCHEDULES.—The work schedule of a graduate or undergraduate student participating in the pilot program shall include a formal schedule of work and study designed to ensure that periods of work do not interfere with the taking of courses.

(h) PERFORMANCE EVALUATION.—Each graduate or undergraduate student participating in the pilot program shall be evaluated for performance in the position to which appointed under the pilot program using a performance plan issued to the student upon appointment under the pilot program.

(i) PROMOTION.—A graduate or undergraduate student participating in the pilot program who performs successfully in a position under the pilot program, and who otherwise successfully meets all other requirements applicable to the student under the pilot program, may be promoted.

(j) TERMINATION.—A graduate or undergraduate student participating in the pilot program may be terminated from the pilot program, and a position under the pilot program, for misconduct, poor performance in position, or lack of suitability for continuation in a position in the defense acquisition workforce of a military department or any other department, agency, organization, or element of the Department of Defense.

(k) CONVERSION TO COMPETITIVE SERVICE.—

(1) IN GENERAL.—The term appointment in a position under the pilot program of a graduate or undergraduate student participating in the pilot program may be converted on a noncompetitive basis to a renewable term appointment in a competitive service position upon the student's successful completion of participation in the pilot program if the student meets such conditions as the Secretary shall establish at the commencement of the term appointment.

(2) SCOPE OF CONVERSION.—A conversion under paragraph (1) may be made to an appropriate position in any department, agency, organization, or other element of the Department.

(3) NO RIGHT OF EMPLOYMENT.—Participation in the pilot program confers no right on a student for further employment by the Department of Defense in the competitive or excepted service.

(4) ACCRUAL OF CAREER TENURE.—The tenure of a student in a position under the pilot program shall count the toward the career tenure of the student in Department after a conversation of the student's position under paragraph (1), whether with or without an intervening term appointment in the competitive service.

(l) TERMINATION.—

(1) IN GENERAL.—The authority to appoint graduate or undergraduate students to positions under the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

(2) EFFECT ON EXISTING APPOINTMENTS.—The termination by paragraph (1) of the authority referred to in that paragraph shall not affect any appointment made under that authority before the termination date specified in that paragraph in accordance with the terms of such appointment.

SA 407. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. EXPANSION OF AVAILABILITY FROM DEPARTMENT OF VETERANS AFFAIRS OF SEXUAL TRAUMA COUNSELING AND TREATMENT FOR MEMBERS OF THE RESERVE COMPONENTS.

Section 1720D(a)(2)(A) of title 38, United States Code, is amended—

(1) by striking ''on active duty''; and

(2) by inserting before the period at the end the following: ''that was suffered by the member while serving on active duty, active duty for training, or inactive duty training''.

SA 408. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike sections 123 through 139.

SA 409. Mr. FLAKE (for himself, Mr. PAUL, Mr. DONNELLY, and Mr. MURPHY) proposed an amendment to the bill H.R. 3298, to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wounded Officers Recovery Act of 2017''.

SEC. 2. PAYMENTS FROM UNITED STATES CAPITOL POLICE MEMORIAL FUND FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.

(a) AUTHORIZING PAYMENTS FROM FUND.—Section 2 of Public Law 105–223 (2 U.S.C. 1952) is amended—

(1) in the section heading, by inserting ''**AND CERTAIN OTHER UNITED STATES CAPITOL POLICE EMPLOYEES**'' before the period at the end;

(2) by striking ''Subject to the regulations'' and inserting ''(a) IN GENERAL.—Except to the extent used or reserved for use under subsection (b) and subject to the regulations''; and

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

''(b) PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 4(b), amounts in the Fund may be paid to—

''(1) families of employees of the United States Capitol Police who were killed in the line of duty; or

''(2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.''.

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 4 of Public Law 105–223 (2 U.S.C. 1954) is amended—

(1) by striking ''The Capitol Police Board'' and inserting ''(a) IN GENERAL.—The Capitol Police Board''; and

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

''(b) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained serious line-of-duty injuries (as authorized under section 2(b)), including regulations—

''(1) establishing the conditions under which the family of an employee or an employee is eligible to receive such a payment;

''(2) providing for the amount, timing, and manner of such payments; and

''(3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers' compensation under chapter 81 of title 5, United States Code.''.

(c) TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.—The second sentence of section 1 of Public Law 105–223 (2 U.S.C. 1951) is amended by striking ''deposit into the Fund'' and inserting ''deposit into the Fund, including amounts received in response to the shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017,''.

SA 410. Mr. BOOKER (for himself, Mrs. FISCHER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXV and insert the following:

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2018, 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, $100,802,000, of which—

(A) $75,751,000 shall be for Academy operations, including—

(i) the implementation of section 3514(b) of the National Defense Authorization Act for Fiscal Year 2017, as added by section 3508; and

(ii) staffing, training, and other actions necessary to prevent and respond to sexual harassment and sexual assault; 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, $36,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $58,694,000.

(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 expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used 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; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(b) ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.—Section 54101(i) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''2015 through 2017'' and inserting ''2018 through 2020'';

(2) in paragraph (1), by striking ''$5,000,000'' and inserting ''$7,500,000''; and

(3) in paragraph (2), by striking ''$25,000,000'' and inserting ''$27,500,000''.

SEC. 3502. REMOVAL ADJUNCT PROFESSOR LIMIT AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51317 of title 46, United States Code, is amended—

(1) in subsection (b)—

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

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

(2) by striking subsections (c) and (d).

SEC. 3503. ACCEPTANCE OF GUARANTEES IN CONJUNCTION WITH PARTIAL DONATIONS FOR MAJOR PROJECTS OF THE UNITED STATES MERCHANT MARINE ACADEMY.

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

''§ 51320. Acceptance of guarantees with gifts for major projects

''(a) DEFINITIONS.—In this section:

''(1) MAJOR PROJECT.—The term 'major project' means a project estimated to cost at least $1,000,000 for—

''(A) the purchase or other procurement of real or personal property; or

''(B) the construction, renovation, or repair of real or personal property.

''(2) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

''(A) is an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

''(B) is headquartered in the United States; and

''(C) has total net assets of an amount considered by the Maritime Administrator to qualify the bank as a major bank.

''(3) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means—

''(A) any broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c));

''(B) any investment adviser or provider of investment supervisory services (as such terms are defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2)); or

''(C) a major United States commercial bank that—

''(i) is headquartered in the United States; and

''(ii) holds for the account of others investment assets in a total amount considered by the Maritime Administrator to qualify the bank as a major investment management firm.

''(4) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

''(A) is made by 1 or more persons in connection with a donation for the project of a total amount in cash or securities that the Maritime Administrator determines is sufficient to defray a substantial portion of the total cost of the project;

''(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

''(C) is set forth as a written agreement providing that the donor will furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

''(D) is accompanied by—

''(i) an irrevocable and unconditional standby letter of credit for the benefit of the United States Merchant Marine Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

''(ii) a qualified account control agreement.

''(5) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Maritime Administrator, and a major United States investment management firm that—

''(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

''(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the United States Merchant Marine Academy with the highest priority available for liens and security interests under applicable law;

''(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

''(D) requires the investment management firm, whenever the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

''(b) ACCEPTANCE AUTHORITY.—Subject to subsection (d), the Maritime Administrator may accept a qualified guarantee from a donor or donors for the completion of a major project for the benefit of the United States Merchant Marine Academy.

''(c) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

''(d) NOTICE.—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project until 30 days after the date on which a report of the facts concerning the proposed guarantee is submitted to Congress.

''(e) PROHIBITION ON COMMINGLING FUNDS.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.''.

(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:

''51320. Acceptance of guarantees with gifts for major projects.''.

SEC. 3504. AUTHORITY TO PAY CONVEYANCE OR TRANSFER EXPENSES IN CONNECTION WITH ACCEPTANCE OF A GIFT TO THE UNITED STATES MERCHANT MARINE ACADEMY.

Section 51315 of title 46, United States Code, is amended by inserting at the end the following:

''(f) PAYMENT OF EXPENSES.—The Maritime Administrator may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest accepted under this section.''.

SEC. 3505. AUTHORITY TO PARTICIPATE IN FEDERAL, STATE OR OTHER RESEARCH GRANTS.

(a) RESEARCH GRANTS.—Chapter 513 of title 46, United States Code, as amended by sections 3503 through 3505, is further amended by adding at the end the following:

''§ 51321. Grants for scientific and educational research

''(a) DEFINED TERM.—In this section, the term 'qualifying research grant' is a grant that—

''(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

''(2) is to be used to carry out a research project with a scientific or educational purpose.

''(b) ACCEPTANCE OF QUALIFYING RESEARCH GRANTS.—Notwithstanding any other provision of law, the United States Merchant Marine Academy may compete for and accept qualifying research grants if the work under the grant is to be carried out by a professor or instructor of the United States Merchant Marine Academy.

''(c) ADMINISTRATION OF GRANT FUNDS.—

''(1) ESTABLISHMENT OF ACCOUNT.—The Maritime Administrator shall establish a separate account for administering funds received from research grants under this section.

''(2) USE OF GRANT FUNDS.—The Superintendent shall use grant funds deposited into the account established pursuant to paragraph (1) in accordance with applicable regulations and the terms and conditions of the respective grants.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Merchant Marine Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, a qualifying research grant.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by section 3504(b), is further amended by adding at the end the following:

''51321. Grants for scientific and educational research.''.

SEC. 3506. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

Section 54101 of title 46, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) AWARDS.—

''(1) IN GENERAL.—In providing assistance under the program, the Administrator shall take into account—

''(A) the economic circumstances and conditions of maritime communities;

''(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

''(C) projects that would be effective in fostering employee skills and enhancing productivity.

''(2) TIMING OF AWARD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator shall award grants under this section not later than 120 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

''(B) REALLOCATION OF UNUSED FUNDS.—If a grant is awarded under this section and, for any reason, the grant funds, or any portion thereof, are not used by the grantee—

''(i) such funds shall remain available until expended; and

''(ii) the Administrator may use such unused funds to award, in any fiscal year, another grant under this section to an applicant who submitted an application under the initial or any subsequent notice of availability of funds.''; and

(2) in subsection (c), by adding at the end the following:

''(3) BUY AMERICA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated to carry out this chapter unless the steel, iron, and manufactured products used in such project are produced in the United States.

''(B) EXCEPTIONS.—The provisions of subparagraph (A) shall not apply if the Secretary finds that—

''(i) their application would be inconsistent with the public interest;

''(ii) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of domestic material will increase the cost of the overall project by more than 25 percent.''.

SEC. 3507. DOMESTIC MARITIME CENTERS OF EXCELLENCE.

(a) DESIGNATION AUTHORITY.—The Secretary of Transportation is authorized to designate community and technical colleges with a maritime training program and maritime training centers operated by or under the supervision of a State, if located in the United States along the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes, as centers of excellence for domestic maritime workforce training and education.

(b) ASSISTANCE.—

(1) TYPES.—The Secretary may provide to an entity designated as a center of excellence under subsection (a)—

(A) technical assistance; and

(B) surplus Federal equipment and assets.

(2) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance under paragraph (1) to assist an entity designated as a center of excellence under subsection (a) to expand the capacity of the entity to train the domestic maritime workforce of the United States, including by—

(A) admitting additional students;

(B) recruiting and training faculty;

(C) expanding facilities;

(D) creating new maritime career pathways; and

(E) awarding students credit for prior experience, including military service.

SEC. 3508. ACCESS TO SATELLITE COMMUNICATION DEVICES DURING SEA YEAR PROGRAM.

Section 3514 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) by striking ''Not later than'' and inserting the following:

''(a) VESSEL OPERATOR REQUIREMENTS.—Not later than''; and

(2) by adding at the end the following:

''(b) SATELLITE PHONE ACCESS.—The Maritime Administrator shall ensure that each student participating in the Sea Year program is provided or has access to a functional satellite communication device. A student may not be denied from using such device whenever the student determines that such use is necessary to prevent or report sexual harassment or assault.''.

SEC. 3509. ACTIONS TO ADDRESS SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REQUIRED POLICY.—Subsection (a) of section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended—

(1) in paragraph (1), by striking ''harassment and sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, and stalking'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''harassment and sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, and stalking'';

(B) in subparagraph (A), by inserting ''domestic violence, dating violence, stalking,'' after ''acquaintance rape,'';

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''harassment or sexual assault,'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking,'';

(ii) in clause (i), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking''; and

(iii) in clause (iii), by striking ''criminal sexual assault'' and inserting ''a criminal sexual offense'';

(D) in subparagraph (D), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking'';

(E) in subparagraph (E)—

(i) in clause (i), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking'';

(ii) in clause (ii), by striking ''sexual assault'' and inserting ''sexual harassment, dating violence, domestic violence, sexual assault, or stalking''; and

(iii) in clause (iii), by striking ''harassment and sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking''; and

(F) in subparagraph (F), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking'';

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

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

''(3) MINIMUM TRAINING REQUIREMENTS FOR CERTAIN INDIVIDUALS REGARDING SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.—

''(A) REQUIREMENT.—The Maritime Administrator shall direct the Superintendent of the United States Merchant Marine Academy to develop a mandatory training program at the United States Merchant Marine Academy for each individual who is involved in implementing the Academy's student disciplinary grievance procedures, including each individual who is responsible for—

''(i) resolving complaints of reported sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

''(ii) resolving complaints of reported violations of the sexual misconduct policy of the Academy; or

''(iii) conducting an interview with a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(B) CONSULTATION.—The Superintendent shall develop the training program described in subparagraph (A) in consultation with national, State, or local sexual assault, dating violence, domestic violence, or stalking victim advocacy, victim services, or prevention organizations.

''(C) ELEMENTS.—The training required by subparagraph (A) shall include the following:

''(i) Information on working with and interviewing persons subjected to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(ii) Information on particular types of conduct that would constitute sexual harassment, dating violence, domestic violence, sexual assault, or stalking, regardless of gender, including same-sex sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(iii) Information on consent and the effect that drugs or alcohol may have on an individual's ability to consent.

''(iv) Information on the effects of trauma, including the neurobiology of trauma.

''(v) Training regarding the use of trauma-informed interview techniques, which means asking questions of an individual who has been a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking in a manner that is focused on the experience of the victim, does not judge or blame the victim, and is informed by evidence-based research on the neurobiology of trauma.

''(vi) Training on cultural awareness regarding how dating violence, domestic violence, sexual assault, or stalking may impact midshipmen differently depending on their cultural background.

''(vii) Information on sexual assault dynamics, sexual assault perpetrator behavior, and barriers to reporting.

''(D) IMPLEMENTATION.—

''(i) DEVELOPMENT AND APPROVAL SCHEDULE.—The training program required by subparagraph (A) shall be developed not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(ii) COMPLETION OF TRAINING.—Each individual who is required to complete the training described in subparagraph (A) shall complete such training not later than—

''(I) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

''(II) 180 days after starting a position with responsibilities that include the activities described clause (i), (ii), or (iii) of subparagraph (A).''; and

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

''(6) CONSISTENCY WITH THE HIGHER EDUCATION ACT OF 1965.—The Secretary shall ensure that the policy developed under this subsection meets the requirements set out in paragraph (8) of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(8)).''.

(b) MINIMUM PROCEDURES FOR HANDLING REPORTS OF SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—Subsection (b) of section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended to read as follows:

''(b) DEVELOPMENT PROGRAM.—

''(1) IN GENERAL.—The Maritime Administrator shall ensure that the development program of the Academy includes a section that—

''(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment, dating violence, domestic violence, sexual assault, and stalking at the Academy;

''(B) includes a brief history of the problem of sexual harassment, dating violence, domestic violence, sexual assault, and stalking in the merchant marine, in the Armed Forces, and at the Academy; and

''(C) includes information relating to reporting sexual harassment, dating violence, domestic violence, sexual assault, and stalking, victims' rights, and dismissal for offenders.

''(2) MINIMUM REQUIREMENTS TO COMBAT RETALIATION.—

''(A) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator shall direct the Superintendent of the United States Merchant Marine Academy to implement and maintain a plan to combat retaliation against midshipmen at the United States Merchant Marine Academy who report sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(B) VIOLATION OF CODE OF CONDUCT.—The Superintendent shall consider an act of retaliation against a midshipman at the Academy who reports sexual harassment, dating violence, domestic violence, sexual assault, or stalking as a Class I violation of the Academy's Midshipman Regulations or equivalent code of conduct.

''(C) RETALIATION DEFINITION.—The Superintendent shall work with the sexual assault prevention and response staff of the Academy to define 'retaliation' for purposes of this subsection.

''(3) MINIMUM RESOURCE REQUIREMENTS.—

''(A) IN GENERAL.—The Maritime Administrator shall ensure the staff at the United States Merchant Marine Academy are provided adequate and appropriate sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response training materials and resources. Such resources shall include staff as follows:

''(i) Sexual assault response coordinator.

''(ii) Prevention educator.

''(iii) Civil rights officer.

''(iv) Staff member to oversee Sea Year.

''(B) COMMUNICATION.—The Director of the Office of Civil Rights of the Maritime Administration shall create and maintain a direct line of communication to the sexual assault response staff of the Academy that is outside of the chain of command of the Academy.

''(4) MINIMUM TRAINING REQUIREMENTS.—The Superintendent shall ensure that all cadets receive training on the sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response sections of the development program of the Academy, as described in paragraph (1), as follows:

''(A) An initial training session, which shall occur not later than 7 days after a cadet's initial arrival at the Academy.

''(B) Additional training sessions, which shall occur biannually following the cadet's initial training session until the cadet graduates or leaves the Academy.''.

(c) AGGREGATE REPORTING.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by adding at the end the following:

''(e) DATA FOR AGGREGATE REPORTING.—

''(1) IN GENERAL.—No requirement related to confidentiality in this section or section 51319 may be construed to prevent a sexual assault response coordinator from providing information for any report required by law regarding sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(2) IDENTITY PROTECTION.—Any information provided for a report referred to in paragraph (1) shall be provided in a manner that protects the identity of the victim or witness.''.

(d) DEFINITIONS.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), as amended by subsection (c), is further amended by adding at the end the following:

''(f) DEFINITIONS.—In this section and section 51319:

''(1) DATING VIOLENCE; DOMESTIC VIOLENCE; STALKING.—The terms 'dating violence', 'domestic violence', and 'stalking' have the meanings given those terms is section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(2) SEXUAL ASSAULT.—The term 'sexual assault' means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.''.

(e) CONFORMING AMENDMENTS.—

(1) HEADING.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by striking the section heading and inserting the following:

''§ 51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking''.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2774), is amended by striking the item relating to section 51318 and inserting the following:

''51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking.''.

SEC. 3510. SEXUAL ASSAULT PREVENTION AND RESPONSE STAFF.

(a) IN GENERAL.—Section 51319 of title 46, United States Code, as added by section 3511 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2785), is amended—

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

(2) by striking subsection (a) and inserting the following:

''(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—

''(1) REQUIREMENT FOR COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside at or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as necessary.

''(2) SELECTION CRITERIA.—Each sexual assault response coordinator shall be selected based on—

''(A) experience and a demonstrated ability to effectively provide victim services related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

''(B) protection of the individual under applicable law to provide privileged communication.

''(3) CONFIDENTIALITY.—A sexual assault response coordinator shall, to the extent authorized under applicable law, provide confidential services to a midshipman who reports being a victim of, or witness to, sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(4) TRAINING.—

''(A) VERIFICATION.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator, in consultation with the Director of the Maritime Administration Office of Civil Rights, shall develop a process to verify that each sexual assault response coordinator has completed proper training.

''(B) TRAINING REQUIREMENTS.—The training referred to in subparagraph (A) shall include training in—

''(i) working with victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

''(ii) the policies, procedures, and resources of the Academy related to responding to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

''(iii) national, State, and local victim services and resources available to victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

''(C) COMPLETION OF TRAINING.—A sexual assault response coordinator shall complete the training referred to in subparagraphs (A) and (B) not later than—

''(i) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

''(ii) 180 days after starting in the role of sexual assault response coordinator.

''(5) DUTIES.—A sexual assault response coordinator shall—

''(A) confidentially receive a report from a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

''(B) inform the victim of—

''(i) the victim's rights under applicable law;

''(ii) options for reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy and law enforcement;

''(iii) how to access available services, including emergency medical care, medical forensic or evidentiary examinations, legal services, services provided by rape crisis centers and other victim service providers, services provided by the volunteer sexual assault victim advocates at the Academy, and crisis intervention counseling and ongoing counseling;

''(iv) such coordinator's ability to assist in arranging access to such services, with the consent of the victim;

''(v) available accommodations, such as allowing the victim to change living arrangements and obtain accessibility services;

''(vi) such coordinator's ability to assist in arranging such accommodations, with the consent of the victim;

''(vii) the victim's rights and the Academy's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the Academy or a criminal, civil, or tribal court; and

''(viii) privacy limitations under applicable law;

''(C) represent the interests of any midshipmen who reports being a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking, even if such interests are in conflict with the interests of the Academy;

''(D) advise the victim of, and provide written materials regarding, the information described in subparagraph (B);

''(E) liaise with appropriate staff at the Academy, with the victim's consent, to arrange reasonable accommodations through the Academy to allow the victim to change living arrangements, obtain accessibility services, or access other accommodations;

''(F) maintain the privacy and confidentiality of the victim, and shall not notify the Academy or any other authority of the identity of the victim or the alleged circumstances surrounding the reported incident unless—

''(i) otherwise required by applicable law;

''(ii) requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if the information is shared; or

''(iii) notwithstanding clause (i) or clause (ii), there is risk of imminent harm to other individuals;

''(G) assist the victim in contacting and reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy or law enforcement, if requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if information is shared; and

''(H) submit to the Director of the Maritime Administration Office of Civil Rights an annual report summarizing how the resources supplied to the coordinator were used during the prior year, including the number of victims assisted by the coordinator.

''(b) OVERSIGHT.—

''(1) IN GENERAL.—

''(A) REPORTING.—Each sexual assault response coordinator shall—

''(i) report directly to the Superintendent; and

''(ii) have concurrent reporting responsibility to the Executive Director of the Maritime Administration on matters related to the Maritime Administration and the Department of Transportation and upon belief that the Academy leadership is acting inappropriately regarding sexual assault prevention and response matters.

''(B) SUPPORT.—The Maritime Administration Office of Civil Rights shall provide support to the sexual assault response coordinator at the Academy on all sexual harassment, dating violence, domestic violence, sexual assault, or stalking prevention matters.

''(2) PROHIBITION ON INVESTIGATION BY THE ACADEMY.—Any request by a victim for an accommodation, as described in subsection (a)(5)(F), made by a sexual assault response coordinator shall not trigger an investigation by the Academy, even if such coordinator deals only with matters relating to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(3) PROHIBITION ON RETALIATION.—A sexual assault response coordinator, victim advocate, or companion may not be disciplined, penalized, or otherwise retaliated against by the Academy for representing the interests of the victim, even if such interests are in conflict with the interests of the Academy.''.

(b) ACCESS OF ACADEMY MIDSHIPMEN TO DEPARTMENT OF DEFENSE SAFE HELPLINE.—

(1) IN GENERAL.—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, and the Secretary of Defense shall jointly provide for the access to and use of the Department of Defense SAFE Helpline by midshipmen at the Merchant Marine Academy.

(2) TRAINING.—The training provided to personnel of the Department of Defense SAFE Helpline shall include training on the resources available to midshipmen at the Merchant Marine Academy in connection with sexual assault, sexual harassment, domestic violence, dating violence, and stalking.

(c) REPEAL OF DUPLICATE REQUIREMENT.—Subsection (c) of section 51319 of title 46, United States Code, as redesignated by subsection (a)(1)—

(1) by striking paragraph (5);

(2) redesignating paragraph (6) as paragraph (5); and

(3) in paragraph (5), as so redesignated, by striking ''(3), (4), and (5)'' and inserting ''(3) and (4)''.

SEC. 3511. PROTECTION OF STUDENTS FROM SEXUAL ASSAULT ONBOARD VESSELS .

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following new section:

''§ 51320. Protection of students from sexual assault onboard vessels

''(a) PROVISION OF INDIVIDUAL SATELLITE COMMUNICATION DEVICES DURING SEA YEAR.—

''(1) IN GENERAL.—The Maritime Administrator shall ensure that each midshipman at the United States Merchant Marine Academy is provided a functional satellite communication device during the midshipman's Sea Year.

''(2) CHECK-IN.—Not less often than once each week, each such midshipman shall check-in with designated personnel at the Academy via the midshipman's personal satellite communication device. A text message sent via the midshipman's personal satellite device shall meet the requirement for a weekly check-in for purposes of this paragraph.

''(b) RIDING GANGS.—The Maritime Administrator shall—

''(1) require the owner or operator of any commercial vessel carrying a midshipman of the Academy to certify their compliance with the International Convention for Safety of Life at Sea, 1974, with annex, done at London November 1, 1974 (32 UST 47) and section 8106; and

''(2) ensure the Academy informs midshipmen preparing for Sea Year of the obligations that vessel owners and operators have to provide for the security of individuals aboard a vessel under United States law, including chapter 81 and section 70103(c).

''(c) CHECKS OF COMMERCIAL VESSELS.—

''(1) REQUIREMENT.—Not less frequently than biennially, the staff of the United States Merchant Marine Academy or the Maritime Administration shall conduct both random and targeted unannounced checks of not less than 10 percent of the commercial vessels that host a midshipman from the Academy.

''(2) REMOVAL OF STUDENTS.—If such staff determine that such a commercial vessel is in violation of the sexual assault policy developed by the Academy through such a check, such staff are authorized to remove any midshipman of the Academy from the vessel and report any such violation to the company that owns the vessel.

''(d) MAINTENANCE OF SEXUAL ASSAULT TRAINING RECORDS.—The Maritime Administrator shall require each company or seafarer union for a commercial vessel to maintain records of sexual assault training for the crew and passengers of any vessel hosting a midshipman from the Academy.

''(e) SEA YEAR SURVEY.—

''(1) REQUIREMENT.—The Maritime Administrator shall require each midshipman from the Academy upon completion of the midshipman's Sea Year to complete a survey regarding the environment and conditions during the Sea Year.

''(2) AVAILABILITY.—The Maritime Administrator shall make available to the public for each year—

''(A) the questions used in the survey required by paragraph (1); and

''(B) the aggregated data received from such surveys.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following:

''51320. Protection of students from sexual assault onboard vessels.''.

SEC. 3512. TRAINING REQUIREMENT FOR SEXUAL ASSAULT INVESTIGATORS.

Each employee of the Office of Inspector General of the Department of Transportation

who conducts investigations and who is assigned to the Regional Investigations Office in New York, New York—

(1) to participate in specialized training in conducting sexual assault investigations; and

(2) to attend at least 1 Federal Law Enforcement Training Center (FLETC) sexual assault investigation course, or equivalent sexual assault investigation training course, as determined by the Inspector General, each year.

SA 411. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE UNITED STATES.

(a) LIMITATION ON DETENTION.—Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) No person shall be imprisoned or otherwise detained by the United States except consistent with the Constitution.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a person apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(3) This section shall not be construed to authorize the imprisonment or detention of any person who is apprehended in the United States.''.

(b) REPEAL OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 801 note) is repealed.

SA 412. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AND AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

(a) FINDING.—Congress finds that neither the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) authorize the use of military force against the Islamic State in Iraq and al-Sham (ISIS).

(b) REPEAL.—Effective as of the date that is six months after the date of the enactment of this Act, the following are repealed:

(1) The Authorization for Use of Military Force.

(2) The Authorization for Use of Military Force Against Iraq Resolution of 2002.

SA 413. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALL BUSINESS HEALTH PLANS.

(a) TAX TREATMENT OF SMALL BUSINESS HEALTH PLANS.—A small business health plan (as defined in section 801(a) of the Employee Retirement Income Security Act of 1974) shall be treated—

(1) as a group health plan (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) for purposes of applying title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) and title XXII of such Act (42 U.S.C. 300bb-1);

(2) as a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for purposes of applying sections 4980B and 5000 and chapter 100 of the Internal Revenue Code of 1986; and

(3) as a group health plan (as defined in section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1))) for purposes of applying parts 6 and 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.).

(b) RULES.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

''PART 8—RULES GOVERNING SMALL BUSINESS RISK SHARING POOLS

''SEC. 801. SMALL BUSINESS HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan, offered by a health insurance issuer in the large group market, whose sponsor is described in subsection (b).

''(b) SPONSOR.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is a qualified sponsor and receives certification by the Secretary;

''(2) is organized and maintained in good faith, with a constitution or bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis;

''(3) is established as a permanent entity;

''(4) is established for a purpose other than providing health benefits to its members, such as an organization established as a bona fide trade association, franchise, or section 7705 organization; and

''(5) does not condition membership on the basis of a minimum group size.

''SEC. 802. FILING FEE AND CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

''(a) FILING FEE.—A small business health plan shall pay to the Secretary at the time of filing an application for certification under subsection (b) a filing fee in the amount of $5,000, which shall be available to the Secretary for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule a procedure under which the Secretary—

''(A) will certify a qualified sponsor of a small business health plan, upon receipt of an application that includes the information described in paragraph (2);

''(B) may provide for continued certification of small business health plans under this part;

''(C) shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved fails to comply with the requirements of this part;

''(D) shall conduct oversight of certified plan sponsors, including periodic review, and consistent with section 504, applying the requirements of sections 518, 519, and 520; and

''(E) will consult with a State with respect to a small business health plan domiciled in such State regarding the Secretary's authority under this part and other enforcement authority under sections 502 and 504.

''(2) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(A) Identifying information.

''(B) States in which the plan intends to do business.

''(C) Bonding requirements.

''(D) Plan documents.

''(E) Agreements with service providers.

''(3) REQUIREMENTS FOR CERTIFIED PLAN SPONSORS.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule requirements for certified plan sponsors that include requirements regarding—

''(A) structure and requirements for boards of trustees or plan administrators;

''(B) notification of material changes; and

''(C) notification for voluntary termination.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed by the plan sponsor with the applicable State authority of each State in which the small business health plan operates.

''(d) EXPEDITED AND DEEMED CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary fails to act on a complete application for certification under this section within 90 days of receipt of such complete application, the applying small business health plan sponsor shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

''(2) PENALTY.—The Secretary may assess a penalty against the board of trustees, plan administrator, and plan sponsor (jointly and severally) of a small business health plan sponsor that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan sponsor was willfully or with gross negligence incomplete or inaccurate.

''SEC. 803. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection

are met with respect to a small business health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor;

''(B) the sponsor; or

''(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals with or without employees), officers, directors, or employees of, or partners in, participating employers; or

''(B) the dependents of individuals described in subparagraph (A).

''(b) PARTICIPATING EMPLOYERS.—In applying requirements relating to coverage renewal, a participating employer shall not be deemed to be a plan sponsor.

''(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

''(1) under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan; and

''(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate.

''SEC. 804. DEFINITIONS; RENEWAL.

''For purposes of this part:

''(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

''(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

''(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(3) FRANCHISOR; FRANCHISEE.—The terms 'franchisor' and 'franchisee' have the meanings given such terms for purposes of sections 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this part) and, for purposes of this part, franchisor or franchisee employers participating in such a group health plan shall not be treated as the employer, co-employer, or joint employer of the employees of another participating franchisor or franchisee employer for any purpose.

''(4) HEALTH PLAN TERMS.—The terms 'group health plan', 'health insurance coverage', and 'health insurance issuer' have the meanings given such terms in section 733.

''(5) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(6) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer with or without employees (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(7) SECTION 7705 ORGANIZATION.—The term 'section 7705 organization' means an organization providing services for a customer pursuant to a contract meeting the conditions of subparagraphs (A), (B), (C), (D), and (E) (but not (F)) of section 7705(e)(2) of the Internal Revenue Code of 1986, including an entity that is part of a section 7705 organization control group . For purposes of this part, any reference to 'member' shall include a customer of a section 7705 organization except with respect to references to a 'member' or 'members' in paragraph (1).''.

(c) PREEMPTION RULES.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following:

''(f) The provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.''.

(d) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of a small business health plan under part 8.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) TREATMENT OF INCOME FROM SMALL BUSINESS HEALTH PLANS.—Section 513 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) SMALL BUSINESS HEALTH PLANS.—The term 'unrelated trade or business' does not include the sponsoring of a small business health plan (as defined in section 801 of the Employee Retirement Income Security Act of 1974).''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this section within 6 months after the date of the enactment of this Act.

SA 414. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.

(a) IN GENERAL.—Section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—An arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for such services—

''(A) shall not be treated as a health plan for purposes of paragraph (1)(A)(ii), and

''(B) shall not be treated as insurance for purposes of subsection (d)(2)(B).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 415. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED.

(a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''$2,250'' and inserting ''$10,800''.

(b) FAMILY COVERAGE.—Section 223(b)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''$4,500'' and inserting ''$29,500''.

(c) COST-OF-LIVING ADJUSTMENT.—Section 223(g) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'',

(2) in paragraph (1)(B), by striking ''determined by'' and all that follows through '' 'calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.'',

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

(4) by inserting ''or (2)'' after ''paragraph (1)'' in paragraph (3), as so redesignated, and

(5) by inserting after paragraph (1) the following new paragraph:

''(2) CONTRIBUTION LIMITS.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting '2017' for '1992' in subparagraph (B) thereof.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SA 416. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASED FMAP FOR STATES THAT ADOPT MEDICAL LIABILITY REFORM LEGISLATION.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), in the first sentence, by striking ''and (aa)'' and inserting ''(aa), and (ee)'';

(2) in subsection (cc)—

(A) by striking ''and (aa)'' and inserting ''(aa), and (ee)''; and

(B) by inserting ''(or, in the case of an increase under subsection (ee), for the fiscal quarter occurring immediately prior to the first fiscal quarter during which the State is eligible for such increase)'' after ''December 31, 2009,''; and

(3) by adding at the end the following:

''(ee) INCREASED FMAP FOR MEDICAL LIABILITY REFORM.—

''(1) IN GENERAL.—For fiscal years beginning on or after October 1, 2017, notwithstanding subsection (b), for a State that is one of the 50 States or the District of Columbia and meets the requirement of paragraph (2) for the entire fiscal year, the Federal medical assistance percentage otherwise determined under such subsection and subsections (y), (z), and (aa) for the State and year shall be increased by 1 percentage point.

''(2) LIMITATIONS ON NONECONOMIC DAMAGES IN MEDICAL LIABILITY CASES.—A State meets the requirement of this paragraph if State law provides that, in any action on a health care liability claim where judgment is rendered for a claimant, regardless of the number of defendants against whom judgment is rendered or the number of separate causes of action on which the claim is based—

''(A) the maximum collective amount of noneconomic damages recoverable from one or more physicians or health care providers that are not health care institutions (inclusive of all persons and entities associated with the physician or provider for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $250,000 for each claimant;

''(B) the maximum amount of noneconomic damages recoverable from any single health care institution (inclusive of all persons and entities associated with the institution for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $250,000 for each claimant; and

''(C) the maximum collective amount of noneconomic damages recoverable from all health care institutions (inclusive of all persons and entities associated with the institution for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $500,000 for each claimant.

''(3) NONECONOMIC DAMAGES.—In this subsection, the term 'noneconomic damages' means damages awarded for the purpose of compensating a claimant for physical pain and suffering, mental or emotional pain or anguish, loss of consortium, disfigurement, physical impairment, loss of companionship and society, inconvenience, loss of enjoyment of life, injury to reputation, and all other nonpecuniary losses of any kind other than exemplary or punitive damages.''.

SA 417. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RECIPROCAL MARKETING APPROVAL FOR CERTAIN DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 524A of such Act (21 U.S.C. 360n–1) the following:

''SEC. 524B. RECIPROCAL MARKETING APPROVAL.

''(a) IN GENERAL.—A covered product with reciprocal marketing approval in effect under this section is deemed to be subject to an application or premarket notification for which an approval or clearance is in effect under section 505(c), 510(k), or 515 of this Act or section 351(a) of the Public Health Service Act, as applicable.

''(b) ELIGIBILITY.—The Secretary shall, with respect to a covered product, grant reciprocal marketing approval if—

''(1) the sponsor of the covered product submits a request for reciprocal marketing approval; and

''(2) the request demonstrates to the Secretary's satisfaction that—

''(A) the covered product is authorized to be lawfully marketed in one or more of the countries included in the list under section 802(b)(1);

''(B) absent reciprocal marketing approval, the covered product is not approved or cleared for marketing, as described in subsection (a);

''(C) the Secretary has not, because of any concern relating to the safety or effectiveness of the covered product, rescinded or withdrawn any such approval or clearance;

''(D) the authorization to market the covered product in one or more of the countries included in the list under section 802(b)(1) has not, because of any concern relating to the safety or effectiveness of the covered product, been rescinded or withdrawn;

''(E) the covered product is not a banned device under section 516; and

''(F) there is a public health or unmet medical need for the covered product in the United States.

''(c) SAFETY AND EFFECTIVENESS.—

''(1) IN GENERAL.—The Secretary—

''(A) may decline to grant reciprocal marketing approval under this section with respect to a covered product if the Secretary affirmatively determines that the covered product—

''(i) is a drug that is not safe and effective; or

''(ii) is a device for which there is no reasonable assurance of safety and effectiveness; and

''(B) may condition reciprocal marketing approval under this section on the conduct of specified postmarket studies, which may include such studies pursuant to a risk evaluation and mitigation strategy under section 505–1.

''(2) REPORT TO CONGRESS.—Upon declining to grant reciprocal marketing approval under this section with respect to a covered product, the Secretary shall—

''(A) include the denial in a list of such denials for each month; and

''(B) not later than the end of the respective month, submit the list to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

''(d) REQUEST.—A request for reciprocal marketing approval shall—

''(1) be in such form, be submitted in such manner, and contain such information as the Secretary deems necessary to determine whether the criteria listed in subsection (b)(2) are met; and

''(2) include, with respect to each country included in the list under section 802(b)(1) where the covered product is authorized to be lawfully marketed, as described in subsection (b)(2)(A), an English translation of the dossier issued by such country to authorize such marketing.

''(e) TIMING.—The Secretary shall issue an order granting, or declining to grant, reciprocal marketing approval with respect to a covered product not later than 30 days after the Secretary's receipt of a request under subsection (b)(1) for the product. An order issued under this subsection shall take effect subject to Congressional disapproval under subsection (g).

''(f) LABELING; DEVICE CLASSIFICATION.—During the 30-day period described in subsection (e)—

''(1) the Secretary and the sponsor of the covered product shall expeditiously negotiate and finalize the form and content of the labeling for a covered product for which reciprocal marketing approval is to be granted; and

''(2) in the case of a device for which reciprocal marketing approval is to be granted, the Secretary shall—

''(A) classify the device pursuant to section 513; and

''(B) determine whether, absent reciprocal marketing approval, the device would need to be cleared pursuant to section 510(k) or approved pursuant to section 515 to be lawfully marketed under this Act.

''(g) CONGRESSIONAL DISAPPROVAL OF FDA ORDERS.—

''(1) IN GENERAL.—A decision of the Secretary to decline to grant reciprocal marketing approval under this section shall not take effect if a joint resolution of disapproval of the decision is enacted.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the procedures described in subsections (b) through (g) of section 802 of title 5, United States Code, shall apply to the consideration of a joint resolution under this subsection.

''(B) TERMS.—For purposes of this subsection—

''(i) the reference to 'section 801(a)(1)' in section 802(b)(2)(A) of title 5, United States Code, shall be considered to refer to subsection (c)(2); and

''(ii) the reference to 'section 801(a)(1)(A)' in section 802(e)(2) of title 5, United States Code, shall be considered to refer to subsection (c)(2).

''(3) EFFECT OF CONGRESSIONAL DISAPPROVAL.—Reciprocal marketing approval under this section with respect to the applicable covered product shall take effect upon enactment of a joint resolution of disapproval under this subsection.

''(h) APPLICABILITY OF RELEVANT PROVISIONS.—The provisions of this Act shall apply with respect to a covered product for which reciprocal marketing approval is in effect to the same extent and in the same manner as such provisions apply with respect to a product for which approval or clearance of an application or premarket notification under section 505(c), 510(k), or 515 of this Act or section 351(a) of the Public Health Service Act, as applicable, is in effect.

''(i) FEES FOR REQUEST.—For purposes of imposing fees under chapter VII, a request for reciprocal marketing approval under this section shall be treated as an application or premarket notification for approval or clearance under section 505(c), 510(k), or 515 of

this Act or section 351(a) of the Public Health Service Act, as applicable.

''(j) OUTREACH.—The Secretary shall conduct an outreach campaign to encourage the sponsors of covered products that are potentially eligible for reciprocal marketing approval to request such approval.

''(k) COVERED PRODUCT DEFINED.—In this section, the term 'covered product' means a drug, biological product, or device.''.

SA 418. Mr. CRUZ (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HEALTH INSURANCE COVERAGE OFFERED ACROSS STATE LINES.

Subpart I of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended by adding at the end the following:

''SEC. 2746. HEALTH INSURANCE COVERAGE OFFERED ACROSS STATE LINES.

''(a) IN GENERAL.—A health insurance issuer that is licensed in, and qualified to offer health insurance coverage in, a primary State may offer such health insurance coverage in a secondary State regardless of whether the issuer is licensed to sell insurance in such secondary State. In offering such health insurance coverage in the secondary State, all laws governing health insurance coverage of the primary State shall apply and the laws governing health insurance coverage of the secondary State shall not apply.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRIMARY STATE.—The term 'primary State' means, with respect to health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this title. An issuer, with respect to a particular policy, may designate only one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

''(2) SECONDARY STATE.—The term 'secondary State' means, with respect to health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

''(3) STATE.—The term 'State' means the 50 States and includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.''.

SA 419. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

1. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Effective on January 1, 2018, the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective on January 1, 2018, the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

SA 420. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OPTIONAL MEDICAID PRICE TRANSPARENCY.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as previously amended, is further amended by adding at the end the following new subsection:

''(pp) OPTIONAL MEDICAID PRICE TRANSPARENCY.—

''(1) IN GENERAL.—At the option of a State, the State may require as a condition for a hospital to be a participating provider under the State plan under this title or under a waiver of such plan, for the State to establish a system to collect and make publically available and accessible a database that contains the average, aggregate value of the total cost for such medical procedures as the State may specify that are incurred at the hospital. For purposes of the preceding sentence, the 'average, aggregate value of the total cost of a procedure' shall not include a patient's expected cost-sharing contribution for the procedure.

''(2) HIPAA PROTECTION.—A State establishing a database under this subsection shall establish procedures to protect the privacy of patients in accordance with regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.''.

(b) INCREASE IN MATCHING RATE FOR IMPLEMENTATION.—Section 1903 of the Social Security Act (42 U.S.C. 1396b)as previously amended, is further amended by adding at the end the following:

''(bb) The Federal matching percentage otherwise applicable under subsection (a) with respect to State administrative expenditures during a calendar quarter for which the State receives payment under such subsection shall, in addition to any other increase to such Federal matching percentage, be increased for such calendar quarter by 5 percentage points with respect to State expenditures attributable to activities carried out by the State (and approved by the Secretary) to implement subsection (pp) of section 1902.''.

SA 421. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE A LOWER PREMIUM CATASTROPHIC PLAN.

(a) IN GENERAL.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

''(4) CONSUMER FREEDOM.—For plan years beginning on or after January 1, 2018, paragraph (1)(A) shall not apply with respect to any plan offered in the State.''.

(b) RISK POOLS.—Section 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)) is amended—

(1) in paragraph (1), by inserting ''and including, with respect to plan years beginning on or after January 1, 2018, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''; and

(2) in paragraph (2), by inserting ''and including, with respect to plan years beginning on or after January 1, 2018, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''.

(c) ALLOWANCE OF PREMIUM TAX CREDIT FOR CATASTROPHIC PLANS.—

(1) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by striking '', except that such term shall not include a qualified health plan that is a catastrophic plan described in section 1302(e) of such Act''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2017.

SA 422. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 686, line 7, strike ''or'' and all that follows through page 687, line 2, and insert the following:

(B) in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency (commonly referred to as the ''CIGIE Blue Book''); or

(C) if not prepared in accordance with the standards referred to in subparagraphs (A) or (B), in accordance with the Quality Standards for Federal Offices of Inspector General (commonly referred to as the ''CIGIE Silver Book'').

(2) SPECIFICATION OF QUALITY STANDARDS FOLLOWED.—Each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall cite within such product the quality standards followed in conducting and reporting the work concerned.

(3) WAIVER.—An Inspector General may waive the applicability of paragraph (1) to a specific product relating to the oversight by an Inspector General of activities and programs funded under the Afghanistan Security Forces Fund if the Inspector General

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SA 423. Mr. NELSON submitted an amendment intended to be proposed by

him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 737. STUDY ON SAFE OPIOID PRESCRIBING PRACTICES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the effectiveness of the training provided to health care providers of the Department of Defense regarding opioid prescribing practices, initiatives in opioid safety, the use of the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, and other related training.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training with respect to the following:

(1) Identifying and treating individuals with chronic pain.

(2) Prescribing opioid analgesics, including—

(A) reducing average dosages;

(B) reducing average number of dosages;

(C) reducing initial and average durations of opioid analgesic therapy;

(D) reducing dose escalation when opioid analgesic therapy has resulted in adequate pain reduction; and

(E) reducing the average number of prescription opioid analgesics dispensed by the Department of Defense.

(3) Reducing the number of overdoses due to prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(4) Developing validated opioid dependence screening tools for health care providers of the Department.

(5) Communicating to health care providers of the Department changes in policies of the Department regarding opioid safety and prescribing practices.

(6) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed and to their families, with special consideration given to raising awareness among adolescents on such risks.

(7) Providing counseling and referrals for, and expanding access to, treatment alternatives to opioid analgesics.

(8) Developing and implementing a physician advisory committee of the Department relating to education programs for prescribers of opioid analgesics.

(9) Developing methods to incentivize health care providers of the Department to use physical therapy or alternative methods to treat acute or chronic pain.

(10) Developing curricula on pain management and safe opioid analgesic prescribing that incorporates opioid analgesic prescribing guidelines issued by the Centers for Disease Control and Prevention.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the study conducted under subsection (a).

SA 424. Mr. NELSON (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 710. ELIGIBILITY FOR TRICARE FOR VETERANS ENTITLED TO MEDICARE BENEFITS DUE TO CONDITIONS OR INJURIES INCURRED DURING SERVICE IN THE ARMED FORCES.

(a) TRICARE PROVISIONS.—

(1) IN GENERAL.—Paragraph (2) of section 1086(d) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking ''is enrolled'' and inserting ''(i) is enrolled'';

(B) by redesignating subparagraph (B) as clause (ii);

(C) in clause (ii), as redesignated by paragraph (2), by striking the period at the end and inserting ''; or''; and

(D) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) is a person described in subparagraph (A)(ii) who—

''(i) is retired for disability under chapter 61 of this title as a result of an injury or condition suffered during service in the armed forces;

''(ii)(I) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) and is entitled to a benefit described in subparagraph (A) of such section; or

''(II) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of such section and whose entitlement to a benefit described in subparagraph (A) of such section terminated due to performance of substantial gainful activity; and

''(iii) has declined to enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).''.

(2) ALLOWANCE OF ONE CHANGE OF ENROLLMENT.—Such section is further amended by adding at the end the following new paragraph:

''(6)(A) Except as provided in subparagraph (B), after the end of the special enrollment period provided under section 2(a)(3) of the National Defense Authorization Act for Fiscal Year 2018, an individual described in paragraph (2)(B) may switch only once from enrollment under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to enrollment in a plan contracted for under subsection (a).

''(B) The limitation under subparagraph (A) does not apply to enrollment by an individual in a plan contracted for under subsection (a) by reason of termination of the entitlement of the individual to a benefit described in subparagraph (A) of section 226(b)(2) of the Social Security Act (42 U.S.C. 426(b)(2)) due to the performance of substantial gainful activity.''.

(3) SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—The Secretary of Defense shall provide for a special enrollment period during which an individual described in subsection (d)(2)(B) of section 1086 of title 10, United States Code, may enroll in a health care plan under such section. Such period shall begin as soon as possible after the date of the enactment of this Act and shall end 12 months later.

(B) COVERAGE PERIOD.—In the case of an individual who enrolls during the special enrollment period provided under subparagraph (A), the coverage period under section 1086 of title 10, United States Code, shall begin on the first day of the month following the month in which the individual enrolls.

(4) CONFORMING AMENDMENTS.—Section 1086(d) of title 10, United States Code, is amended—

(A) in paragraph (4)(A), in the matter preceding clause (i), by striking ''paragraph (2)(B)'' and inserting ''paragraph (2)(A)(ii)''; and

(B) in paragraph (5)—

(i) by striking ''subparagraph (B)'' and inserting ''subparagraph (A)(ii)''; and

(ii) by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(i)''.

(b) MEDICARE PROVISIONS.—

(1) WAIVER OF MEDICARE PART B LATE ENROLLMENT PENALTY.—

(A) IN GENERAL.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by adding at the end the following new sentences: ''No increase in the premium shall be effected for a month in the case of an individual who demonstrates to the Secretary that the individual, with respect to such month, is an individual described in section 1086(d)(2)(B) of title 10, United States Code. The Secretary of Health and Human Services shall consult with the Secretary of Defense in identifying individuals described in the previous sentence.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to premiums for months beginning after the date of the enactment of this Act. The Secretary shall establish a method for providing rebates of premium penalties paid for months after the date of the enactment of this Act for which a penalty does not apply under such amendment but for which a penalty was previously collected.

(2) MEDICARE PART B SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—In the case of any individual who, as of the date of the enactment of this Act, is eligible to enroll but is not enrolled under part B of title XVIII of the Social Security Act and is an individual described in section 1086(d)(2)(B) of title 10, United States Code, the Secretary of Health and Human Services shall provide for a special enrollment period during which the individual may enroll under such part. Such period shall begin as soon as possible after the date of the enactment of this Act and shall end 12 months later.

(B) COVERAGE PERIOD.—In the case of an individual who enrolls during the special enrollment period provided under subparagraph (A), the coverage period under part B of title XVIII of the Social Security Act shall begin on the first day of the month following the month in which the individual enrolls.

(c) NOTIFICATION AND INFORMATION TO BENEFICIARIES.—

(1) NOTIFICATION REGARDING INSURANCE OPTIONS.—The Secretary of Defense shall coordinate with the Secretary of Health and Human Services to identify individuals described in section 1086(d)(2)(B) of title 10, United States Code, as added by subsection (a), and notify those individuals about their health insurance options under the TRICARE program, as defined in section 1072 of such title, and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) PROVISION OF INFORMATION TO BENEFICIARIES.—

(A) IN GENERAL.—The Secretary of Defense shall provide to individuals described in paragraph (1) educational materials, information, and counseling regarding the effects of not enrolling in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), including information comparing premiums, copayments, deductibles,

provider networks, future enrollment opportunities, and penalties for the various health insurance plans available to assist those individuals in making appropriate health insurance choices.

(B) TIMING.—The Secretary shall provide the educational materials, information, and counseling described in subparagraph (A) to an individual described in paragraph (1) before the individual elects to change enrollment between the TRICARE program, as defined in section 1072 of title 10, United States Code, and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SA 425. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1)''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SA 426. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS AFFILIATED WITH AIR AMERICA.

(a) 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 adding after paragraph (17) the following:

''(18) any period of service performed not later than 1977, while a citizen of the United States, in the employ of Air America, Inc., or any associated company (including 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), during the period that Air America, Inc., or such other company or entity, was owned and controlled by the United States Government.''; and

(D) 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 service for which credit is allowed under section 8332(b)(18) of this title.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to an annuity commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) IN GENERAL.—Any individual who is entitled to an annuity for the month in which this section becomes effective may, upon submitting an application to the Office of Personnel Management not later than 2 years after the effective date of this section, have the amount of that annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which that annuity is or may be based.

(B) RECOMPUTATION.—Any recomputation made under subparagraph (A) shall be effective as of the commencement date of the annuity, and any additional amounts becoming payable 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.—Any individual not described in paragraph (2) who becomes eligible for an annuity or for 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 that annuity is or would be based, by submitting an application to the Office of Personnel Management not later than 2 years after—

(i) the effective date of this section; or

(ii) if later, the date on which the individual separates from service.

(B) COMMENCEMENT DATE, ETC.—

(i) IN GENERAL.—Any entitlement to an annuity, or to an increased annuity resulting from an application submitted under subparagraph (A), for an individual shall be effective as of the commencement date of that annuity (subject to clause (ii), if applicable), and 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 disregarding 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 an application for that annuity had been submitted as of the earliest date that would have been allowable, after the separation of the individual from service, if the amendments made by this section had been in effect throughout the periods of service described in subparagraph (A).

(4) RIGHT TO FILE ON BEHALF OF A DECEDENT.—

(A) IN GENERAL.—The regulations under subsection (d)(1) shall include provisions, consistent with the order of precedence set

forth in 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 that title (as added by subsection (a) of this section) 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) or (3) of this subsection.

(B) DEADLINE.—An application described in subparagraph (A) shall not be valid unless the application is filed within 2 years after the effective date of this section or 1 year after the date on which the decedent dies, whichever is later.

(c) FUNDING.—

(1) LUMP-SUM PAYMENTS.—Any lump-sum payment under subsection (b) 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.

(d) REGULATIONS AND SPECIAL RULE.—

(1) REGULATIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this section.

(B) CONTENTS.—The regulations prescribed under subparagraph (A) shall include provisions under which rules similar to those established under section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 514) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (a) of this section), that was subject to title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) SPECIAL RULE.—For the purposes of any application for any benefit that 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 (a) of this section), section 8345(i)(2) of that 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.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is the first day of the first fiscal year beginning after the date of enactment of this Act.

(f) DEFINITIONS.—In this section—

(1) the term ''annuity'' includes a survivor annuity; and

(2) the terms ''survivor'' and ''unfunded liability'' have the meanings given those terms in section 8331 of title 5, United States Code.

SA 427. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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 standards, policies, and procedures for sense and avoid capabilities for unmanned aircraft systems.

(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 and fielding remote and virtual towers.

(B) Building upon the experience of the Air Force and the Department of Defense 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 Center of Excellence for Unmanned Aircraft Systems and unmanned aircraft systems test ranges designated under section 332(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

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

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

SEC. 1088. DESIGNATION OF SECRETARY OF THE AIR FORCE AS DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

(a) PROHIBITION ON CANCELLATION OF DESIGNATION.—The Secretary of Defense may not implement the decision, issued on July 1, 2017, to cancel the designation, under Department of Defense Directive 4400.01E, entitled ''Defense Production Act Programs'' and dated October 12, 2001, of the Secretary of the Air Force as the Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.).

(b) DESIGNATION.—The Secretary of the Air Force shall continue to serve as the Department of Defense Executive Agent for the program described in subsection (a) on and after the date of the enactment of this Act.

SA 429. Mr. LANKFORD (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MEMBERS OF HEALTH CARE SHARING MINISTRIES ELIGIBLE TO ESTABLISH HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) APPLICATION TO HEALTH CARE SHARING MINISTRIES.—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(ii)) shall be treated as coverage under an HSA-qualified health plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 430. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds as follows:

(1) Obamacare's employer mandate has had a devastating impact on the job market in the United States since it took effect in its earliest form in 2015 . Small businesses and the jobs they create have been stifled by the punishing consequences of this government mandate.

(2) Under Obamacare, the employer mandate generally imposes a tax penalty on employers if they have 50 or more full-time equivalent employees and do not offer health insurance that meets all of the standards under the law.

(3) In 2015, the Congressional Budget Office (referred to in this section as ''CBO'') found that these penalties are being passed on to employees in the form of reduced wages. In 2016, these reduced wages equaled $2,160 per employee according to CBO's estimates. This means that any company that ignored the employer mandate in 2016 is likely to face fines of over $2,000 per employee in 2017.

(4) CBO expects that, by 2025, the amount of reduced wages per worker will balloon to $3,500.

(5) In addition, CBO projects that wages are being even further reduced because companies cannot deduct the penalty as an expense, on account of Obamacare. To compensate for paying business taxes on higher accounting profits, companies are being

forced to reduce wages by more than the amount of the penalty payments.

(6) CBO estimates that the penalty represents a 7 percent increase in the tax rate of employees at firms that are subject to the employer mandate penalty.

(7) In addition, Obamacare's employer mandate requires that all businesses with at least 50 full-time equivalents provide their full-time workers with health insurance coverage that satisfies the law's requirements. Employers who fail to offer coverage that satisfies the employer mandate are subject to the penalties.

(8) In 2015, CBO found that defining full-time employment as a 40-hour week rather than a 30-hour week would alleviate $45,000,000,000 in tax penalties on employers over the following decade.

(9) The employer mandate penalty creates incentives for businesses to reduce their hiring or shift their workforce toward part-time jobs.

(10) These stark realities are playing out all across the country as businesses are now well into year 2 of mandatory compliance with this onerous mandate and its negative effect on jobs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the committee of jurisdiction of the Senate should review—

(1) the economic impact that Obamacare's employer mandate and redefinition of full-time employment as a 30-hour work week has had on businesses, employee wages, and the job market as a whole; and

(2) the effect on the job market, if Congress were to enact policy to restore the 40-hour work week definition, and eliminate the current 30-hour definition that is purely arbitrary and serves as a damaging barrier to more hours and better pay for American workers.

SA 431. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) Since January 1, 2013, medical device manufacturers have struggled under a 2.3 percent tax imposed by Obamacare on the sale of certain medical devices. The misguided purpose of that tax was to operate like an excise tax by raising revenue at the point of sale to offset the cost of Obamacare's insurance and Medicaid expansions by taxing companies who help patients get access to life-saving medical technologies.

(2) The tax was in effect from 2010 through 2015, but the Consolidated Appropriations Act, 2016 (Public Law 114–113) temporarily suspended the tax for 2016 and 2017. The tax is now set to resume in 2018.

(3) Initially expected to produce $3,200,000,000, supporters of the device tax argue that it would be similar to the windfall profits tax from the 1980s, and recapture the excess gains that medical device manufacturers are expected to receive from the Patient Protection and Affordable Care Act.

(4) Taxable medical devices are defined by law as any device ''intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in man or other animals . . . or intended to affect the structure or function of the body of man.'' Based on this definition, the tax would be levied on critical devices such as pacemakers and defibrillators.

(5) Since its enactment, the medical device tax has been a major drag on medical innovation and contributed to the loss or deferred creation of jobs, reduced research and development, and slowed capital expansion. What is even more troubling is that this tax was imposed without any real policy justification, as the tax is not grounded in any health care policy. As it stands under current law, it is not connected to individual insurance coverage under Obamacare – it was designed purely as a means of raising revenue from the industry to offset the budgetary impact of the Patient Protection and Affordable Care Act.

(6) At its most basic level, this tax violates commonly accepted principles of sound tax policy. In a 2015 report, the Congressional Research Service paid close attention to excise taxes in particular, stating that, ''Viewed from the perspective of traditional economic and tax theory. . .the tax is challenging to justify. In general, tax policy is considered more efficient when differential excise taxes are not imposed. It is generally more efficient to raise revenue from a broad tax base.''.

(7) The effects of the tax are felt across the industry, as every dollar of revenue (not income or profit) earned by a company is generally subject to the tax. For larger, established companies, the device tax represents millions in financial capital that could be used to expand research and create jobs. For smaller, start-up firms, the effect is much worse – not only does it deter company growth, since the tax is imposed on the first dollar of revenue earned, but it also restricts the ability of established medical technology companies to invest in or acquire start-up companies by limiting the amount of available capital for growth.

(8) Individual companies are already making important planning decisions for the next fiscal year. Companies are already making significant commitments of time and resources to enable or restart their systems to accurately capture, report, and pay the tax if it goes back into effect at the end of the year. The longer Congress waits to act, the more capital device companies will waste that could go towards major medical breakthroughs to help patients, and more broadly towards advancing the state of our nation's medical technology.

(9) Permanently repealing the device tax will provide medical technology innovators with the long-term certainty necessary to support future job growth and sustainable, research and development that will ultimately lead to the next generation of breakthroughs in patient care and treatment. With any other policy outcome, effective planning for a sustainable future becomes much more difficult.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the committee of jurisdiction in the Senate should conduct a full review and assessment of the economic impact of the medical device tax since its inception under the Patient Protection and Affordable Care Act. Such review and assessment should include consideration of the impact of the tax on job creation, capital formation, research and development, and medical technology innovation.

SA 432. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF HEALTH CARE REFORM PROVISIONS LIMITING MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

Sections 6001 and 10601 of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 684, 1005) and section 1106 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152; 124 Stat. 1049) are repealed and the provisions of law amended by such sections are restored as if such sections had never been enacted.

SA 433. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

(2) by striking paragraph (2); and

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

SA 434. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 953. REQUIREMENT FOR NATIONAL LANGUAGE SERVICE CORPS.

(a) IN GENERAL.—Subsection (a)(1) of 813 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1913) is amended by striking ''may establish and maintain'' and inserting ''shall establish and maintain''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking ''If the Secretary establishes the Corps, the Secretary'' and inserting ''The Secretary''.

SA 435. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. _____. REPORT ON PROGRESS MADE IN IMPLEMENTING THE CYBER EXCEPTED PERSONNEL SYSTEM.

Section 1599f(h)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) An assessment of the progress made in implementing the Cyber Excepted Personnel System.''.

SA 436. Mr. ROUNDS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 338. COMPREHENSIVE PLAN FOR SHARING DEPOT-LEVEL MAINTENANCE BEST PRACTICES.

(a) 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 comprehensive plan for the sharing of best practices for depot-level maintenance among the military services.

(b) ELEMENTS.—The comprehensive plan required under subsection (a) shall cover the sharing of best practices with regard to—

(1) programing and scheduling;

(2) core capability requirements;

(3) workload;

(4) personnel management, development, and sustainment;

(5) induction, duration, efficiency, and completion metrics;

(6) parts, supply, tool, and equipment management;

(7) capital investment and manufacturing and production capability; and

(8) inspection and quality control.

SA 437. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. _____. SENSE OF CONGRESS ON ESTABLISHING AN AWARD PROGRAM FOR THE CYBER COMMUNITY OF THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that the Secretary of Defense should consider—

(1) establishing an award program for employees of the Department of Defense who carry out the cyber missions or functions of the Department of Defense;

(2) all award options under law or policy, including compensation, time off, and status awards;

(3) awards based upon operational impact and meritorious service;

(4) providing the largest possible opportunity for such members or employees to earn such rewards without regard to type of position, grade, years of service, experience or past performance;

(5) individual and organization rewards; and

(6) other factors, as the Secretary considers appropriate, that would reward and provide incentive to cyber personnel or organizations.

SA 438. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. INCLUSION OF SPECIFIC ELECTRONIC MAIL ADDRESS BLOCK ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

(a) MODIFICATION REQUIRED.—The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a specific block explicitly identified as the location in which a member of the Armed Forces may provide one or more electronic mail addresses by which the member may be contacted after discharge or release from active duty in the Armed Forces.

(b) VOLUNTARY PROVISION OF ADDRESSES.—The provision of one or more electronic mail addresses by a member in a Certificate of Release or Discharge from Active Duty, as modified by subsection (a), shall be voluntary and entirely at the election of the member.

(c) DEADLINE FOR MODIFICATION.—The Secretary shall release a revised Certificate of Release or Discharge from Active Duty, modified as required by subsection (a), not later than one year after the date of the enactment of this Act.

SA 439. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON AIR-TO-GROUND MUNITIONS SUPPLIED BY THE UNITED STATES TO SAUDI ARABIA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to Congress a report setting forth the following:

(1) An assessment by the Secretary whether the use of air-to-ground munitions sold or otherwise supplied by the United States to the Government of Saudi Arabia have resulted in civilian casualties.

(2) An analysis of trends in the scope of civilian casualties since the onset of the official involvement of Saudi Arabia in the conflict in Yemen.

(3) Recommendations on actions to be taken to mitigate the incidence of civilian casualties in Yemen.

SA 440. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 8, strike line 11 and insert the following:

(2) NO ANNUAL OR LIFETIME CAPS.—Paragraph (3) of section 36B(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) NO ANNUAL OR LIFETIME CAPS.—Such term shall not include a qualified health plan which has an annual or lifetime cap on benefits, or any plan which does not cover all necessary treatment for a condition until cured (including rehabilitation or reconstruction procedures).''.

(3) EFFECTIVE DATE.—The amendments made

SA 441. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO DISENROLLMENT OF CHILDREN FROM MEDICAID WITHOUT PROOF OF ALTERNATIVE INSURANCE COVERAGE.

Beginning with the date of enactment of this Act, any child who is enrolled in a State Medicaid program shall not be disenrolled from such program without proof that the child has alternative insurance coverage that is equally affordable and that provides at least the same level of coverage.

SA 442. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIRING MEDICAID COVERAGE FOR CERTAIN ADULTS WITH HIGH INSURANCE COSTS.

(a) IN GENERAL.—Beginning with the date of enactment of this Act, each State shall provide medical assistance through the State Medicaid program to any individual residing in the State who is between 50 and 64 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual's income.

(b) ENHANCED FMAP.—The Federal medical assistance percentage applicable to medical assistance provided by a State under the State Medicaid program to individuals described in subsection (a) shall be equal to 100 percent.

SA 443. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIRING MEDICAID COVERAGE FOR CERTAIN ADULTS WITH HIGH INSURANCE COSTS.

Beginning with the date of enactment of this Act, each State shall provide medical

assistance through the State Medicaid program to any individual residing in the State who is between 50 and 64 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual's income.

SA 444. Ms. HIRONO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD PRIVATIZE MEDICARE OR LIMIT FEDERAL FUNDING FOR MEDICAID.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would—

(1) increase the eligibility age under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) privatize the Medicare program or turn the program into a voucher system; or

(3) decrease or cap Federal funding of State Medicaid programs under title XIX of such Act (42 U.S.C. 1396 et seq.), or alter such funding of such programs in such a manner that would decrease the amount of Federal funding available to States to elect to provide medical assistance to low-income, nonelderly individuals under the eligibility option established by the Affordable Care Act in section 1902(a)(10)(A)(i)(VIII) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 445. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTING REDUCTIONS IN HEALTH COVERAGE, INCREASED OUT-OF-POCKET COSTS, AND INCREASED TAXES FOR INDIVIDUALS IN THE STATE OF HAWAII.

If, within 30 days of the date of the enactment of this Act, the Governor of Hawaii provides a certification to the Secretary of Health and Human Services and the Secretary of Treasury that provisions of, or amendments made by, this Act will result in reductions in health coverage, increased out-of-pocket costs, or increased taxes for individuals in Hawaii, such provisions and amendments shall, as of the date of such certification, not apply to Hawaii (including residents of Hawaii).

SA 446. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 33, insert the following after line 11:

''(D) SAFETY NET CARE PROVIDERS.—Payments made for services provided by rural health clinics described in clause (B) of section 1905(a)(2), Federally-qualified health centers as described in clause (C) of section 1905(a)(2), under the terms specified in section 1902(bb), and certified community behavioral health clinics as described in Section 223 of the Protecting Access to Medicare Act.

SA 447. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike sections 111 through 121.

SA 448. Mr. TESTER (for himself, Mrs. MCCASKILL, Mr. FRANKEN, Mrs. MURRAY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—SERVICEMEMBERS AND VETERANS EMPOWERMENT AND SUPPORT

SEC. ___. SHORT TITLE.

This title may be cited as the ''Servicemembers and Veterans Empowerment and Support Act of 2017''.

SEC. ___. EXPANSION OF COVERAGE BY THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.

(a) COVERAGE OF CYBER HARASSMENT OF A SEXUAL NATURE.—Paragraph (1) of section 1720D(a) of title 38, United States Code, is amended by inserting ''cyber harassment of a sexual nature,'' after ''battery of a sexual nature,''.

(b) EXPANSION OF AVAILABILITY FOR MEMBERS OF THE ARMED FORCES.—Paragraph (2)(A) of such section is amended—

(1) by striking ''on active duty''; and

(2) by inserting ''that was suffered by the member while serving on active duty, active duty for training, or inactive duty training'' before the period at the end.

SEC. ___. STANDARD OF PROOF FOR SERVICE-CONNECTION OF MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.

(a) STANDARD OF PROOF.—Section 1154 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) In the case of any veteran who claims that a covered mental health condition was incurred in or aggravated by military sexual trauma during active military, naval, or air service, the Secretary shall accept as sufficient proof of service-connection a diagnosis of such mental health condition by a mental health professional together with satisfactory lay or other evidence of such trauma and an opinion by the mental health professional that such covered mental health condition is related to such military sexual trauma, if consistent with the facts of their service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such covered mental health condition may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service-connection in each case shall be recorded in full.

''(2) In this subsection:

''(A) The term 'covered mental health condition' means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.

''(B) The term 'military sexual trauma' means, with respect to a veteran, a physical assault of a sexual nature, battery of a sexual nature, cyber harassment of a sexual nature, or sexual harassment which occurred during active military, naval, or air service.''.

(b) USE OF EVIDENCE IN EVALUATING DISABILITY CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.—

(1) IN GENERAL.—Subchapter VI of chapter 11 of such title is amended by adding at the end the following new section:

''§ 1164. Evaluation of claims involving military sexual trauma

''(a) NONMILITARY SOURCES OF EVIDENCE.—(1) In carrying out section 1154(c) of this title, the Secretary shall ensure that if a claim for compensation under this chapter is received by the Secretary for post-traumatic stress disorder based on a physical assault of a sexual nature, battery of a sexual nature, cyber harassment of a sexual nature, or sexual harassment experienced by a veteran during active military, naval, or air service, evidence from sources other than official records of the Department of Defense regarding the veteran's service may corroborate the veteran's account of the assault, battery, or harassment.

''(2) Examples of evidence described in paragraph (1) include the following:

''(A) Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals, and physicians.

''(B) Pregnancy tests and tests for sexually transmitted diseases.

''(C) Statements from family members, roommates, other members of the Armed Forces or veterans, and clergy.

''(b) BEHAVIOR CHANGES CORROBORATING EVIDENCE.—(1) In carrying out section 1154(c) of this title, the Secretary shall ensure that evidence of a behavior change following an assault, battery, or harassment described in subsection (a)(1) is one type of relevant evidence that may be found in sources described in such subsection.

''(2) Examples of behavior changes that may be relevant evidence of an assault, battery, or harassment described in subsection (a)(1) include the following:

''(A) A request for a transfer to another military duty assignment.

''(B) Deterioration in work performance.

''(C) Substance abuse.

''(D) Episodes of depression, panic attacks, or anxiety without an identifiable cause.

''(E) Unexplained economic or social behavior changes.

''(c) NOTICE AND OPPORTUNITY TO SUPPLY EVIDENCE.—The Secretary may not deny a claim of a veteran for compensation under

this chapter for a post-traumatic stress disorder that is based on an assault, battery, or harassment described in subsection (a)(1) without first—

''(1) advising the veteran that evidence described in subsections (a) and (b) may constitute credible corroborating evidence of the assault, battery, or harassment; and

''(2) allowing the veteran an opportunity to furnish such corroborating evidence or advise the Secretary of potential sources of such evidence.

''(d) REVIEW OF EVIDENCE.—In reviewing a claim for compensation described in subsection (a)(1), for any evidence received with such claim that is described in subsection (a) or (b), the Secretary may submit such evidence to such medical or mental health professional as the Secretary considers appropriate, including clinical and counseling experts employed by the Department, to obtain a credible opinion as to whether the evidence indicates that an assault, battery, or harassment described in subsection (a)(1) occurred.

''(e) POINT OF CONTACT.—The Secretary shall ensure that each document provided to a veteran relating to a claim for compensation described in subsection (a)(1) includes contact information for an appropriate point of contact with the Department.''.

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

''1164. Evaluation of claims involving military sexual trauma.''.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, as amended by subsection (b), is further amended by adding at the end the following new section:

''§ 1165. Reports on claims for disabilities incurred or aggravated by military sexual trauma

''(a) REPORTS.—Not later than March 1, 2018, and not less frequently than once each year thereafter through 2027, the Secretary shall submit to Congress a report on covered claims submitted during the previous fiscal year to identify and track the consistency of decisions across regional offices.

''(b) ELEMENTS.—Each report under subsection (a) shall include the following:

''(1) The number of covered claims submitted to or considered by the Secretary during the fiscal year covered by the report.

''(2) Of the covered claims listed under paragraph (1), the number and percentage of such claims—

''(A) submitted by each sex;

''(B) that were approved, including the number and percentage of such approved claims submitted by each sex; and

''(C) that were denied, including the number and percentage of such denied claims submitted by each sex.

''(3) Of the covered claims listed under paragraph (1) that were approved, the number and percentage, disaggregated by sex, of claims assigned to each rating percentage.

''(4) Of the covered claims listed under paragraph (1) that were denied—

''(A) the three most common reasons given by the Secretary under section 5104(b)(1) of this title for such denials; and

''(B) the number of denials that were based on the failure of a veteran to report for a medical examination.

''(5) The number of covered claims that, as of the end of the fiscal year covered by the report, are pending and, separately, the number of such claims on appeal.

''(6) For the fiscal year covered by the report, the average number of days that covered claims take to complete, beginning on the date on which the claim is submitted.

''(7) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration specifically with respect to covered claims, including the frequency, length, and content of such training.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered claims' means claims for disability compensation submitted to the Secretary based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma.

''(2) The terms 'covered mental health condition' and 'military sexual trauma' have the meanings given such terms in section 1154(c)(3) of this title.''.

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

''1165. Reports on claims for disabilities incurred or aggravated by military sexual trauma.''.

(d) EFFECTIVE DATE.—Subsection (c) of section 1154 of title 38, United States Code, as added by subsection (a), shall apply with respect to any claim for disability compensation under laws administered by the Secretary of Veterans Affairs for which no final decision has been made before the date of the enactment of this Act.

SEC. _____. INFORMATION FOR MEMBERS OF THE ARMED FORCES REGARDING AVAILABILITY OF SERVICES AT VET CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall inform members of the Armed Forces, using mechanisms available to the Secretary, of the eligibility of such members for services at Vet Centers.

(b) INFORMATION FROM SEXUAL ASSAULT RESPONSE COORDINATORS.—The Secretary shall ensure that Sexual Assault Response Coordinators of the Department of Defense advise members of the Armed Forces who report instances of military sexual trauma regarding the eligibility of such members for services at Vet Centers.

(c) DEFINITIONS.—In this section:

(1) MILITARY SEXUAL TRAUMA.—The term ''military sexual trauma'' means psychological trauma described in section 1720D(a)(1) of title 38, United States Code.

(2) VET CENTER.—The term ''Vet Center'' has the meaning given that term in section 1712A(h) of such title.

SA 449. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN CIVIL PENALTY UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 206(b)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)(1)) is amended by striking ''$250,000'' and inserting ''$1,000,000''.

SA 450. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, strike lines 21 through 24.

SA 451. Mr. BLUMENTHAL (for himself, Mr. WHITEHOUSE, Mr. DURBIN, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division ____, add the following:

TITLE XVII—JUSTICE FOR SERVICEMEMBERS AND VETERANS

SECTION 1700. SHORT TITLE.

This title may be cited as the ''Justice for Servicemembers and Veterans Act of 2017''.

Subtitle A—Employment and Reemployment Rights

SEC. 1701. ACTION FOR RELIEF IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

(a) INITIATION OF ACTIONS.—Paragraph (1) of subsection (a) of section 4323 of title 38, United States Code, is amended by striking the third sentence and inserting the following new sentences: ''If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may commence an action for relief under this chapter, including on behalf of the person. The person on whose behalf the complaint is referred may, upon timely application, intervene in such action and may obtain such appropriate relief as provided in subsections (d) and (e).''.

(b) ATTORNEY GENERAL NOTICE TO SERVICEMEMBER OF DECISION.—Paragraph (2) of such subsection is amended to read as follows:

''(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

''(i) if the Attorney General has made a decision about whether the United States will commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

''(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

''(B) If the Attorney General notifies a person of when the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date on which the Attorney General makes such decision, notify, in writing, the person of such decision.''.

(c) PATTERN OR PRACTICE CASES.—Such subsection is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) (as amended by paragraph (2) of this subsection) the following new paragraph (3):

''(3) Whenever the Attorney General has reasonable cause to believe that a State (as an employer) or a private employer is engaged in a pattern or practice of resistance

to the full enjoyment of any of the rights or benefits secured by this chapter, the Attorney General may commence an action under this chapter.''.

(d) ACTIONS BY PRIVATE PERSONS.—Subparagraph (C) of paragraph (4) of such subsection, as redesignated by paragraph (3)(A), is amended by striking ''refused'' and all that follows and inserting ''notified by the Attorney General that the Attorney General does not intend to bring a civil action.''.

(e) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking ''subsection (a)(2)'' and inserting ''subsection (a)(1) or subsection (a)(4)''.

SEC. 1702. WAIVER OF SOVEREIGN IMMUNITY FOR ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 4323(b) of title 38, United States Code, is amended to read as follows:

''(2)(A) In the case of an action against a State (as an employer), any instrumentality of a State, or any officer or employee of a State or instrumentality of a State acting in that officer or employee's official capacity, by any person, the action may be brought in the appropriate district court of the United States or in a State court of competent jurisdiction, and the State, instrumentality of the State, or officer or employee of the State or instrumentality acting in that officer or employee's official capacity shall not be immune under the Eleventh Amendment of the Constitution, or under any other doctrine of sovereign immunity, from such action.

''(B)(i) No State, instrumentality of such State, or officer or employee of such State or instrumentality of such State, acting in that officer or employee's official capacity, that receives or uses Federal financial assistance for a program or activity shall be immune, under the Eleventh Amendment of the Constitution or under any other doctrine of sovereign immunity, from suit in Federal or State court by any person for any violation under this chapter related to such program or activity.

''(ii) In an action against a State brought pursuant to subsection (a), a court may award the remedies (including remedies both at law and in equity) that are available under subsections (d) and (e).''.

(b) MODIFICATION OF PURPOSES.—Section 4301(a) of such title is amended, in the matter before paragraph (1), by striking ''The'' and inserting ''Pursuant to the power of Congress to enact this chapter under section 8 of article I of the Constitution of the United States, the''.

SEC. 1703. VENUE FOR CASES AGAINST PRIVATE EMPLOYERS FOR VIOLATIONS OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.

Section 4323(c)(2) of title 38, United States Code, is amended by striking ''United States district court for any district in which the private employer of the person maintains a place of business.'' and inserting ''United States district court for—

''(A) any district in which the employer maintains a place of business;

''(B) any district in which a substantial part of the events or omissions giving rise to the claim occurred; or

''(C) if there is no district in which an action may otherwise be brought as provided in subparagraph (A) or (B), any district in which the employer is subject to the court's personal jurisdiction with respect to such action.''.

SEC. 1704. STANDING IN CASES INVOLVING VIOLATIONS OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES BY STATES AND PRIVATE EMPLOYERS.

Section 4323(f) of title 38, United States Code, is amended—

(1) by inserting ''by the United States or'' after ''may be initiated only''; and

(2) by striking ''or by the United States under subsection (a)(1)''.

SEC. 1705. CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO STATES AND PRIVATE EMPLOYERS.

Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.—(1) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this chapter, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and cause to be served upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) The provisions governing the authority to issue, use, and enforce civil investigative demands under section 3733 of title 31 (known as the 'False Claims Act') shall govern the authority to issue, use, and enforce civil investigative demands under paragraph (1), except that for purposes of that paragraph—

''(A) a reference in that section to false claims law investigators or investigations shall be applied as referring to investigators or investigations under this chapter;

''(B) a reference to interrogatories shall be applied as referring to written questions, and answers to such need not be under oath;

''(C) the statutory definitions for purposes of that section relating to 'false claims law' shall not apply; and

''(D) provisions of that section relating to qui tam relators shall not apply.''.

SEC. 1706. TREATMENT OF DISABILITY DISCOVERED AFTER EMPLOYEE ENTITLED TO REEMPLOYMENT BY REASON OF UNIFORMED SERVICE STATUS RESUMES EMPLOYMENT.

Section 4313(a)(3) of title 38, United States Code, is amended, in the matter before subparagraph (A), by inserting ''including a disability that is brought to the employer's attention within 5 years after the person resumes employment,'' after ''during, such service,''.

SEC. 1707. BURDEN OF IDENTIFYING PROPER REEMPLOYMENT POSITIONS FOR EMPLOYEES ENTITLED TO REEMPLOYMENT BY REASON OF UNIFORMED SERVICE STATUS.

Section 4313 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c) For purposes of this section, the employer shall have the burden of identifying the appropriate reemployment positions.''.

SEC. 1708. 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.''.

Subtitle B—Civil Relief

SEC. 1711. IMPROVED PROTECTION OF MEMBERS OF UNIFORMED SERVICES AGAINST DEFAULT JUDGMENTS.

(a) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—Paragraph (2) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3931(b)) is amended to read as follows:

''(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—

''(A) IN GENERAL.—If in an action covered by this section it appears that the defendant is in military service, the court shall not enter a judgment until after the court appoints an attorney to represent the defendant.

''(B) ACTIONS OF ATTORNEY.—

''(i) IN GENERAL.—The court appointed attorney shall act only in the best interests of the defendant.

''(ii) REQUEST FOR STAY OF PROCEEDINGS.—The court appointed attorney, when appropriate to represent the best interests of the defendant, shall request a stay of proceedings under this Act.

''(iii) FAITHFUL PERFORMANCE.—The court shall require the court appointed attorney to perform duties faithfully and, upon failure to do so, shall discharge the attorney and appoint another.

''(C) LOCATION.—

''(i) IN GENERAL.—The court appointed attorney shall use due diligence to locate and contact the defendant.

''(ii) PROVISION OF CONTACT INFORMATION.—The plaintiff must provide to the court appointed attorney all contact information it has for the defendant.

''(iii) REPORT ON EFFORTS TO LOCATE.—A court appointed attorney unable to make contact with the defendant shall report to the court on all of the attorney's efforts to make contact.

''(iv) IMPLICATIONS OF FAILURE TO LOCATE.—If an attorney appointed under this section to represent a defendant in military service cannot locate the defendant, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.

''(D) NOTIFICATION AND ASSERTION OF RIGHTS.—

''(i) NOTIFICATION OF RIGHTS.—Upon making contact with the defendant, the court appointed attorney shall advise the defendant of the nature of the lawsuit and the defendant's rights provided by this Act, including rights to obtain a stay and to request the court to adjust an obligation.

''(ii) ASSERTION OF RIGHTS.—Regardless of whether contact is made under clause (i), the court appointed attorney shall assert such rights on behalf of defendant if there is an adequate basis in law and fact, unless the defendant provides informed consent to not assert such rights.''.

(b) EXPANSION OF AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT.—Paragraph (1) of section 201(g) of the Servicemembers Civil Relief Act (50 U.S.C. 3931(g)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

''(A)(i) the servicemember was materially affected by reason of that military service in making a defense to the action; and

''(ii) the servicemember has a meritorious or legal defense to the action or some part of it; or

''(B) an attorney appointed to represent the servicemember failed to adequately represent the best interests of the defendant.''.

SEC. 1712. AUTHORITY FOR ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. 4041) is amended by adding at the end the following new subsection:

''(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

''(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) PROCEDURES.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

''(A) references in that section to false claims law investigators or investigations shall be read as references to investigators or investigations;

''(B) references in that section to interrogatories shall be read as references to written questions, and answers to such need not be under oath;

''(C) the statutory definitions relating to 'false claims law' shall not apply; and

''(D) provisions relating to qui tam relators shall not apply.''.

(b) RETROACTIVE APPLICABILITY.—Section 801 of such Act (50 U.S.C. 4041), as amended by subsection (a), shall apply as if such section were included in the enactment of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178, chapter 888) and included in the restatement of such Act in Public Law 108–189.

SEC. 1713. ORAL NOTICE SUFFICIENT TO INVOKE INTEREST RATE CAP.

Paragraphs (1) and (2) of section 207(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3937(b)) are amended to read as follows:

''(1) NOTICE TO CREDITOR.—

''(A) IN GENERAL.—In order for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor oral or written notice of military service and any further extension of military service, not later than 180 days after the date of the servicemember's termination or release from military service.

''(B) RECORDS.—The creditor shall retain a record of the servicemember's oral or written notification.

''(2) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—

''(A) SEARCH OF RECORDS.—Upon receipt of oral or written notice of military service, the creditor shall conduct a search of Department of Defense records available through the Department of Defense Manpower Data Center.

''(B) MILITARY SERVICE CONFIRMED.—If military service is confirmed by a search under subparagraph (A), the creditor shall treat the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.

''(C) MILITARY SERVICE NOT CONFIRMED.—If a search of Department of Defense records under subparagraph (A) does not confirm military service, the creditor shall notify the servicemember and may require the servicemember to provide a copy of the servicemember's military orders before treating the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.''.

SEC. 1714. HARMONIZATION OF SECTIONS.

(a) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. 3953) is amended—

(1) in subsection (b), in the matter before paragraph (1), by striking ''filed'' and inserting ''pending''; and

(2) in subsection (c)(1), by striking ''with a return made and approved by the court''.

(b) REPEAL OF SUNSET.—Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended—

(1) by striking ''EXTENSION OF SUNSET'' and all that follows through ''Subsection (c)'' and inserting ''ELIMINATION OF PRIOR SUNSET.—Subsection (c)''; and

(2) by striking paragraph (3).

SEC. 1715. EXPANSION OF PROTECTION FOR TERMINATION OF RESIDENTIAL AND MOTOR VEHICLE LEASES.

(a) TERMINATION OF RESIDENTIAL LEASES.—

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

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

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

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

''(C) in the case of a lease described in subparagraph (C) of subsection (b)(1), the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.''; and

(ii) in paragraph (2), by striking ''dependent of the lessee'' and inserting ''co-lessee''; and

(B) in subsection (b)(1)—

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

(ii) in subparagraph (B)—

(I) by inserting ''(as defined in the Joint Federal Travel Regulations, chapter 5, paragraph U5000B)'' after ''permanent change of station''; and

(II) by striking the period at the end and inserting ''; or''; and

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

''(C) the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative.''.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting ''in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,'' before ''by delivery''; and

(ii) by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) in the case of a lease described in subparagraph (C) of subsection (b)(1), by delivery by the lessee of written notice of such termination, and a letter from the servicemember's commanding officer indicating that the servicemember has been assigned to or is otherwise relocating to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and''.

(b) WAIVER IMPERMISSIBLE.—Such section is further amended by adding at the end the following new subsection:

''(i) WAIVER NOT PERMITTED.—The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.''.

SEC. 1716. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

''SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.

''In any case in which a servicemember has a professional license in good standing in a jurisdiction or the spouse of a servicemember has a professional license in good standing in a jurisdiction and such servicemember or spouse relocates his or her residency because of military orders to a location that is not in such jurisdiction, the professional license or certification of such servicemember or spouse shall be considered valid and in good standing in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

''(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

''(2) remains in good standing with the licensing authority that issued the license; and

''(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

''Sec. 705A. Portability of professional licenses of servicemembers and their spouses.''.

SA 452. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. IN-STATE TUITION RATES FOR CERTAIN MEMBERS OF THE ARMED FORCES IN ACTIVE SERVICE, SPOUSES, AND DEPENDENT CHILDREN.

(a) IN GENERAL.—Section 135 of the Higher Education Act of 1965 (20 U.S.C. 1015d) is amended to read as follows:

''SEC. 135. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES IN ACTIVE SERVICE, SPOUSES, AND DEPENDENT CHILDREN.

''(a) REQUIREMENT.—Each State that receives assistance under this Act shall not charge a member of the armed forces (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State, if the member of the armed forces—

''(1) is serving on active service, as defined in section 101 of title 10, United States Code, and has served on active service for a period of not less than 10 years; and

''(2) has been stationed in the State—

''(A) for any of the 3 most recent tours of duty of the member; or

''(B) for any of the 3 longest tours of duty of the member.

''(b) CONTINUATION.—If an individual who is a member of the armed forces, or the spouse or dependent child of such member, pays tuition at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of such subsection shall continue to apply to such member, spouse, or dependent, with respect to any State for which the member met the requirements of paragraph (a)(2) and without regard to any subsequent change in the permanent duty station or the retirement of the member, while such member, spouse or dependent—

''(1) is continuously enrolled at such institution; or

''(2)(A) transfers to another public institution of higher education during the same academic year or the immediately following academic year, if the institution is located in a State where the member has been stationed as described in subsection (a)(2); and

''(B) is continuously enrolled at such institution.

''(c) APPLICABILITY.—This section shall take effect at each public institution of higher education in a State that receives assistance under this Act for each period of enrollment at such institution that begins after July 1, 2018.

''(d) DEFINITIONS.—In this section:

''(1) ACTIVE SERVICE FOR A PERIOD OF MORE THAN 30 DAYS.—The term 'active service for a period of more than 30 days' means active service, as defined in section 101 of title 10, United States Code, under a call or order that does not specify a period of 30 days or less.

''(2) ARMED FORCES.—The terms 'armed forces' has the meaning given the term in section 101 of title 10, United States Code.''.

(b) EFFECTIVE DATE.—Subsection (a), and the amendment made by subsection (a), shall take effect on July 1, 2018.

SA 453. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. JOINT SERVICES TRANSCRIPTS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE TRANSITION ASSISTANCE PROGRAM.

(a) PROVISION OF TRANSCRIPTS TO MEMBERS REQUIRED.—Each member of the Armed Forces participating in the Transition Assistance Program (TAP) of the Department of Defense shall be provided a joint services transcript (TSP) in connection with participation in the Program.

(b) ELEMENTS.—The joint services transcript provided a member pursuant to subsection (a) shall include the following:

(1) Military student data of the member, including a description of any military courses taken and learning outcomes and recommended college credit in connection with such courses.

(2) Any military occupations or military occupational specialities of the member.

(3) The results of any national college-level examinations taken by the member.

SA 454. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. FINANCING OF EXPORTATION OF DEFENSE ARTICLES AND DEFENSE SERVICES BY EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 2(b)(6)(I)(i)(I) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(I)(i)(I)) is amended to read as follows:

''(I)(aa) the Bank determines that the end use of the defense articles or services includes civilian purposes; or

''(bb) the President determines that the transaction is in the national security interests of the United States; and''.

SA 455. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A add the following:

TITLE XVII—DISCHARGE AND DISCHARGE REVIEW MATTERS

SEC. 1701. CONFIDENTIAL REVIEW OF CHARACTERIZATION OF TERMS OF DISCHARGE OF MEMBERS WHO ARE SURVIVORS OF SEXUAL ASSAULT.

(a) CODIFICATION OF CURRENT CONFIDENTIAL PROCESS.—

(1) CODIFICATION.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554a a new section 1554b consisting of—

(A) a heading as follows:

''§ 1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are survivors of sexual assault''; and

(B) a text consisting of the text of section 547 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3375; 10 U.S.C. 1553 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554a the following new item:

''1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are survivors of sexual assault.''.

(3) CONFORMING REPEAL.—Section 547 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(b) TERMINOLOGY.—Section 1554b of title 10, United States Code, as added by subsection (a) of this section, is amended—

(1) in subsection (a), by striking ''victim'' each place it appears and inserting ''survivor''; and

(2) by striking ''sex-related'' each place it appears and inserting ''sexual assault''.

(c) CLARIFICATION OF APPLICABILITY TO INDIVIDUALS WHO ALLEGE THEY WERE A SURVIVOR OF SEXUAL ASSAULT DURING MILITARY SERVICE.—Subsection (a) of such section 1554b, as so added, is further amended by inserting after ''sexual assault offense'' the following: '', or alleges that the individual was the survivor of a sexual assault offense,''.

(d) ADDITIONAL REQUIREMENTS FOR CONSIDERATION OF EVIDENCE.—Subsection (b) of such section 1554b, as so added, is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) to give liberal consideration to all available evidence that a sexual assault occurred, including evidence from sources other than records of the armed force concerned that may corroborate the individual's account of the sexual assault (including evidence of changes in the individual's behavior after the offense and other circumstantial evidence that may corroborate the individual's account of the sexual assault).''.

(e) MEDICAL ADVISORY OPINIONS IN CONNECTION WITH SURVIVORS OF SEXUAL ASSAULT.—Such section 1554b, as so added, is further amended—

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

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

''(d) MEDICAL ADVISORY OPINIONS.—Any medical advisory opinion issued to a board

established in accordance with this chapter in the case of a review carried out in accordance with the process established under this section shall include the opinion of a psychiatrist or psychologist with training in sexual trauma cases.''.

(f) CONFORMING AMENDMENTS.—Such section 1554b, as so added, is further amended—

(1) by striking ''Armed Forces'' each place it appears in subsections (a) and (b) and inserting ''armed forces'';

(2) in subsection (a)—

(A) by striking ''boards for the correction of military records of the military department concerned'' and inserting ''boards of the military department concerned established in accordance with this chapter''; and

(B) by striking ''such an offense'' and inserting ''a sexual-assault offense'';

(3) in subsection (b), by striking ''boards for the correction of military records'' and inserting ''boards of the military department concerned established in accordance with this chapter''; and

(4) in subsection (e), as redesignated by subsection (e)(1) of this section—

(A) in the subsection heading, by striking ''SEX-RELATED'' and inserting ''SEXUAL ASSAULT'';

(B) in paragraph (1), by striking ''title 10, United States Code'' and inserting ''this title''; and

(C) in paragraphs (2) and (3), by striking ''such title'' and inserting ''this title''.

SEC. 1702. AUTHORITY FOR DISCHARGE REVIEW BOARDS TO REFER CERTAIN APPLICATIONS FOR RELIEF TO THE PHYSICAL DISABILITY BOARD OF REVIEW.

(a) AUTHORITY FOR DISCHARGE REVIEW BOARDS TO REFER FOR DISABILITY REVIEW.—

(1) AUTHORITY.—Subsection (b) of section 1553 of title 10, United States Code, is amended to read as follows:

''(b)(1) To reflect its findings, a board established under this section may—

''(A) change a discharge or dismissal;

''(B) issue a new discharge; or

''(C) in the case of a former member whose application for relief is based in whole or in part on matters relating to a sexual assault, post-traumatic stress disorder, or traumatic brain injury, refer the application for relief to the Physical Disability Board of Review established under section 1554a of this title for review under such section.

''(2) Any action of the board under this subsection is subject to review by the Secretary concerned.''.

(b) TREATMENT OF REFERRAL.—Section 1554a 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) REFERRALS FROM DISCHARGE REVIEW BOARD.—(1) Except as provided in paragraph (2), a referral for review pursuant to section 1553(b)(1)(C) of this title shall be treated as a request for review by a covered individual for purposes of this section.

''(2) In the case of a referral for review pursuant to section 1553(b)(1)(C) of this title—

''(A) a previous disability determination by a Physical Evaluation Board shall not be required; and

''(B) subsection (c)(4) shall not apply.''.

SEC. 1703. PUBLIC AVAILABILITY OF INFORMATION RELATED TO DISPOSITION OF CLAIMS REGARDING DISCHARGE OR RELEASE OF MEMBERS OF THE ARMED FORCES WHEN THE CLAIMS INVOLVE SEXUAL ASSAULT.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 1552(h) of title 10, United States Code, as added by section 533(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following new paragraph:

''(4) The number and disposition of claims decided during the calendar quarter preceding the calendar quarter in which such information is made available in which sexual assault is alleged to have contributed, whether in whole or in part, to the original characterization of the discharge or release of the claimant.''.

(b) DISCHARGE REVIEW BOARDS.—Section 1553(f) of title 10, United States Code, as added by section 533(b) of the National Defense Authorization Act for Fiscal Year 2017, is amended by adding at the end the following new paragraph:

''(4) The number and disposition of claims decided during the calendar quarter preceding the calendar quarter in which such information is made available in which sexual assault is alleged to have contributed, whether in whole or in part, to the original characterization of the discharge or release of the claimant.''.

SEC. 1704. TRAINING REQUIREMENTS.

(a) MEMBERS OF BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 534(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1552 note) is amended by adding at the end the following new sentence: ''This curriculum shall also address the proper handling of claims in which sexual assault is alleged to have contributed to the original characterization of the discharge or release of the claimant, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b)(3) of title 10, United States Code.''.

(b) DEPARTMENT OF DEFENSE PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.—Section 546(a) of the National Defense Authorization Act for Fiscal Year 2017 is amended by striking ''section.'' and inserting ''section, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b)(3) of title 10, United States Code.''.

SEC. 1705. OTHER IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—

(1) USE OF SECRETARIAL AUTHORITY TO CORRECT MILITARY RECORDS.—Section 1552(a)(1) of title 10, United States Code, is amended by striking ''may'' both places it appears and inserting ''shall''.

(2) INDEXING OF PUBLISHED DECISIONS.—Paragraph (5) of section 1552(a) of title 10, United States Code, is amended to read as follows:

''(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. The information provided shall include a summary of each decision, to be indexed by subject matter, except that the Secretary shall protect the privacy of claimants by redacting all personally identifiable information.''.

(b) DISCHARGE REVIEW BOARDS.—

(1) REPEAL OF 15-YEAR STATUTE OF LIMITATIONS ON MOTIONS OR REQUESTS FOR REVIEW.—Section 1553(a) of title 10, United States Code, is amended by striking the second sentence.

(2) TELEPHONIC PRESENTATION OF EVIDENCE.—Section 1553(c) of title 10, United States Code, is amended in the second sentence by striking ''or by affidavit'' and inserting '', by affidavit, or by telephone or video conference''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

SEC. 1706. BURDENS OF PROOF APPLICABLE TO INVESTIGATIONS AND REVIEWS RELATED TO PROTECTED COMMUNICATIONS OF MEMBERS OF THE ARMED FORCES AND PROHIBITED RETALIATORY ACTIONS.

(a) IN GENERAL.—Section 1034 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

''(i)(1) For purposes of this section, there is sufficient basis to conclude that a personnel action prohibited by subsection (b) has occurred if the communication made by the member or former member was a contributing factor in the personnel action that was taken, or is to be taken, against the member or former member unless there is clear and convincing evidence that the same personnel action would have been taken in the absence of the communication.

''(2) A member or former member may demonstrate that the communication was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

''(A) the official taking the personnel action knew of the communication; and

''(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the communication was a contributing factor in the personnel action.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 30 days after the date of the enactment of this Act, and shall apply with respect to allegations pending or submitted under section 1034 of title 10, United States Code, on or after that date.

SEC. 1707. ADMINISTRATIVE SEPARATION PROTECTIONS FOR MEMBERS OF THE ARMED FORCES WHO ARE SURVIVORS OF SEXUAL ASSAULT.

(a) COVERED MEMBER DEFINED.—In this section, the term ''covered member'' means a member of the Armed Forces who is diagnosed with a mental health condition related to a sexual assault that occurred during the member's service in the Armed Forces.

(b) LIMITATIONS ON SEPARATION FOR A MENTAL DISORDER NOT CONSTITUTING A PHYSICAL DISABILITY.—

(1) REVIEW OF DIAGNOSIS.—A covered member shall not be separated on the basis of a personality disorder or other mental disorder not constituting a physical disability, unless the diagnosis of such disorder has been—

(A) corroborated by a peer or higher-level mental health professional; and

(B) endorsed by the Surgeon General of the military department concerned.

(2) CO-MORBID PTSD DIAGNOSIS.—Unless found fit for duty by the disability evaluation system, a covered member shall not be separated on the basis of a personality disorder or other mental disorder not constituting a physical disability if service-related post-traumatic stress disorder is also diagnosed.

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

SEC. 1708. DEPARTMENT OF DEFENSE WORKING GROUP ON ADMINISTRATIVE REVIEW BOARDS.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Defense shall establish a Department of Defense working group for the purpose of identifying and making recommendations to the Secretary on best practices and procedures to be used by boards for the correction of military records and discharge review boards in carrying out their responsibilities under chapter 79 of title 10, United States Code, and in granting relief to claimants under that chapter.

(b) CONSULTATION.—In carrying out the responsibilities of the working group, members of the group shall consult, as appropriate, with civilian practitioners of military law and representatives of organizations that have experience in cases before boards for the correction of military records and discharge review boards.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the establishment of the working group, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings and recommendations of the working group.

(2) SUBSEQUENT REPORT.—

(A) IN GENERAL.—Not later than two years after the date of the establishment of the working group, the Secretary shall submit to the committees of Congress referred to in subparagraph (B) a report containing an evaluation conducted by the working group of all the recommendations of the working group that have been or are being implemented by boards for the correction of military records and discharge review boards of the military departments, including the results of the implementation of such recommendations.

(B) COMMITTEES OF CONGRESS.—The committees of Congress referred to in this subparagraph are—

(i) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(ii) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SA 456. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF SEQUESTRATION.

The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended—

(1) in section 251(a) (2 U.S.C. 901(a))—

(A) in paragraph (1), by striking ''Within'' and inserting ''For each fiscal year beginning before October 1, 2017, within'';

(B) in paragraph (4), in the matter preceding subparagraph (A), by inserting ''beginning before October 1, 2017'' after ''fiscal year'';

(C) in paragraph (6), by striking ''If'' and inserting ''For each fiscal year beginning before October 1, 2017, if''; and

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting ''for a fiscal year beginning before October 1, 2017'' after ''any discretionary appropriation''; and

(ii) in subparagraph (B), in the first sentence, by inserting ''for a fiscal year beginning before October 1, 2017'' after ''any discretionary appropriation''; and

(2) in section 254 (2 U.S.C. 904)—

(A) in subsection (a), in the matter preceding the table, by inserting ''beginning before October 1, 2017'' after ''any budget year'';

(B) in subsection (c)(2), by striking ''2021'' and inserting ''2017'';

(C) in subsection (f)(2)(A), by striking ''2021'' and inserting ''2017''; and

(D) in subsection (g), by striking ''If'' and inserting ''For each fiscal year beginning before October 1, 2017, if''.

SA 457. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. _____. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF THE MILITARY CHILD CARE SYSTEM AND PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR MILITARY DEPENDENTS.

(a) EMPLOYEES OF MILITARY CHILD CARE SYSTEM.—Section 1792 of title 10, United States Code, is amended—

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

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

''(d) CRIMINAL BACKGROUND CHECK.—The criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).''.

(b) PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES.—Section 1798 of such title is amended—

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

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

''(c) CRIMINAL BACKGROUND CHECK.—A provider of child care services or youth program services may not provide such services under this section unless such provider complies with the requirements for criminal background checks under section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) for the State in which such services are provided.''.

SA 458. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 705 and insert the following:

SEC. 705. SPECIFICATION THAT INDIVIDUALS UNDER THE AGE OF 21 ARE ELIGIBLE FOR HOSPICE CARE SERVICES UNDER THE TRICARE PROGRAM.

Section 1079(a)(15) of title 10, United States Code, is amended by inserting before the period at the end the following: '', except that hospice care may be provided to an individual under the age of 21 concurrently with health care services or hospitalization for the same condition.''.

SA 459. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.

(a) IN GENERAL.—The Secretary of Defense shall establish a pilot program to assess the feasibility and advisability of distributing royalties and other payments as described in this section. Under the pilot program, except as provided in subsections (b) and (d), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Department of Defense laboratories, and from the licensing of inventions of Department of Defense laboratories, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

(1)(A) The laboratory director shall pay each year the first $2,000, and thereafter at least 20 percent, of the royalties or other payments, other than payments of patent costs as delineated by a license or assignment agreement, to the inventor or coinventors, if the inventor's or coinventor's rights are directly assigned to the United States.

(B) A laboratory director may provide appropriate incentives, from royalties or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of the inventions.

(C) The laboratory shall retain the royalties and other payments received from an invention until the laboratory makes payments to employees of a laboratory under subparagraph (A) or (B).

(2) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the 2 succeeding fiscal years—

(A) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

(B) to further scientific exchange among the laboratories of the agency;

(C) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

(D) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

(E) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

(3) All royalties or other payments retained by the laboratory after payments have been made pursuant to paragraphs (1)

and (2) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury of the United States.

(b) TREATMENT OF PAYMENTS TO EMPLOYEES.—

(1) IN GENERAL.—Any payment made to an employee under the pilot program shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof. Any payment made to an inventor as such shall continue after the inventor leaves the laboratory.

(2) CUMULATIVE PAYMENTS.—(A) Cumulative payments made under the pilot program while the inventor is still employed at the laboratory shall not exceed $500,000 per year to any one person, unless the Secretary concerned (as defined in section 101(a) of title 10, United States Code) approves a larger award.

(B) Cumulative payments made under the pilot program after the inventor leaves the laboratory shall not exceed $150,000 per year to any one person, unless the head of the agency approves a larger award (with the excess over $150,000 being treated as an agency award to a former employee under section 4505 of title 5, United States Code).

(c) INVENTION MANAGEMENT SERVICES.—Under the pilot program, a laboratory receiving royalties or other payments as a result of invention management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such royalties or payments to the extent required to offset payments to inventors under subparagraph (A) of subsection (a)(1), costs and expenses incurred under subparagraph (D) of subsection (a)(2), and the cost of foreign patenting and maintenance for any invention of the other agency. All royalties and other payments remaining after offsetting the payments to inventors, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with subsection (a)(2).

(d) CERTAIN ASSIGNMENTS.—Under the pilot program, if the invention involved was one assigned to the laboratory—

(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency; or

(2) by an employee of the agency who was not working in the laboratory at the time the invention was made,

the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

(e) SUNSET.—The pilot program under this section shall terminate 5 years after the date of the enactment of this Act.

SA 460. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NORTH KOREA STRATEGY.

(a) REPORT ON STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report that sets forth a strategy of the United States with respect to North Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of support from foreign nations for North Korea's nuclear and ballistic missile programs.

(3) A description of the economic, political, and trade relationships between China and North Korea and Russia and North Korea, including trends in those relationships and their impact on the Government of North Korea.

(4) A description of the economic, political, and trade relationships between other countries and North Korea, and an identification of countries that may be undermining United States objectives identified in paragraph (5).

(5) The desired end state in North Korea and current United States objectives relative to security threats emanating from North Korea.

(6) A detailed roadmap to reach the end state and objectives identified in paragraph (5) through unilateral and multilateral diplomatic and economic means, including timelines for each element of the roadmap.

(7) An identification of the resources and authorities necessary to carry out the roadmap described in paragraph (6).

(8) A description of operational plans and associated military requirements for the protection of United States national security interests relative to threats from North Korea.

(9) An identification of any capability gaps and resource gaps that would impact the execution of any associated operational plan, and a mitigation plan to address such gaps.

(10) An assessment of current and desired partner nation contributions to countering threats from North Korea and a plan to enhance diplomatic, economic, and military cooperation with nations that have shared security interests.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) QUARTERLY UPDATES REQUIRED.—The President shall provide Congress with a quarterly written progress report on the implementation of the strategy required pursuant to subsection (a) in unclassified form.

SA 461. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COLLABORATION ON CYBERSECURITY OF INDUSTRIAL CONTROL SYSTEMS FOR CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Energy shall collaborate with respect to matters relating to the cybersecurity of industrial control systems for critical infrastructure, including with respect to—

(1) the work of the Department of Energy on the cybersecurity of energy delivery systems; and

(2) the work of the Department of Defense on platform information technology.

(b) CENTER OF EXCELLENCE.—

(1) IN GENERAL.—There is established a center of excellence on the cybersecurity of industrial control systems for critical infrastructure.

(2) MEMBERSHIP.—The center of excellence established under paragraph (1) shall be composed of representatives of—

(A) the Department of Defense;

(B) the Department of Energy, including national laboratories of the Department of Energy; and

(C) the Department of Homeland Security.

SA 462. Mr. MORAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. ARMY MILITARY VALUE ANALYSIS MODEL.

(a) FINDINGS.—Congress makes the following

(1) The Military Value Analysis model of the Army has been a key determinant for the force structure and strategic basing decisions of the Army in recent years.

(2) The Committees on Armed Services of the Senate and the House of Representatives have determined that a lack of transparency regarding process, metrics, and scoring on the matters covered by the Military Value Analysis model has made proper oversight of the Army by Congress far more difficult.

(b) LIMITATION ON ARMY BASING DECISIONS PENDING REPORT ON MODEL.—The Secretary of the Army may not make any basing decision with respect to the Army during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which the Secretary submits the report required by subsection (c).

(c) REPORT ON UPDATED MODEL.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an update of the Military Value Analysis model of the Army.

(2) REVIEW.—The Secretary shall update the Military Value Analysis model for purposes of the report required by paragraph (1) following a review undertaken by the Secretary for purposes of the update. The review and update shall address and appropriately incorporate the following:

(A) Qualitative and quantitative criteria and sub-criteria to be used for force structure and strategic basing decisions, including quantitative and qualitative measures on the average daily use of, and accessibility to, maneuver training acreage.

(B) Deployment criteria using a measure of the time required to deploy a unit of action from its home installation to its deployment site, including the transportation of unit personnel by military aircraft, and transportation of the commonly defined set of unit equipment to its designated out-port for deployment.

(d) SCORING DATA FOR FORCE STRUCTURE AND MAJOR BASING DECISIONS.—After making

a force structure or major basing decision for the Army, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the scoring data developed pursuant to the Military Value Analysis model of the Army with respect to each military installation considered for purposes of the decision.

SA 463. Mr. FLAKE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Anti-Border Corruption Reauthorization Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Anti-Border Corruption Reauthorization Act of 2017''.

SEC. 1092. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111–376; 6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

''(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency.

''(2) In the case of a current, full-time Federal law enforcement officer, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) has authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation.

''(3) In the case of an individual who is a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret / Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017.''.

SEC. 1093. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under subsection (b) of section 3 who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under subsection (b) of section 3 if information is discovered prior to the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

(b) REPORT.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new section:

''SEC. 5. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017, and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period—

''(1) the number of waivers requested, granted, and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(c) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

''SEC. 6. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.

''(3) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, as pursuant to Army Regulation 635-200 chapter 14-12.

''(4) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.''.

SA 464. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ANNUAL REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should seek from each ally or partner country of the United States acceptance of international security responsibilities and agreements to make contributions to the common defense commensurate with the economic resources and security environment of such country.

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 1, 2018, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each ally or partner country of the United States, including available data on nominal budget figures and defense spending as a percentage of such country's gross domestic product for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

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

(c) DEFINITIONS.—In this section:

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

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

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

(2) The term ''ally'' includes the following:

(A) Any signatory of a mutual defense treaty with the United States.

(B) Any country designated as a ''major non-NATO ally'' under section 2350a of title 10, United States Code, or pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).

(C) Any other ally or partner with a security memorandum of understanding or other security arrangement with the United States.

SA 465. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MILITARY HUMANITARIAN OPERATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Military Humanitarian Operations Act of 2017''.

(b) MILITARY HUMANITARIAN OPERATION DEFINED.—In this section, the term ''military humanitarian operation''—

(1) means a military operation—

(A) involving the deployment of members or weapons systems of the United States Armed Forces where hostile activities are reasonably anticipated; and

(B) with the aim of—

(i) preventing or responding to a humanitarian catastrophe, including its regional consequences; or

(ii) addressing a threat posed to international peace and security;

(2) includes—

(A) operations undertaken pursuant to the principle of the ''responsibility to protect'', as referenced in United Nations Security Council Resolution 1674 (2006);

(B) operations specifically authorized by the United Nations Security Council, or other international organizations; and

(C) unilateral deployments and deployments made in coordination with international organizations, treaty-based organizations, or coalitions formed to address specific humanitarian catastrophes; and

(3) does not mean a military operation undertaken—

(A) to respond to or repel attacks, or prevent imminent attacks, on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces;

(B) as a direct act of reprisal for attacks on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces;

(C) to invoke the inherent right to individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations;

(D) as a military mission to protect or rescue United States citizens or military or diplomatic personnel abroad;

(E) to carry out treaty commitments to directly aid allies in distress;

(F) as a humanitarian mission, not to exceed 30 days, in response to natural disasters where no civil unrest or combat with hostile forces is reasonably anticipated;

(G) to maintain maritime freedom of navigation, including actions aimed at combating piracy; or

(H) as a training exercise conducted by the United States Armed Forces abroad where no combat with hostile forces is reasonably anticipated.

(c) CONGRESSIONAL AUTHORIZATION REQUIREMENT.—The President may not deploy members of the United States Armed Forces into the territory, airspace, or waters of a foreign country for a military humanitarian operation not previously authorized by statute unless—

(1) the President submits to Congress a formal request for authorization to use members of the Armed Forces for the military humanitarian operation; and

(2) Congress specifically authorizes such use of forces.

(d) SEVERABILITY.—If any provision of this section is held to be unconstitutional, the remainder of the section shall not be affected.

SA 466. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1083.

SA 467. Mr. LEE (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WHITEHOUSE, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—Section 4001 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.''.

(b) RELATIONSHIP TO AN AUTHORIZATION TO USE MILITARY FORCE, DECLARATION OF WAR, OR SIMILAR AUTHORITY.—Section 4001 of title 18, United States Code, as amended by subsection (a) is further amended—

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

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

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(3) This section shall not be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

SA 468. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. SENSE OF SENATE ON THE DISAPPEARANCE OF DAVID SNEDDON.

(a) FINDINGS.—The Senate makes the following findings:

(1) David Louis Sneddon is a United States citizen who disappeared while touring the Yunnan Province in the People's Republic of China as a university student on August 14, 2004, at the age of 24.

(2) David had last reported to family members prior to his disappearance that he intended to hike the Tiger Leaping Gorge in the Yunnan Province before returning to the United States and had placed a down payment on student housing for the upcoming academic year, planned business meetings, and scheduled law school entrance examinations in the United States for the fall.

(3) People's Republic of China officials have reported to the Department of State and the family of David that he most likely died by falling into the Jinsha River while hiking the Tiger Leaping Gorge, although no physical evidence or eyewitness testimony exists to support this conclusion.

(4) There is evidence indicating that David did not fall into the river when he traveled through the gorge, including eyewitness testimonies from people who saw David alive and spoke to him in person after his hike, as recorded by members of David's family and by embassy officials from the Department of State in the months after his disappearance.

(5) Family members searching for David shortly after he went missing obtained eyewitness accounts that David stayed overnight in several guesthouses during and after his safe hike through the gorge, and these guesthouse locations suggest that David disappeared after passing through the gorge, but the guest registers recording the names and passport numbers of foreign overnight guests could not be accessed.

(6) Chinese officials have reported that evidence does not exist that David was a victim of violent crime, or a resident in a local hospital, prison, or mental institution at the time of his disappearance, and no attempt has been made to use David's passport since

the time of his disappearance, nor has any money been withdrawn from his bank account since that time.

(7) David Sneddon is the only United States citizen to disappear without explanation in the People's Republic of China since the normalization of relations between the United States and China during the administration of President Richard Nixon.

(8) Investigative reporters and nongovernmental organizations with expertise in the Asia-Pacific region, and in some cases particular expertise in the Asian Underground Railroad and North Korea's documented program to kidnap citizens of foreign nations for espionage purposes, have repeatedly raised the possibility that the Government of the Democratic People's Republic of Korea (DPRK) was involved in David's disappearance.

(9) Investigative reporters and nongovernmental organizations who have reviewed David's case believe it is possible that the Government of North Korea was involved in David's disappearance because—

(A) the Yunnan Province is regarded by regional experts as an area frequently trafficked by North Korean refugees and their support networks, and the Government of the People's Republic of China allows North Korean agents to operate throughout the region to repatriate refugees, such as prominent North Korean defector Kang Byong-sop and members of his family who were captured near the China-Laos border just weeks prior to David's disappearance;

(B) in 2002, North Korean officials acknowledged that the Government of North Korea has carried out a policy since the 1970s of abducting foreign citizens and holding them captive in North Korea for the purpose of training its intelligence and military personnel in critical language and culture skills to infiltrate foreign nations;

(C) Charles Robert Jenkins, a United States soldier who deserted his unit in South Korea in 1965 and was held captive in North Korea for nearly 40 years, left North Korea in July 2004 (one month before David disappeared in China) and Jenkins reported that he was forced to teach English to North Korean intelligence and military personnel while in captivity;

(D) David Sneddon is fluent in the Korean language and was learning Mandarin, skills that could have been appealing to the Government of North Korea after Charles Jenkins left the country;

(E) tensions between the United States and North Korea were heightened during the summer of 2004 due to recent approval of the North Korean Human Rights Act of 2004 (Public Law 108–333) that increased United States aid to refugees fleeing North Korea, prompting the Government of North Korea to issue a press release warning the United States to ''drop its hostile policy'';

(F) David Sneddon's disappearance fits a known pattern often seen in the abduction of foreigners by the Government of North Korea, including the fact that David disappeared the day before North Korea's Liberation Day patriotic national holiday, and the Government of North Korea has a demonstrated history of provocations near dates it deems historically significant;

(G) a well-reputed Japanese non-profit specializing in North Korean abductions shared with the United States its expert analysis in 2012 about information it stated was received ''from a reliable source'' that a United States university student largely matching David Sneddon's description was taken from China by North Korean agents in August 2004; and

(H) commentary published in the Wall Street Journal in 2013 cited experts looking at the Sneddon case who concluded that ''it is most probable that a U.S. national has been abducted to North Korea,'' and ''there is a strong possibility that North Korea kidnapped the American''.

(b) SENSE OF SENATE.—The Senate—

(1) expresses its ongoing concern about the disappearance of David Louis Sneddon in Yunnan Province, People's Republic of China, in August, 2004;

(2) directs the Department of State and the intelligence community to jointly continue investigations and to consider all plausible explanations for David's disappearance, including the possibility of abduction by the Government of the Democratic People's Republic of Korea;

(3) urges the Department of State and the intelligence community to coordinate investigations with the Governments of the People's Republic of China, Japan, and South Korea and solicit information from appropriate regional affairs and law enforcement experts on plausible explanations for David's disappearance;

(4) encourages the Department of State and the intelligence community to work with foreign governments known to have diplomatic influence with the Government of the Democratic People's Republic of Korea to better investigate the possibility of the involvement of the Government of the Democratic People's Republic of Korea in David Sneddon's disappearance and to possibly seek his recovery; and

(5) requests that the Department of State and the intelligence community continue to work with and inform Congress and the family of David Sneddon on efforts to possibly recover David and to resolve his disappearance.

SA 469. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

(a) PURPOSES.—The purposes of this section are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) DEFINITIONS.—In this section:

(1) FEDERAL RESOURCE MANAGEMENT PLAN.—The term ''Federal resource management plan'' means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) GREATER SAGE-GROUSE.—The term ''greater sage-grouse'' means a sage-grouse of the species Centrocercus urophasianus.

(3) STATE MANAGEMENT PLAN.—The term ''State management plan'' means a State-approved plan for the protection and recovery of the greater sage-grouse.

(c) PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.—

(1) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(A) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled ''Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered or Threatened Species'' (80 Fed. Reg. 59858 (October 2, 2015)) during the period beginning on the date of enactment of this Act and ending on September 30, 2027.

(B) EFFECT ON OTHER LAWS.—The delay required under subparagraph (A) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(C) EFFECT ON CONSERVATION STATUS.—The conservation status of the greater sage-grouse shall be considered not to warrant listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) during the period beginning on the date of enactment of this Act and ending on September 30, 2027.

(2) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.—

(A) PROHIBITION ON WITHDRAWAL AND MODIFICATION OF FEDERAL RESOURCE MANAGEMENT PLANS.—On notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not make, modify, or extend any withdrawal or amend or otherwise modify any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(B) RETROACTIVE EFFECT.—In the case of any State that provides notification under subparagraph (A), if any withdrawal was made, modified, or extended or any amendment or modification of a Federal resource management plan applicable to Federal land in the State was issued after June 1, 2014, and the withdrawal, amendment, or modification altered the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(i) implementation and operation of the withdrawal, amendment, or modification shall be stayed to the extent that the withdrawal, amendment, or modification is inconsistent with the State management plan; and

(ii) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan.

(C) DETERMINATION OF INCONSISTENCY.—Any disagreement regarding whether a withdrawal, amendment, or other modification of a Federal resource management plan is inconsistent with a State management plan shall be resolved by the Governor of the affected State.

(3) RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C.

4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(4) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through 2027, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(5) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SA 470. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. _____. MECHANISMS TO FACILITATE THE OBTAINING BY MILITARY SPOUSES OF OCCUPATIONAL LICENSES OR CREDENTIALS IN OTHER STATES.

Not later than March 1, 2018, the Secretary of Defense shall—

(1) develop and maintain a joint Federal-State clearing house to process the occupational license and credential information of military spouses in order—

(A) to facilitate the matching of such information with State occupational licensure and credentialing requirements; and

(B) to provide military spouses information on the actions required to obtain occupational licenses or credentials in other States;

(2) develop and maintain an Internet website that serves as a one-stop resource on occupational licenses and credentials for military spouses that sets forth license and credential requirements for common occupations in the States and provides assistance and other resources for military spouses seeking to obtain occupational licenses or credentials in other States; and

(3) submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of the establishment of a joint Federal-State task force dedicated to the elimination of unnecessary or duplicative occupational licensure and credentialing requirements among the States, including through the use of alternative, less restrictive and burdensome forms of occupational regulation.

SA 471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PUBLICATION OF CONGRESSIONAL BUDGET OFFICE MODELS.

(a) IN GENERAL.—Section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is amended—

(1) by striking ''The Director'' and inserting the following:

''(a) IN GENERAL.—The Director''; and

(2) by adding at the end the following:

''(b) PUBLICATION OF MODELS AND DATA.—The Director of the Congressional Budget Office shall make available to Members of Congress and make publicly available on the website of the Congressional Budget Office—

''(1) each fiscal model, policy model, and data preparation routine used by the Congressional Budget Office in estimating the costs and other fiscal, social, or economic effects of legislation, including estimates prepared under subsection (a);

''(2) any update of a model or routine described in paragraph (1);

''(3) subject to paragraph (4), for each estimate of the costs and other fiscal effects of legislation, including estimates prepared under subsection (a), the data, programs, models, assumptions, and other details of the computations used by the Congressional Budget Office in preparing the estimate, in a manner sufficient to permit replication by individuals not employed by the Congressional Budget Office; and

''(4) for any data that is required not to be disclosed by the Congressional Budget Office—

''(A) a complete list of all data variables for such data;

''(B) descriptive statistics for all data variables for such data (including averages, standard deviations, number of observations, and correlations to other variables), to the extent that the descriptive statistics do not violate the rule against disclosure;

''(C) a reference to the statute requiring that the data not be disclosed; and

''(D) information regarding how to contact the individual or entity who has unrestricted access to the data.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply on and after the date that is 6 months after the date of enactment of this Act.

SA 472. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 12, between lines 10 and 11, insert the following:

SEC. 112. MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(ii)) shall be treated as coverage under a high deductible health plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 113. TREATMENT OF DIRECT PRIMARY CARE SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF DIRECT PRIMARY CARE SERVICES.—For purposes of this section—

''(i) IN GENERAL.—Coverage under a direct primary care service arrangement shall be treated as coverage under a high deductible health plan.

''(ii) DIRECT PRIMARY CARE SERVICE ARRANGEMENT.—The term 'direct primary care service arrangement' means an arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for primary care services.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 114. SHORT-TERM LIMITED DURATION INSURANCE.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by the preceding sections of this Act, is amended by adding at the end the following new subparagraph:

''(G) SHORT-TERM LIMITED DURATION INSURANCE.—For purposes of this section—

''(i) IN GENERAL.—Short-term limited duration insurance shall be treated as a high deductible health plan.

''(ii) SHORT-TERM LIMITED DURATION INSURANCE.—The term 'short-term limited duration insurance' means health insurance coverage provided pursuant to a contract with an issuer which has an expiration date specified in the contract which (without regard to any extensions which may be elected by the policyholder without the consent of the issuer or any guaranteed renewal of the contract offered by the issuer) is less than 12 months after the original effective date of the contract.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 115. INCREASE IN MAXIMUM CONTRIBUTION LIMITATION.

(a) IN GENERAL.—Paragraph (2) of section 223(b) of the Internal Revenue Code of 1986 is amended by striking ''½ of—'' and all that follows and inserting ''½ of $10,800 ($29,500 in the case of a joint return).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by striking paragraphs (3) and (5) and by redesignating paragraphs (4), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.

(2) Paragraph (3) of section 223(b) of such Code (as so redesignated) is amended by striking the last sentence.

(3) Section 223(g) of such Code is amended—

(A) in paragraph (1), by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'',

(B) in paragraph (1)(B), by striking ''determined by'' and all that follows through '''calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.'',

(C) by redesignating paragraph (2) as paragraph (3),

(D) by inserting ''or (2)'' after ''paragraph (1)'' in paragraph (3), as so redesignated, and

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

''(2) CONTRIBUTION LIMITS.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting '2017' for '1992' in subparagraph (B) thereof.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 116. PURCHASE OF INSURANCE FROM HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986, as amended by section 110(a), is amended—

(1) by striking ''and any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual'' in subparagraph (A) and inserting ''any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual, and any child (as defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the end of such individual's taxable year'',

(2) by striking subparagraph (B) and inserting the following:

''(B) HEALTH INSURANCE MAY NOT BE PURCHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.'', and

(3) by striking ''or'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (C)(iv) and inserting '', or'', and by adding at the end the following:

''(v) a high deductible health plan but only to the extent of the portion of such expense in excess of—

''(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage,

''(II) any amount allowable as a deduction under section 162(l) with respect to such coverage, or

''(III) any amount excludable from gross income with respect to such coverage under section 106 (including by reason of section 125) or 402(l).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 117. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 118. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following flush sentence:

''A high deductible health plan shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SA 473. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPEALS.

(a) IN GENERAL.—The following provisions are hereby repealed:

(1) Subsection (d) of section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022); and, except for the purposes of applying section 1302(b) to sections 1252, 1301(a)(2), 1312(d)(3)(D), 1331, 1333, and 1334 of such Act, subsection (b) of such section 1302.

(2) Section 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)).

(3) Section 2701(a)(1) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)).

(4) Subsections (a), (b)(2), (c), and (d) of section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1).

(5) Section 2704 of the Public Health Service Act (42 U.S.C. 300gg–3), except for subsection (e)(3) of such section.

(6) Subsections (a) through (j) of section 2705 of the Public Health Service Act (42 U.S.C. 300gg–4).

(7) Section 2707 of the Public Health Service Act (42 U.S.C. 300gg–6).

(8) Subsections (a)(1) and (b) of section 2711 of the Public Health Service Act (42 U.S.C. 300gg–11).

(9) Section 2713(a) of the Public Health Service Act (42 U.S.C. 300gg–13(a)).

(10) Subsections (a), (b)(2), (d), and (e) of section 2718 of the Public Health Service Act (42 U.S.C. §§ 300gg–18).

(11) Section 2794(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–94(b)(2)), except for the purposes of applying 2794(b)(2) to subsection 2794(a)(2) and subsection 1312(f)(2)(B) (42 U.S.C. § 18032(f)(2)(B)).

(12) Section 1343 of the Patient Protection and Affordable Care Act (42 U.S.C. 18063).

(b) GUIDELINES.—The guidelines promulgated pursuant to section 1302(d)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(3)) that are in effect on the date of enactment of this Act shall have no force or effect.

SA 474. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 1 and all that follows and insert the following:

SECTION 1. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Effective on January 1, 2018, the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective on January 1, 2018, the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

SA 475. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 12, between lines 10 and 11, insert the following:

SEC. 112. MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(ii)) shall be treated as coverage under a high deductible health plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 113. TREATMENT OF DIRECT PRIMARY CARE SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF DIRECT PRIMARY CARE SERVICES.—For purposes of this section—

''(i) IN GENERAL.—Coverage under a direct primary care service arrangement shall be treated as coverage under a high deductible health plan.

''(ii) DIRECT PRIMARY CARE SERVICE ARRANGEMENT.—The term 'direct primary care service arrangement' means an arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for primary care services.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 114. INCREASE IN MAXIMUM CONTRIBUTION LIMITATION.

(a) IN GENERAL.—Paragraph (2) of section 223(b) of the Internal Revenue Code of 1986 is amended by striking ''½ of—'' and all that follows and inserting ''½ of $10,800 ($29,500 in the case of a joint return).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by striking paragraphs (3) and (5) and by redesignating paragraphs (4), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.

(2) Paragraph (3) of section 223(b) of such Code (as so redesignated) is amended by striking the last sentence.

(3) Section 223(g) of such Code is amended—

(A) in paragraph (1), by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'',

(B) in paragraph (1)(B), by striking ''determined by'' and all that follows through ''''calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.'',

(C) by redesignating paragraph (2) as paragraph (3),

(D) by inserting ''or (2)'' after ''paragraph (1)'' in paragraph (3), as so redesignated, and

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

''(2) CONTRIBUTION LIMITS.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting '2017' for '1992' in subparagraph (B) thereof.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 115. PURCHASE OF INSURANCE FROM HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986, as amended by section 110(a), is amended—

(1) by striking ''and any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual'' in subparagraph (A) and inserting ''any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual, and any child (as defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the end of such individual's taxable year'',

(2) by striking subparagraph (B) and inserting the following:

''(B) HEALTH INSURANCE MAY NOT BE PURCHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.'', and

(3) by striking ''or'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (C)(iv) and inserting '', or'', and by adding at the end the following:

''(v) a high deductible health plan but only to the extent of the portion of such expense in excess of—

''(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage,

''(II) any amount allowable as a deduction under section 162(l) with respect to such coverage, or

''(III) any amount excludable from gross income with respect to such coverage under section 106 (including by reason of section 125) or 402(l).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 116. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 117. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following flush sentence:

''A high deductible health plan shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SA 476. Mr. SULLIVAN (for himself, Mr. HOEVEN, Ms. MURKOWSKI, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 18, strike lines 7 through 26 and insert the following:

SEC. 204. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act and (except for payments authorized by section 1402 of such Act, as amended by section 209) ending on December 31, 2019. Notwithstanding any other provision of this Act, payments and other actions for adjustments to any obligations incurred for plan years 2018 and 2019 may be made through December 31, 2020.

SEC. 205. REPEAL OF COST-SHARING SUBSIDY PROGRAM.

(a) IN GENERAL.—The Patient Protection and Affordable Care Act is amended by striking section 1402.

(b) PRESERVATION OF COST-SHARING FOR INDIANS.—The Patient Protection and Affordable Care Act, as amended by subsection (a), is amended by inserting after section 1401 the following:

''SEC. 1402. REDUCED COST-SHARING FOR CERTAIN INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible insured enrolled in a qualified health plan in the individual market through an Exchange—

''(1) the Secretary shall notify the issuer of the plan of such eligibility; and

''(2) the issuer shall reduce the cost-sharing under the plan at the level and in the manner specified in subsection (c).

''(b) ELIGIBLE INSURED.—For purposes of this section, the term 'eligible insured' means an Indian (as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d))) whose household income is not more than 300 percent of the poverty line for a family of the size involved.

''(c) REDUCTION OF COST-SHARING.—

''(1) IN GENERAL.—The issuer of the plan described in subsection (a) in which an eligible insured is enrolled shall eliminate any cost-sharing under the plan.

''(2) ITEMS OR SERVICES FURNISHED THROUGH INDIAN HEALTH PROVIDERS.—If an Indian (as so defined) enrolled in a qualified health plan is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services—

''(A) no cost-sharing under the plan shall be imposed under the plan for such item or service; and

''(B) the issuer of the plan shall not reduce the payment to any such entity for such item or service by the amount of any cost-sharing that would be due from the Indian but for subparagraph (A).

''(d) PAYMENT.—The Secretary shall pay to the issuer of a qualified health plan the amount necessary to reflect the increase in actuarial value of the plan required by reason of this section.

''(e) DEFINITIONS AND SPECIAL RULES.—In this section:

''(1) IN GENERAL.—Any term used in this section which is also used in section 36B of the Internal Revenue Code of 1986 shall have the meaning given such term by such section.

''(2) LIMITATIONS ON REDUCTION.—No cost-sharing reduction shall be allowed under this section with respect to coverage for any month unless the month is a coverage month with respect to which a credit is allowed to the insured (or an applicable taxpayer on behalf of the insured) under section 36B of such Code.

''(3) DATA USED FOR ELIGIBILITY.—Any determination under this section shall be made on the basis of the taxable year for which the advance determination is made under section 1412 and not the taxable year for which the credit under section 36B of such Code is allowed.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost-sharing reductions (and payments to issuers for such reductions) for plan years beginning after December 31, 2019.

SA 477. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AVAILABILITY ACROSS STATE LINES.

The Secretary shall promulgate regulations permitting health insurance coverage to be sold across State lines.

SA 478. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 550. CIVILIAN TRAINING FOR NATIONAL GUARD PILOTS AND SENSOR OPERATOR AIRCREWS OF MQ–9 UNMANNED AERIAL VEHICLES.

(a) CONTRACTS FOR TRAINING.—The Chief of the National Guard Bureau may enter into one or more contracts with appropriate civilian entities in order to provide flying or operating training for National Guard pilots

and sensor operator aircrew members in the MQ–9 unmanned aerial vehicle if the Chief of the National Guard Bureau determines that—

(1) Air Force training units lack sufficient capacity to train such pilots or sensor operator aircrew members for initial qualification in the MQ–9 unmanned aerial vehicle;

(2) pilots or sensor operator aircrew members of Air National Guard units require continuation training in order to remain current and qualified in the MQ-9 unmanned aerial vehicle;

(3) non-combat continuation training in the MQ–9 unmanned aerial vehicle is necessary for such pilots or sensor operator aircrew members to achieve required levels of flying or operating proficiency; or

(4) such training for such pilots or sensor operator aircrew members is necessary in order to meet requirements for the National Guard to provide pilots and sensor operator aircrew members qualified in the MQ–9 unmanned aerial vehicle for operations on active duty and in State status.

(b) NATURE OF TRAINING UNDER CONTRACTS.—Any training provided pursuant to a contract under subsection (a) shall incorporate a level of instruction that is equivalent to the instruction in the MQ–9 unmanned aerial vehicle provided to pilots and sensor operator aircrew members at Air Force training units.

SA 479. Ms. HEITKAMP (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMPOWERING FEDERAL EMPLOYMENT FOR VETERANS.

(a) ESTABLISHMENT OF VETERANS EMPLOYMENT PROGRAMS IN FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''covered agency'' means—

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Agriculture;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Health and Human Services;

(x) the Department of Housing and Urban Development;

(xi) the Department of Transportation;

(xii) the Department of Energy;

(xiii) the Department of Education;

(xiv) the Department of Veterans Affairs;

(xv) the Department of Homeland Security;

(xvi) the Environmental Protection Agency;

(xvii) the National Aeronautics and Space Administration;

(xviii) the Agency for International Development;

(xix) the General Services Administration;

(xx) the National Science Foundation;

(xxi) the Nuclear Regulatory Commission;

(xxii) the Office of Personnel Management;

(xxiii) the Small Business Administration;

(xxiv) the Social Security Administration; and

(xxv) any other Executive agency (as defined in section 105 of title 5, United States Code) that the President may designate;

(B) the term ''transitioning member of the Armed Forces'' means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces within 180 days; and

(C) the term ''veterans employment official'' means—

(i) the head of a Veterans Employment Program Office established under paragraph (2)(A)(i); and

(ii) an employee designated to carry out a Veterans Employment Program for a covered agency under paragraph (2)(A)(ii).

(2) VETERANS EMPLOYMENT PROGRAMS.—The head of a covered agency shall—

(A)(i) establish or maintain a Veterans Employment Program Office within the covered agency; or

(ii) designate an employee of the covered agency who shall have full-time responsibility for carrying out a Veterans Employment Program for the covered agency; and

(B) ensure the public availability of contact information for veterans employment officials to ensure engagement with prospective applicants.

(3) RESPONSIBILITIES.—A veterans employment official of a covered agency shall—

(A) enhance employment opportunities for veterans within the agency, consistent with law and merit system principles, including by developing and implementing—

(i) the agency's plan for promoting employment opportunities for veterans;

(ii) veterans recruitment programs; and

(iii) training programs for veterans with disabilities;

(B) coordinate and provide employment counseling and training programs to prospective applicants to help match the skills and career aspirations of veterans to the needs of the agency, targeting high-demand Federal occupations that are projected to have heavy recruitment needs;

(C) participate in skills-based, cross-governmental, and individual agency career development programs to leverage those programs in matching veterans' career aspirations with high-growth occupations; and

(D) provide mandatory annual training to human resources employees and hiring managers of the agency concerning veterans' employment, including training on veterans' preferences and special authorities for the hiring of veterans.

(4) COORDINATION BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) IN GENERAL.—The Director of the Office of Personnel Management shall facilitate coordination among veterans employment officials, including appropriate sharing of resources and information to help match the skills and career aspirations of veterans to the needs of the agencies.

(B) RESPONSIBILITIES.—The Director of the Office of Personnel Management shall—

(i) establish a Veterans Program Office to provide Government-wide leadership in recruitment and employment of veterans in the executive branch of the Federal Government;

(ii) regularly convene veterans employment officials for working-level meetings to share information on best practices, prospective applicants, and strategies for matching veterans with appropriate employment;

(iii) develop mandatory annual training for human resources employees and hiring managers of covered agencies concerning veterans' employment, including training on veterans' preferences and special authorities for the hiring of veterans;

(iv) develop a skills-based, cross-governmental career development program for covered agencies to leverage in matching veterans' career aspirations with high-growth occupations;

(v) promote the Federal Government as an employer of choice to transitioning members of the Armed Forces and veterans;

(vi) market the talent, experience, and dedication of transitioning members of the Armed Forces and veterans to Federal agencies; and

(vii) disseminate Federal employment information to veterans and hiring officials.

(C) ACCOUNTABILITY.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall submit to Congress a report on—

(i) progress made toward the sharing of resources among veterans employment officials;

(ii) progress made toward the sharing of information among veterans employment officials, including steps to promote face-to-face interaction and the use of Federal information gateways;

(iii) the development and implementation of training programs for human resources employees and hiring managers of Federal agencies;

(iv) career development programs for veterans seeking employment; and

(v) efforts to promote the Federal Government as an employer of choice to transitioning members of the Armed Forces and veterans.

(b) INTERAGENCY COUNCIL ON VETERANS EMPLOYMENT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established an interagency council on matters relating to the employment of veterans.

(B) DESIGNATION.—The council established under subparagraph (A) shall be known as the ''Interagency Council on Veterans Employment'' (in this subsection referred to as the ''Council'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall consist of the heads of—

(i) each covered agency (as defined in subsection (a)(1)); and

(ii) any other Executive agency (as defined in section 105 of title 5, United States Code) that the President may designate.

(B) CO-CHAIRS.—The Secretary of Labor and the Secretary of Veterans Affairs shall serve as Co-Chairs of the Council.

(C) VICE-CHAIR.—The Director of the Office of Personnel Management shall serve as the Vice Chair of the Council.

(3) DUTIES.—The duties of the Council shall include each of the following:

(A) To advise and assist the President and the Director of the Office of Personnel Management on matters relating to maintaining a coordinated Government-wide effort to increase the number of veterans employed by the Federal Government in positions that match the skills and career aspirations of veterans, by enhancing recruiting, hiring, retention, training and skills development, and job satisfaction.

(B) To serve as a national forum for promoting employment opportunities for veterans in the executive branch of the Federal Government.

(C) To establish performance measures to assess the effectiveness of efforts to promote recruiting, hiring, retention, training and skills development, and job satisfaction of veterans by the Federal Government.

(D) Not later than 1 year after the date of enactment of this Act and not less frequently than once each year thereafter, to submit to the President and Congress a report on the effectiveness of those efforts.

(4) ADMINISTRATION.—

(A) DUTIES OF CO-CHAIRS.—The Co-Chairs shall convene regular meetings of the Council, determine its agenda, and direct its work.

(B) STEERING COMMITTEE.—At the direction of the Co-Chairs, the Council may establish—

(i) a Steering Committee to provide leadership, accountability, and strategic direction to the Council; and

(ii) subgroups to promote coordination among veterans employment officials (as defined in subsection (a)(1)).

(C) EXECUTIVE DIRECTOR.—The Vice Chair shall designate an Executive Director for the Council to support the Vice Chair in managing the Council's activities.

(D) OPM.—The Office of Personnel Management shall provide administrative support for the Council to the extent permitted by law and within existing appropriations (as of the date of the provision).

(c) EXPANSION OF SKILLBRIDGE INITIATIVE TO INCLUDE PARTICIPATION BY FEDERAL AGENCIES.—

(1) MODIFICATION OF INITIATIVE BY SECRETARY OF DEFENSE.—The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall make such modifications to the SkillBridge initiative of the Department of Defense as the Secretary considers appropriate to enable Federal agencies to participate in the initiative as employers and trainers, including the provision of training by Federal agencies under the initiative to transitioning members of the Armed Forces.

(2) PARTICIPATION BY FEDERAL AGENCIES.—The Director, in consultation with the Secretary, shall take such actions as may be necessary to ensure that each Federal agency participates in the SkillBridge initiative of the Department of Defense as described in paragraph (1).

(3) TRANSITIONING MEMBERS OF THE ARMED FORCES DEFINED.—In this subsection, the term ''transitioning member of the Armed Forces'' means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces not more than 180 days after the member commences training under the SkillBridge initiative.

SA 480. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) for each of 12 days in connection with the taking by the member of a period of maternity leave.''.

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) Points at the rate of 12 a year for the taking of maternity leave.''.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

SA 481. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) for each of 12 days in connection with the taking by the member of a period of maternity leave.''.

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) Points at the rate of 12 a year for the taking of maternity leave.''.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

SA 482. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. LIMITATION ON USE OF FUNDS TO CLOSE BIOSAFETY LEVEL 4 LABORATORIES.

None of the funds authorized to be appropriated under this Act or any other Act may be used to support the closure or transfer of any biosafety level 4 laboratory of the Department of Homeland Security or other facility of the Department of Homeland Security that monitors chemical or biological threats.

SA 483. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 953. NEW NAVY SHIP INTEGRATION AND DESIGN CENTER.

The Secretary of the Navy shall establish at a current Naval Surface Warfare Center a new Navy Ship Integration and Design Center to support current and future Navy vessels acquisition programs in order to reduce costs due to inefficiencies and vessel design cycle times.

SA 484. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title VIII, strike subtitle E.

SA 485. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 133. MODERNIZATION OF THE RADAR FOR F–16 FIGHTER AIRCRAFT OF THE NATIONAL GUARD.

(a) MODERNIZATION REQUIRED.—The Secretary of the Air Force shall take appropriate actions to modernize the radars of F–16 fighter aircraft of the National Guard by replacing legacy mechanically-scanned radars for such aircraft with AESA radars.

(b) REPORT.—Not later 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to modernize the radars of F–16 fighter aircraft of the National Guard as required by subsection (a).

SA 486. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. _____. PLAN FOR DEVELOPMENT OF ENERGETIC MATERIALS BY DEPARTMENT OF NAVY.

(a) PLAN REQUIRED.—The Secretary of the Navy shall develop a long-term science and technology plan for the development of energetic materials, both explosives and propellants.

(b) REPORT.—Not later than March 2, 2018, the Secretary shall submit to Congress a report on the plan required by subsection (a).

SA 487. Mr. CARPER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Government Purchase and Travel Cards

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017''.

SEC. 1092. DEFINITIONS.

In this subtitle:

(1) IMPROPER PAYMENT.—The term ''improper payment'' has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) QUESTIONABLE TRANSACTION.—The term ''questionable transaction'' means a charge card transaction that from initial card data appears to be high risk and may therefore be improper due to non-compliance with applicable law, regulation or policy.

(3) STRATEGIC SOURCING.—The term ''strategic sourcing'' means analyzing and modifying a Federal agency's spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 1093. EXPANDED USE OF DATA ANALYTICS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator for General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies' capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying questionable purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194); and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

SEC. 1094. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the interagency charge card data management group established under section 1095, shall issue guidance on improving information sharing by government agencies for the purposes of section 1093(a)(1).

(b) ELEMENTS.—The guidance issued under subsection (a) shall—

(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity (such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

(3) provide for the appropriate sharing of information related to potential questionable transactions, fraud schemes, and high-risk activities with General Services Administration Office of Charge Card Management and the appropriate officials in Federal agencies;

(4) consider the recommendations made by Inspectors General or the best practices Inspectors General have identified; and

(5) include other requirements determined appropriate by the Director for the purposes of carrying out this subtitle.

SEC. 1095. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 1093(a).

(b) ELEMENTS.—The best practices developed under subsection (a) shall—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) and others identified by the Administrator and Director.

SEC. 1096. REPORTING REQUIREMENTS.

(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit a report to Congress on the implementation of this subtitle, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable or improper payments as well as improved utilization of card-based payment products.

(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) shall submit a report to the Director of the Office of Management and Budget on that agency's activities to implement this subtitle.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this subtitle, which may be included as part of another report submitted to Congress by the Director.

(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to Congress identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).

SA 488. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction,

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

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

SEC. 1049. SENSE OF CONGRESS ON USE OF TEST SITES FOR RESEARCH AND DEVELOPMENT ON COUNTERING UNMANNED AERIAL SYSTEMS.

It is the sense of Congress that—

(1) the armed unmanned aerial systems deployed by adversaries for military purposes pose a threat to military installations, critical infrastructure, and members of the Armed Forces in conflict areas like Iraq and Syria;

(2) the unmanned aerial systems test sites designated by the Federal Aviation Administration offer unique capabilities, expertise, and airspace for research and development related to unmanned aerial systems; and

(3) the Armed Forces should, to the extent practicable, seek to leverage the test sites described in paragraph (2) for research and development on capabilities to counter the nefarious use of unmanned aerial systems.

SA 489. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 655, line 4, insert after ''the Republic of Korea and Japan'' the following: '', and should fully consider actions to reassure the Republic of Korea and Japan of the enduring commitment of the United States to provide its full range of capabilities in their defense''.

SA 490. Mr. WARNER (for himself, Mr. SULLIVAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1270E. ADVANCEMENTS IN DEFENSE COOPERATION BETWEEN THE UNITED STATES AND INDIA.

(a) STRATEGY TO FURTHER COOPERATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, develop a strategy for advancing defense cooperation between the United States and India.

(2) ELEMENTS.—The strategy shall address the following:

(A) Common security challenges.

(B) The role of United States partners and allies in the United States-India defense relationship.

(C) The role of the Defense Technology and Trade Initiative.

(D) How to advance the Communications Interoperability and Security Memorandum of Agreement and the Basic Exchange and Cooperation Agreement for Geospatial Cooperation.

(E) The role of joint exercises, operations, patrols and mutual defense planning.

(F) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

(b) INDIA AS MAJOR DEFENSE PARTNER.—

(1) FINDINGS.—Congress makes the following findings:

(A) Subsection (a)(1)(A) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2559; 22 U.S.C. 2751 note) requires the recognition of India as a major defense partner.

(B) The President and the Prime Minister of India, in a joint statement, noted that India is a Major Defense Partner of the United States.

(C) The designation of ''Major Defense Partner'' is unique to India, and institutionalizes the progress made to facilitate defense trade and technology sharing between the United States and India.

(D) The designation elevates defense trade and technology cooperation between the United States and India to a level commensurate with the closest allies and partners of the United States.

(E) The designation is intended to facilitate technology sharing between the United States and India, including license-free access to a wide range of dual-use technologies.

(F) The designation facilitates joint exercises, coordination on defense strategy and policy, military exchanges, and port calls in support of defense cooperation between the United States and India.

(2) INTERAGENCY DEFINITION.—The Secretary of Defense, the Secretary of State, and the Secretary of Commerce shall jointly produce a common definition of the term ''Major Defense Partner'' as it relates to India for joint use by the Department of Defense, the Department of State, and the Department of Commerce.

(c) RESPONSIBILITY FOR ENHANCED COOPERATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall make the designation required by subsection (a)(1)(B) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017.

(2) ADDITIONAL DUTIES.—In addition to the duties specified in clauses (i) and (ii) of subsection (a)(1)(B) of such section 1292, the individual designated pursuant to paragraph (1) shall promote United States defense trade with India for the benefit of job creation and commercial competitiveness in the United States.

(3) BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, appropriate officials of the Office of the Secretary of Defense and appropriate officials of the Department of State shall brief the appropriate committees of Congress on the actions of the Department of Defense and the Department of State, respectively, to promote the competitiveness of United States defense exports to India. The requirement for briefings under this paragraph shall cease on the date of the designation of an individual pursuant to paragraph (1).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, 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.

SA 491. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPEN GOVERNMENT DATA.

(a) SHORT TITLE.—This section may be cited as the ''Open, Public, Electronic, and Necessary Government Data Act'' or the ''OPEN Government Data Act''.

(b) DEFINITION.—In this section, the term ''agency'' has the meaning given the term in section 3561 of title 44, United States Code, as added by subsection (c).

(c) OPEN GOVERNMENT DATA.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''Subchapter III—Open Government Data

''§ 3561. Definitions

''As used in this subchapter—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 3502; and

''(B) includes the Federal Election Commission;

''(2) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

''(3) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'Enterprise Data Inventory' means a data inventory developed and maintained under section 3563;

''(6) the terms 'information resources management', 'information system', and 'information technology' have the meanings given those terms in section 3502;

''(7) the term 'machine-readable' means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

''(8) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

''(9) the term 'open Government data asset' means a data asset maintained by the Federal Government that is—

''(A) machine-readable;

''(B) available in an open format;

''(C) not encumbered by restrictions that would impede use or reuse;

''(D) releasable to the public according to guidance issued by the Director under section 3562(d); and

''(E) based on an underlying open standard that is maintained by a standards organization; and

''(10) the term 'open license' means a legal guarantee applied to a data asset that the data asset is made available—

''(A) at no cost to the public; and

''(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

''§ 3562. Requirements for Government data

''(a) MACHINE-READABLE DATA REQUIRED.—Open Government data assets made available

by an agency shall be published as machine-readable data.

''(b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and subject to privacy, confidentiality, and any other restrictions, and according to guidance issued by the Director under subsection (d)—

''(1) data assets maintained by the Federal Government shall—

''(A) be available in an open format; and

''(B) be available under open licenses; and

''(2) open Government data assets published by or for an agency shall be made available under an open license.

''(c) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the data assets of the agency in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law, regulation, and policy.

''(d) GUIDANCE FOR OPEN BY DEFAULT AND OPEN LICENSE REQUIREMENTS.—The Director shall issue guidance for agencies to use in implementing subsections (a) and (b), including criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

''(1) privacy and confidentiality risks and restrictions, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

''(2) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

''(3) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

''(4) the expectation that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the 'Freedom of Information Act'); and

''(5) any other considerations that the Director determines to be relevant.

''§ 3563. Enterprise Data Inventory

''(a) AGENCY DATA INVENTORY REQUIRED.—

''(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director, shall develop and maintain an enterprise data inventory that accounts for any data asset created, collected, under the control or direction of, or maintained by the agency after the effective date of this section, with the goal of including all data assets, to the extent practicable.

''(2) CONTENTS.—Each Enterprise Data Inventory shall include the following:

''(A) Data assets used in agency information systems (including program administration, statistics, and financial activity) generated by applications, devices, networks, facilities, and equipment, categorized by source type.

''(B) Data assets shared or maintained across agency programs and bureaus.

''(C) Data assets that are shared among agencies or created by more than 1 agency.

''(D) A clear indication of all data assets that can be made publicly available under section 552 of title 5 (commonly known as the 'Freedom of Information Act').

''(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is available to the public.

''(F) Open Government data assets.

''(G) Other elements as required by the guidance issued by the Director under subsection (c).

''(b) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency, in coordination with privacy and security officials of the agency, shall use the guidance issued by the Director under section 3562(d) in determining whether to make data assets included in the Enterprise Data Inventory of the agency publicly available in an open format and under an open license.

''(c) GUIDANCE FOR ENTERPRISE DATA INVENTORY.—The Director shall issue guidance for each Enterprise Data Inventory, including a requirement that an Enterprise Data Inventory includes a compilation of metadata about agency data assets.

''(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency—

''(1) shall make the Enterprise Data Inventory of the agency available to the public on the Federal Data Catalog required under section 3566;

''(2) shall ensure that access to the Enterprise Data Inventory of the agency and the data contained therein is consistent with applicable law, regulation, and policy; and

''(3) may implement paragraph (1) in a manner that maintains a nonpublic portion of the Enterprise Data Inventory of the agency.

''(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

''(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

''(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

''(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.

''§ 3564. Federal agency responsibilities

''(a) INFORMATION RESOURCES MANAGEMENT.—With respect to general information resources management, each agency shall—

''(1) improve the integrity, quality, and utility of information to all users within and outside the agency by—

''(A) using open format for any new open Government data asset created or obtained on or after the date that is 1 year after the date of enactment of this section; and

''(B) to the extent practicable, encouraging the adoption of open format for all open Government data assets created or obtained before the date described in subparagraph (A); and

''(2) in consultation with the Director, develop an open data plan that, at a minimum and to the extent practicable—

''(A) requires the agency to develop processes and procedures that—

''(i) require each new data collection mechanism to use an open format; and

''(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data assets;

''(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements;

''(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data assets;

''(D) requires the agency to update the plan at an interval determined by the Director;

''(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from the public and private sectors; and

''(F) prohibits the disclosure of data assets unless the data asset may be released to the public in accordance with guidance issued by the Director under section 3562(d).

''(b) INFORMATION DISSEMINATION.—With respect to information dissemination, each agency—

''(1) shall provide access to open Government data assets online;

''(2) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

''(3) may engage the public in using open Government data assets and encourage collaboration by—

''(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

''(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

''(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

''(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

''§ 3565. Additional agency data asset management responsibilities

''The Chief Information Officer of each agency, or other appropriate official designated by the head of an agency, in collaboration with other internal agency stakeholders, is responsible for—

''(1) data asset management, format standardization, sharing of data assets, and publication of data assets for the agency;

''(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3563;

''(3) ensuring that agency data conforms with open data best practices;

''(4) engaging agency employees, the public, and contractors in using open Government data assets and encouraging collaborative approaches to improving data use;

''(5) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

''(6) supporting officials responsible for leading agency mission areas and Governmentwide initiatives in maximizing data available for program administration, statistics, evaluation, research, and internal financial management, subject to any privacy, confidentiality, security laws and policies, and other valid restrictions;

''(7) reviewing the information technology infrastructure of the agency and the impact of the infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

''(8) ensuring that, to the extent practicable, the agency is maximizing data assets used in agency information systems generated by applications, devices, networks, facilities, and equipment, categorized by source type, and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

''(9) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director.

''§ 3566. Federal Data Catalog

''(a) FEDERAL DATA CATALOG REQUIRED.—The Administrator of General Services shall maintain a single public interface online, to be known as the 'Federal Data Catalog', as a point of entry dedicated to sharing open Government data assets with the public.

''(b) COORDINATION WITH AGENCIES.—The Director shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data assets published through the interface described in subsection (a).''.

(2) SPECIAL PROVISIONS.—

(A) EFFECTIVE DATE.—Notwithstanding subsection (i), section 3562 of title 44, United States Code, as added by paragraph (1), shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(B) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3562 of title 44, United States Code, as added by paragraph (1).

(C) DEADLINE FOR FEDERAL DATA CATALOG.—Not later than 180 days after the effective date of this section, the Administrator of General Services shall meet the requirements of section 3566 of title 44, United States Code, as added by paragraph (1)

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—OPEN GOVERNMENT DATA

''3561. Definitions.
''3562. Requirements for Government data.
''3563. Enterprise Data Inventory.
''3564. Federal agency responsibilities.
''3565. Additional agency data asset management responsibilities.
''3566. Federal Data Catalog.''.

(d) EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.—

(1) AGENCY REVIEW OF EVALUATION AND ANALYSIS CAPABILITIES; REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in paragraph (2).

(2) REQUIREMENTS OF AGENCY REVIEW.—The report required under paragraph (1) shall assess the coverage, quality, methods, effectiveness, and independence of the evaluation, research, and analysis efforts of an agency, including each of the following:

(A) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(B) The extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(C) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability.

(D) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(E) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(F) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(3) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted under paragraph (1) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) ONLINE REPOSITORY AND ADDITIONAL REPORTS.—

(1) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices, which shall—

(A) include definitions, regulation and policy, checklists, and case studies related to open data, this section, and the amendments made by this section; and

(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(2) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(A) the value of information made available to the public as a result of this section and the amendments made by this section;

(B) whether it is valuable to expand the publicly available information to any other data assets; and

(C) the completeness of the Enterprise Data Inventory at each agency required under section 3563 of title 44, United States Code, as added by subsection (c).

(3) BIENNIAL OMB REPORT.—Not later than 1 year after the effective date of this section, and every 2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this section and the amendments made by this section.

(4) AGENCY CIO REPORT.—Not later than 1 year after the effective date of this section and every year thereafter, the Chief Information Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on compliance with the requirements of this section and the amendments made by this section, including information on the requirements that the agency could not meet and what the agency needs to comply with those requirements.

(f) GUIDANCE.—The Director of the Office of Management and Budget shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.

(g) NATIONAL SECURITY SYSTEMS.—This section and the amendments made by this section shall not apply to data assets that are contained in a national security system, as defined in section 11103 of title 40, United States Code.

(h) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to require the disclosure of information or records that may be withheld from public disclosure under any provision of Federal law, including section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') and section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 492. Mr. SCHATZ (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REVIEW OF DISCHARGE CHARACTERIZATION OF FORMER MEMBERS OF THE ARMED FORCES WHO WERE DISCHARGED BY REASON OF THE SEXUAL ORIENTATION.

(a) IN GENERAL.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) CRITERIA.—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as ''DADT'') or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or the member's representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD–214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or the member's representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) REQUEST FOR REVIEW.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) REVIEW.—

(1) IN GENERAL.—After a request described in subsection (c) has been made, the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) ADDITIONAL MATERIALS.—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or the member's representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) CHANGE OF CHARACTERIZATION.—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the member's representative, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) CHANGE OF RECORDS.—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD–214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or the member's representative a revised DD–214 form that reflects the following:

(1) For each covered member discharged, the Separation Code, Reentry Code, Narrative Code, and Separation Authority shall not reflect the sexual orientation of the member and shall be placed under secretarial authority. Any other similar indication of the sexual orientation or reason for discharge shall be removed or changed accordingly to be consistent with this paragraph.

(2) For each covered member whose discharge occurred prior to the creation of general secretarial authority, the sections of the DD–214 form referred to paragraph (1) shall be changed to similarly reflect a universal authority with codes, authorities, and language applicable at the time of discharge.

(g) STATUS.—

(1) IN GENERAL.—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) REINSTATEMENT.—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(h) DEFINITIONS.—In this section:

(1) The term ''appropriate discharge board'' means the boards for correction of military records under section 1552 of title 10, United States Code, or the discharge review boards under section 1553 of such title, as the case may be.

(2) The term ''covered member'' means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of the member.

(3) The term ''discharge characterization'' means the characterization under which a member of the Armed Forces is discharged or released, including ''dishonorable'', ''general'', ''other than honorable'', and ''honorable''.

(4) The term ''Don't Ask Don't Tell'' means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111–321).

(5) The term ''representative'' means the surviving spouse, next of kin, or legal representative of a covered member.

(i) REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under this section.

(2) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(j) HISTORICAL REVIEW.—The Secretary of each military department shall ensure that oral historians of the department—

(1) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member; and

(2) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

SA 493. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. 563. ELIGIBILITY AND PRIORITY OF CHILDREN FOR MILITARY CHILD CARE SERVICES.

(a) REORGANIZATION OF MILITARY CHILD CARE FUNDING PROVISIONS.—Subchapter II of chapter 88 of title 10, United States Code, is amended—

(1) by transferring section 1793 so as to appear after section 1791; and

(2) by redesignating such section, as so transferred, as section 1791a.

(b) ELIGIBILITY AND PRIORITY.—

(1) IN GENERAL.—Subchapter II of such chapter is further amended by inserting after section 1792 the following new section 1793:

''§ 1793. Child care services: eligibility and priority for services of eligible children; services and youth program services for children and youth otherwise ineligible

''(a) ELIGIBILITY ON FULL-TIME BASIS.—Children are eligible for child care services at military child development centers on a full-time basis as follows:

''(1) Children disproportionally affected by military deployment of their parents (to be known as 'Priority Group 1 Children'), including children as follows:

''(A) Children of a member of the armed forces who died in line of duty on active duty.

''(B) Children of a member on active duty who previously incurred a wound ⟦or serious injury⟧ in combat in line of duty on active duty.

''(C) Children in a single-parent family in which the parent is a regular member of the armed forces.

''(D) Children in a dual-parent family in which both parents are regular members of the armed forces.

''(2) Children of deployable parents (to be know as 'Priority Group 2 Children'), including children as follows:

''(A) Children in a dual-parent family in which one of the parents is a regular member of the armed forces.

''(B) Children of a member of the Selected Reserve.

''(C) Children of an employee of the Department of Defense who is on, or is within 90 days of commencing, an assignment overseas.

''(3) Children of parents who support Department of Defense missions (to be known as 'Priority Group 3 Children'), including children as follows:

''(A) Children of a member of the Individual Ready Reserve.

''(B) Children of an employee of the Department of Defense (other than an employee described in paragraph (2)(C)), including children of an employee of a non-appropriated fund instrumentality (NAFI) or otherwise paid for with non-appropriated funds.

''(4) Children of other parents (to be known as 'Priority Group 4 Children'), including children as follows:

''(A) Children of a member or former member of the armed forces who is in receipt of, or eligible for receipt of, retired or retainer pay.

''(B) Children of an employee of the Federal Government with a department or agency other than the Department of Defense.

''(C) Children of a contractor employee of the Department who is otherwise eligible for child care services under this subchapter.

''(b) PRIORITY OF ELIGIBILITY.—

''(1) IN GENERAL.—Priority of eligibility under subsection (a) shall be in the order of the paragraphs set forth under that subsection, with actual eligibility for child care services at any particular military child development center dependent on the availability of space and resources at such center.

''(2) CONSTRUCTION OF MULTIPLE PRIORITIES.—If a child has a priority of eligibility under subsection (a) under more than one paragraph, the child's priority of eligibility under that subsection shall be the higher priority of eligibility under that subsection.

''(d) REGULATIONS.—This section shall be administered in accordance with regulations prescribed by the Secretary of Defense for purposes of this section. The regulations shall take into account the objective that the priority of eligibility established by subsection (a) is intended to support the policy and plans for the Department of Defense for the support of military family readiness developed pursuant to section 1781b of this title.''.

(2) PRESERVATION OF EXISTING ELIGIBILITY AND PRIORITY.—Nothing in the amendment made by paragraph (1) may be construed as terminating, altering, or impairing the eligibility or priority for child care services at military child development centers of any military family in receipt of such services at such a center as of the date of the enactment of this Act for so long after such date as such military family remains in receipt of such services at such center without interruption.

(c) RESTATEMENT IN AUTHORITY ON ELIGIBILITY AND PRIORITY OF AUTHORITY FOR PROVISION OF CHILD CARE AND YOUTH PROGRAM SERVICES TO CHILDREN AND YOUTH OTHERWISE INELIGIBLE.—

(1) IN GENERAL.—Section 1793 of title 10, United States Code, as amended by subsection (b) of this section, is further amended by inserting after subsection (b) the following new subsection (c):

''(c) CHILD CARE AND YOUTH PROGRAM SERVICES FOR CHILDREN AND YOUTH OTHERWISE INELIGIBLE.—

''(1) AUTHORITY.—The Secretary of Defense may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in those programs.

''(2) LIMITATION.—Authorization of participation in a program under paragraph (1) shall be limited to situations in which that participation promotes the attainment of the objectives set forth in paragraph (3), as determined by the Secretary.

''(3) OBJECTIVES.—The objectives for authorizing participation in a program under paragraph (1) are as follows:

''(A) To support the integration of children and youth of military families into civilian communities.

''(B) To make more efficient use of Department of Defense facilities and resources.

''(C) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of members of the armed forces.''.

(2) REPEAL OF SUPERSEDED AUTHORITY.—Section 1799 of such title is repealed.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter II of chapter 88 of such title is amended—

(1) by inserting after the item relating to section 1791 the following new item:

''1791a. Parent fees.'';

(2) by striking the item relating to section 1793 and inserting the following new item:

''1793. Child care services: eligibility and priority for services of eligible children; services and youth program services for children and youth otherwise ineligible.''; and

(3) by striking the item relating to section 1799.

SA 494. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

SA 495. Mr. THUNE (for himself, Mr. SULLIVAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After title XXXV, insert the following:

TITLE XXXVI—COAST GUARD

SEC. 3601. CERTAIN DELAYED EFFECTIVE DATES.

The amendments made by section 3626 shall take effect on January 1, 2018.

Subtitle A—Authorizations

SEC. 3611. AUTHORIZATION OF APPROPRIATIONS.

Section 2702 of title 14, United States Code, is amended to read as follows:

''§ 2702. Authorization of appropriations

''Funds are authorized to be appropriated for each of fiscal years 2018 and 2019 for necessary expenses of the Coast Guard as follows:

''(1) For the operation and maintenance of the Coast Guard, not otherwise provided for—

''(A) $7,300,000,000 for fiscal year 2018; and

''(B) $7,592,000,000 for fiscal year 2019.

''(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

''(A) $1,985,845,000 for fiscal year 2018, to remain available through September 30, 2022; and

''(B) $2,027,547,745 for fiscal year 2019, to remain available through September 30, 2023.

''(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services—

''(A) $142,956,336 for fiscal year 2018; and

''(B) $145,958,419 for fiscal year 2019.

''(4) For the environmental compliance and restoration of the Coast Guard under chapter 19 of this title—

''(A) $17,051,721 for fiscal year 2018, to remain available through September 30, 2022; and

''(B) $17,409,807 for fiscal year 2019, to remain available through September 20, 2023.

''(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

''(A) $20,307,690 for fiscal year 2018; and

''(B) $20,734,151 for fiscal year 2019.''.

SEC. 3612. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 2704 of title 14, United States Code, is amended to read as follows:

''§ 2704. Authorized levels of military strength and training

''(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 43,000 for each of fiscal years 2018 and 2019.

''(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for each of fiscal years 2018 and 2019 as follows:

''(1) For recruit and special training, 2,500 student years.

''(2) For flight training, 165 student years.

''(3) For professional training in military and civilian institutions, 350 student years.

''(4) For officer acquisition, 1,200 student years.''.

Subtitle B—Coast Guard

SEC. 3621. PRIMARY DUTIES.

Section 2(7) of title 14, United States Code, is amended by striking ''including the fulfillment of Maritime Defense Zone command responsibilities'' and inserting ''and at all times assist in the defense of the United States''.

SEC. 3622. TRAINING; EMERGENCY RESPONSE PROVIDERS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by inserting after section 141 the following:

''§ 141a. Training; emergency response providers

''(a) IN GENERAL.—The Commandant (or the Commandant's designee) may, on a reimbursable or a nonreimbursable basis, make training available to emergency response providers whenever the Commandant (or the Commandant's designee) determines that—

''(1) a member of the Coast Guard, who was scheduled to participate in such training, is unable or unavailable to participate in such training;

''(2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard described in paragraph (1), is able or available to participate in such training; and

''(3) such training, if made available to emergency response providers, would further

the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

''(b) DEFINITION OF EMERGENCY RESPONSE PROVIDER.—In this section, the term 'emergency response provider' has the meaning given the term in section 101 of title 6.

''(c) TREATMENT OF REIMBURSEMENT.—Any reimbursement for training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

''(d) STATUS; LIMITATION ON LIABILITY.—

''(1) STATUS.—Any individual to whom, as an emergency response provider, training is made available under this section shall not be considered a Federal employee for any purpose, including the purposes of—

''(A) chapter 81 of title 5 (relating to compensation for injury); or

''(B) sections 2671 through 2680 of title 28 (relating to tort claims).

''(2) LIMITATION ON LIABILITY.—The individual described in paragraph (1) or that individual's employer shall be liable for any claim arising out of such training.''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 7 of title 14, United States Code, is amended by inserting after the item relating to section 141 the following:

''141a. Training; emergency response providers.''.

SEC. 3623. COMMISSIONED SERVICE RETIREMENT.

Section 291 of title 14, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Any regular'' and indenting appropriately;

(2) in subsection (a), as designated—

(A) by inserting ''of the Coast Guard'' after ''officer''; and

(B) by striking ''President'' and inserting ''Secretary''; and

(3) by adding at the end the following:

''(b) ACTIVE COMMISSIONED SERVICE.—The Secretary may authorize the Commandant, through fiscal year 2019, to reduce the requirement under subsection (a) for at least ten years of active service as a commissioned officer to a period of not less than eight years.''.

SEC. 3624. OFFICER PROMOTION ZONES.

Section 256(a) of title 14, United States Code, is amended by striking ''six-tenths'' and inserting ''one-half''.

SEC. 3625. OFFICER EVALUATION REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall reduce lieutenant junior grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

(b) BOARD SURVEY.—The Commandant of the Coast Guard shall survey outgoing promotion board members and assignment officers to determine, at a minimum—

(1) which sections of the officer evaluation report were most useful;

(2) which sections of the officer evaluation report were least useful;

(3) how to better reflect high performers; and

(4) any recommendations for improving the officer evaluation report.

(c) SURVEY OF OFFICERS.—The Commandant of the Coast Guard shall conduct a survey on the officer evaluation report to—

(1) cover at least 10 percent of the officers from each grade of officers from O1 to O6; and

(2) determine how much time each member of the rating chain spends on that member's portion of the officer evaluation report.

(d) REVISIONS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Commandant of the Coast Guard shall revise the officer evaluation report, and providing corresponding directions, taking into account the requirements under paragraph (2).

(2) REQUIREMENTS.—In revising the officer evaluation report under paragraph (1), the Commandant shall—

(A) consider the findings of the surveys under subsections (b) and (c);

(B) improve administrative efficiency;

(C) reduce and streamline performance dimensions and narrative text;

(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

(i) to minimize any impact to officer duties; and

(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

(e) REPORT.—

(1) IN GENERAL.—Not later than 545 days after the date of enactment of this Act, the Commandant of the Coast Guard 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—

(A) on the findings of the survey under subsection (b); and

(B) on the findings of the survey under subsection (c).

(2) FORMAT.—The report under paragraph (1) shall be formatted by each rank, type of board, and position, as applicable.

SEC. 3626. REGULAR CAPTAINS; RETIREMENT.

Section 288(a) of title 14, United States Code, is amended—

(1) by striking ''zone is'' and inserting ''zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title, is''; and

(2) by striking the period at the end and inserting ''or from being placed at the top of the list of selectees, as applicable.''.

SEC. 3627. INCLUSION OF VESSEL FOR INVESTIGATION PURPOSES.

(a) IN GENERAL.—Section 678 of title 14, United States Code, is amended by inserting ''or vessel'' after ''aircraft'' each place it appears.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 17 of title 14, United States Code, is amended—

(1) in the table of contents of chapter 17, by inserting ''and vessel'' after ''Aircraft'' in the item relating to section 678; and

(2) in the heading for section 678, by inserting ''**and vessel**'' after ''**Aircraft**''.

SEC. 3628. LEAVE FOR THE BIRTH OR ADOPTION OF A CHILD.

Section 431 of title 14, United States Code, is amended—

(1) by striking ''Not later than 1 year'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), not later than 1 year''; and

(2) by adding at the end the following:

''(b) LEAVE ASSOCIATED WITH THE BIRTH OR ADOPTION OF A CHILD.—Notwithstanding section 701 of title 10 or any other provision of law, the Secretary of the department in which the Coast Guard is operating shall ensure that any rule, policy, or memorandum that provides leave associated with the birth or adoption of a child to an officer or enlisted member of the Coast Guard permits, for not later than 1 year after the date of such birth or adoption and at the discretion of the Commanding Officer—

''(1) the officer or member, as applicable, to take such leave in increments; and

''(2) flexible work schedules (as defined in regulation promulgated by the Secretary) for the officer or member, as applicable, until all such leave is expended.''.

SEC. 3629. AVIATION CADETS; APPOINTMENT AS RESERVE OFFICERS; CROSS REFERENCE.

Section 373(a) of title 14, United States Code, is amended by inserting ''designated under section 371'' after ''cadet''.

SEC. 3630. CLOTHING AT TIME OF DISCHARGE FOR GOOD OF SERVICE; REPEAL.

Section 482 of title 14, United States Code, and the item relating to that section in the table of contents of chapter 13 of that title, are repealed.

SEC. 3631. MULTIYEAR CONTRACTS.

The Secretary is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment.

SEC. 3632. COAST GUARD ROTC PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard 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 costs and benefits of creating a Coast Guard Reserve Officers' Training Corps Program based on the other armed forces programs.

SEC. 3633. NATIONAL COAST GUARD MUSEUM.

Subsection (b) of section 98 of title 14, United States Code, is amended to read as follows:

''(b) EXPENDITURES.—The Secretary shall fund the operation and maintenance of the National Coast Guard Museum with non-appropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal operation and maintenance funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.''.

SEC. 3634. POLAR ICEBREAKERS.

(a) ROLLING RECAPITALIZATION REPORT FOR THE POLAR STAR.—

(1) REQUIREMENT FOR REPORT.—The Secretary of the department in which the Coast Guard is operating, in consultation with Naval Sea Systems Command, 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 detailed report describing a plan to extend the service life of the Coast Guard Cutter POLAR STAR (WAGB-10) under a rolling recapitalization plan for 7 to 10 years.

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

(A) Based upon a materiel condition assessment of the Coast Guard Cutter POLAR STAR (WAGB-10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the specific amount needed to be appropriated to complete the rolling recapitalization of the vessel.

(B) A plan to ensure the vessel will maintain seasonally operational status during the rolling recapitalization.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Commandant of the Coast Guard may

use funds made available pursuant to section 2702(2) of title 14, United States Code, as amended by section 3611 of this Act, for the rolling recapitalization described in the report required by subsection (a).

SEC. 3635. GREAT LAKES ICEBREAKER ACQUISITION.

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2018 and 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 2702(2) of title 14, United States Code, as amended by section 3611 of this Act, for the selection of a design for, and the construction of, an icebreaker that is at least as capable as the Coast Guard Cutter Mackinaw to enhance icebreaking capacity on the Great Lakes.

(b) INITIAL SURVEY AND DESIGN WORK.—The Commandant of the Coast Guard shall commence initial survey and design work associated with the acquisition of a new Coast Guard icebreaker that is at least as capable as the Coast Guard Cutter Mackinaw to enhance icebreaking capacity on the Great Lakes.

(c) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act, the Commandant shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act of 2017 (Public Law 115–31) will be allocated to support the acquisition activities referred to in paragraph (1).

Subtitle C—Marine Safety

SEC. 3641. COAST GUARD ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Subtitle I of title 46, United States Code, is amended by adding at the end the following:

"CHAPTER 7—COAST GUARD ADVISORY COMMITTEES

''Sec. .....
''701. Administration.
''702. Chemical Transportation Advisory Committee.
''703. Commercial Fishing Safety Advisory Committee.
''704. Great Lakes Pilotage Advisory Committee.
''705. Lower Mississippi River Waterway Safety Advisory Committee.
''706. Merchant Marine Personnel Advisory Committee.
''707. Merchant Mariner Medical Advisory Committee.
''708. National Boating Safety Advisory Council.
''709. National Maritime Security Advisory Committee.
''710. National Offshore Safety Advisory Committee.
''711. Navigation Safety Advisory Council.
''712. Towing Safety Advisory Committee.

"§ 701. Administration

''(a) EMPLOYEE STATUS.—A member of an advisory committee or advisory council established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee or council, except for the purposes of the following provisions of law:

''(1) Section 5703 of title 5 (relating to travel expenses).

''(2) Chapter 81 of title 5 (relating to compensation for work injuries).

''(3) Chapter 171 of title 28 and any other Federal statute relating to tort liability.

''(4) If the member is a special Government employee—

''(A) chapter 73 of title 5;

''(B) sections 201, 202, 203, 205, 207, 208, and 209 of title 18;

''(C) the Ethics in Government Act of 1978 (5 U.S.C. App); and

''(D) any other provision of law relating to employee conduct, political activities, ethics, conflict of interest, and corruption that applies to a special Government employee.

''(b) COMPENSATION.—A member of an advisory committee or advisory council established under this chapter who is not otherwise a Federal employee shall not receive pay by reason of service on such committee or council.

''(c) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of an advisory committee or advisory council established under this chapter may serve on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

"§ 702. Chemical Transportation Advisory Committee

''(a) ESTABLISHMENT.—There is established a Chemical Transportation Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe and secure marine transportation of hazardous materials.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of not more than 25 members.

''(B) POINTS OF VIEW.—Each member of the Committee shall represent the point of view of 1 of the following entities or groups associated with marine transportation of hazardous materials:

''(i) Chemical manufacturing.

''(ii) Marine handling or transportation of chemicals.

''(iii) Vessel design and construction.

''(iv) Marine safety or security.

''(v) Marine environmental protection.

''(C) NEEDS OF THE COAST GUARD.—The Commandant (or the Commandant's designee) shall, based on the needs of the Coast Guard, determine the number of members who represent a specific point of view.

''(D) RULE OF CONSTRUCTION.—Neither this subsection nor any other provision of law or policy shall be construed to require an equal distribution of members representing specific points of view among the membership of the Committee.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Committee is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(B) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

"§ 703. Commercial Fishing Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a Commercial Fishing Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee)—

''(1) shall advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training;

''(2) shall review proposed regulations promulgated pursuant to chapter 45 of this title;

''(3) shall submit recommendations described in paragraph (1) to the Secretary in writing;

''(4) may submit any recommendations described in paragraph (1) at any time and frequency as determined to be appropriate by the Committee;

''(5) shall to review proposed regulations promulgated pursuant to chapter 45 of this title; and

''(6) shall make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 18 members.

''(B) EXPERIENCE.—Each member of the Committee shall have particular expertise, knowledge, and experience regarding the commercial fishing industry.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), a member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 10 members representing the commercial fishing industry who—

''(I) reflect a regional and representational balance; and

''(II) have experience in the operation of vessels to which chapter 45 of this title applies or as a crew member or processing line worker on a fish processing vessel.

''(ii) 1 member representing naval architects or marine engineers.

''(iii) 1 member representing manufacturers of equipment for vessels to which chapter 45 of this title applies.

''(iv) 1 member representing education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications.

''(v) 1 member representing underwriters that insure vessels to which chapter 45 of this title applies.

''(vi) 1 member representing owners of vessels to which chapter 45 of this title applies.

''(D) EXCEPTION.—

''(i) IN GENERAL.—Subject to clause (ii), 3 members of the Committee shall represent the general public.

''(ii) EXPERIENCE.—Whenever possible, a member who represents the general public shall be either—

''(I) an independent expert or consultant in maritime safety;

''(II) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; or

''(III) a person familiar with issues affecting fishing communities and families of fishermen.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Committee, whom the Secretary appoints to represent a point of view of an entity or group under paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) a member of the Committee, whom the Secretary may appoint to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(B) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Committee shall elect a Chairperson and Vice Chairperson from among its members.

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) CONSULTATION.—The Commandant (or the Commandant's designee) shall, whenever practicable—

''(1) consult with the Committee before taking any significant action relating to the safe operation of vessels to which chapter 45 of this title applies;

''(2) consider the information, advice, and recommendations of the Committee in consulting with other agencies and the public or in formulating policy regarding the safe operation of vessels to which chapter 45 of this title applies;

''(3) make all recommendations made by the Committee in paragraph (b) public and available for comment within 30 days of receiving the recommendation from the Committee;

''(4) respond in writing to all public comments made regarding recommendations made by the Committee in paragraph (b);

''(5) respond in writing to any recommendations or resolutions made by the Committee in paragraph (b) and provide reasoning for acceptation or rejection to all recommendations within 60 days of receiving the recommendation; and

''(6) make all responses in paragraph (5) available to the Congress and the public at the time the response is transmitted.

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 704. Great Lakes Pilotage Advisory Committee

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a Great Lakes Pilotage Advisory Committee (referred to in this section as the 'Committee').

''(2) DUTIES.—The Committee—

''(A) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

''(B) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

''(C) may make available to the Congress recommendations that the Committee makes to the Secretary; and

''(D) shall meet at the call of—

''(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

''(ii) a majority of the Committee.

''(b) ORGANIZATION.—

''(1) IN GENERAL.—

''(A) MEMBERSHIP.—The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations.

''(B) TERM.—The term of each member is for a period of not more than 5 years, specified by the Secretary.

''(C) NOTICE.—Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

''(2) REPRESENTATION.—The membership of the Committee shall include—

''(A) the President of each of the 3 Great Lakes pilotage districts, or the President's representative;

''(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

''(C) 1 member representing the interests of Great Lakes ports;

''(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

''(E) a member with a background in finance or accounting, who—

''(i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

''(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.

''(c)(1) CHAIRPERSON; VICE CHAIRPERSON.—The Committee shall elect 1 of its members as the Chairperson and 1 of its members as the Vice Chairperson. The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

''(2) OBSERVER.—The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

''(2) CONSIDERATION.—The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

''(3) APPROVAL.—Any recommendations to the Secretary under subsection (a)(2)(B) must have been approved by at least all but 1 of the members then serving on the Committee.

''(e)(1) COMPENSATION.—Notwithstanding section 701, a member of the Committee,

when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

''(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

''(B) travel or transportation expenses under section 5703 of title 5.

''(2) EMPLOYEE STATUS.—Notwithstanding section 701, a member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

''(f) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2020.

''(2) RENEWAL.—2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

''§ 705. Lower Mississippi River Waterway Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a Lower Mississippi River Waterway Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to communication, surveillance, traffic management, anchorages, development and operation of New Orleans Vessel Traffic Services, and other related topics dealing with and actions relating to navigational safety on the Lower Mississippi River.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 25 members.

''(B) EXPERIENCE.—Each member of the Committee shall have expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the Lower Mississippi River and its connecting navigable waterways, including the Gulf of Mexico.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 5 members representing River Port Authorities between Baton Rouge, Louisiana, and the head of passes of the Lower Mississippi River, of which—

''(I) 1 member shall be from the Port of St. Bernard; and

''(II) 1 member from the Port of Plaquemines.

''(ii) 2 members representing vessel owners or ship owners domiciled in the State of Louisiana.

''(iii) 2 members representing organizations which operate harbor tugs or barge fleets in the geographical area covered by the Committee.

''(iv) 2 members representing companies which transport cargo or passengers on the navigable waterways in the geographical area covered by the Committee.

''(v) 3 members representing State Commissioned Pilot organizations, with 1 member each representing—

''(I) the New Orleans-Baton Rouge Steamship Pilots Association;

''(II) the Crescent River Port Pilots Association; and

''(III) the Association Branch Pilots.

''(vi) 3 members representing consumers, shippers, or importers and exporters that utilize vessels which utilize the navigable waterways covered by the Committee.

''(vii) 2 members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on those vessels which utilize navigable waterways covered by the Committee.

''(viii) 1 member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

''(ix) 1 member representing an environmental organization.

''(D) ADDITIONAL MEMBERS.—

''(i) IN GENERAL.—4 members of the Committee shall represent the general public.

''(ii) WATER TRANSPORTATION FACILITIES.—Whenever possible, 2 of the 4 members who represent the general public shall be individuals who utilize water transportation facilities located in the geographic area that the Committee covers.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) each member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) each member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSION.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(B) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) CONSULTATION.—The Commandant (or the Commandant's designee) shall, whenever practicable, consult with the Committee before taking any significant action relating to navigation safety in the Lower Mississippi River.

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 706. Merchant Marine Personnel Advisory Committee

''(a) ESTABLISHMENT.—There is established a Merchant Marine Personnel Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards.

''(c) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall consist of 19 members.

''(2) POINTS OF VIEW.—Except as provided in subparagraph (C), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(A) 9 members representing the interests of mariners—

''(i) each of whom—

''(I) shall be a citizen of the United States; and

''(II) shall hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title; and

''(ii) among whom shall be—

''(I) 3 deck officers representing the interests of merchant marine deck officers, of whom—

''(aa) 2 shall be licensed for oceans any gross tons;

''(bb) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

''(cc) 2 shall have a master's license or a master of towing vessels license;

''(dd) 1 shall have significant tanker experience; and

''(ee) to the extent practicable—

''(AA) 1 shall represent the interests of labor; and

''(BB) 1 shall represent the interests of management;

''(II) 3 engineering officers representing the interests of merchant marine engineering officers, of whom—

''(aa) 2 shall be licensed as chief engineer any horsepower;

''(bb) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

''(cc) to the extent practicable—

''(AA) 1 shall represent the interests of labor; and

''(BB) 1 shall represent the interests of management;

''(III) 2 unlicensed seamen, of whom—

''(aa) 1 shall represent the interests of able-bodied seamen; and

''(bb) 1 shall represent the interests of qualified members of the engine department; and

''(IV) 1 pilot representing the interests of merchant marine pilots.

''(B) 6 members representing the interests of marine educators—

''(i) each of whom shall be a marine educator; and

''(ii) among whom shall be—

''(I) 3 marine educators who shall represent the interests of maritime academies, including—

''(aa) 2 who shall represent the interests of State maritime academies; and

''(bb) 1 who shall represent either the viewpoint of the State maritime academies or the United States Merchant Marine Academy; and

''(II) 3 marine educators who shall represent the interests of other maritime training institutions, 1 of whom shall represent the interests of the small vessel industry.

''(C) 2 members representing the interests of shipping companies employed in ship operation management.

''(D) 2 members of the Committee shall represent the general public.

''(3) STATUS OF MEMBERS.—

''(A) IN GENERAL.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(i) a member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(B), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(ii) a member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the nomination or appointment of a Federal employee to serve as a member of the Committee representing the interests of the United States Merchant Marine Academy.

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENT.—The Secretary may reappoint a member to the Committee more than once.

''(C) SOLICITING NOMINATIONS.—Notwithstanding subparagraphs (A) and (B), the Secretary may—

''(i) with regard to the appointment of a member or members to represent the interests of the State maritime academies, solicit nominations for membership on the Committee from each State maritime academy or a joint nomination from some or all State maritime academies; and

''(ii) with regard to the appointment of a member to represent the interests of the United States Merchant Marine Academy, solicit a nomination for membership on the Committee from the Secretary of Transportation.

''(D) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 707. Merchant Mariner Medical Advisory Committee

''(a) ESTABLISHMENT.—There is established a Merchant Mariner Medical Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to—

''(1) medical certification determinations of merchant mariners;

''(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

''(3) medical examiner education; and

''(4) medical research.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 14 members.

''(B) RESTRICTION.—No member of the Committee shall be a regular Federal employee.

''(C) EXPERIENCE.—Of the members of the Committee—

''(i) 10 members shall be healthcare professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

''(ii) 4 members shall be professional mariners with knowledge and experience in mariners' occupational requirements.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Committee is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 708. National Boating Safety Advisory Council

''(a) ESTABLISHMENT.—There is established a National Boating Safety Advisory Council (referred to in this section as the 'Council').

''(b) ORGANIZATION.—

''(1) MEETING.—The Council shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of 21 members.

''(B) EXPERIENCE.—Each member of the Council shall have particular expertise, knowledge, and experience in recreational boating safety.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), each member of the Council shall represent the point of view of an entity or group, as follows:

''(i) 7 members representing State officials responsible for State boating safety programs.

''(ii) 7 members representing manufacturers, wholesale distributors, or retail distributors of recreational vessels or associated equipment.

''(iii) At least 5 members representing national recreational boating organizations.

''(D) ADDITIONAL MEMBERS.—Not more than 2 members of the Council may represent the general public.

''(E) PANELS.—Additional individuals from an entity or group set out in subparagraph (C) may be appointed to panels of the Council to assist the Council in performing its duties.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Council, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) in the event that the Secretary appoints a member to represent the general public, such member of the Council is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Council.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Council.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Council.

''(iii) VACANCY.—The Secretary may reappoint a member to the Council more than once.

''(C) SERVICE.—Each member of the Council shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Council shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (1), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Council to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Council, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Council as the Chairperson and another member of the Council as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Council, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Council in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(c) CONSULTATION.—In addition to the consultation required by section 4302 of this title, the Commandant (or the Commandant's designee) shall, whenever practicable, consult with the Council on boating safety matters related to chapter 131 of this title.

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Council.

''(2) TERMINATION.—The Council shall terminate on September 30, 2027.

''§ 709. National Maritime Security Advisory Committee

''(a) ESTABLISHMENT.—There is established a National Maritime Security Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to national maritime security.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of not less than 8 members, but not more than 21 members.

''(B) EXPERIENCE.—Each member of the Committee shall have at least 5 years practical experience in maritime security operations.

''(C) POINTS OF VIEW.—Each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) At least 1 member representing the port authorities.

''(ii) At least 1 member representing the facilities owners or operators.

''(iii) At least 1 member representing the terminal owners or operators.

''(iv) At least 1 member representing the vessel owners or operators.

''(v) At least 1 member representing the maritime labor organizations.

''(vi) At least 1 member representing the academic community.

''(vii) At least 1 member representing State or local governments.

''(viii) At least 1 member representing the maritime industry.

''(ix) Not more than 4 members, each representing an entity or group, the point of view of which or the area of expertise of which the Commandant (or the Commandant's designee) determines would aid the Committee's deliberations.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Committee is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of an individual in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(D) BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to the Committee.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 710. National Offshore Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a National Offshore Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources insofar as such activities relate to matters within Coast Guard jurisdiction.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 15 members.

''(B) POINTS OF VIEW.—Except as provided in subparagraph (C), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 2 members representing companies, organizations, enterprises, or similar entities engaged in the production of petroleum.

''(ii) 2 members representing companies, organizations, enterprises, or similar entities engaged in offshore drilling.

''(iii) 2 members representing companies, organizations, enterprises or similar entities engaged in the support, by offshore supply vessels or other vessels, of offshore operations.

''(iv) 1 member representing a company, organization, enterprise or similar entity engaged in the construction of offshore facilities.

''(v) 1 member representing a company, organization, enterprise or similar entity providing diving services to the offshore industry.

''(vi) 1 member representing a company, organization, enterprise or similar entity providing safety and training services to the offshore industry.

''(vii) 1 member representing a company, organization, enterprise or similar entity providing subsea engineering, construction or remotely operated vehicle support to the offshore industry.

''(viii) 2 members representing employees of companies, organizations, enterprises or similar entities engaged in offshore operations, 1 of whom should have recent practical experience on vessels or units involved in the offshore industry.

''(ix) 1 member representing a company, organization, enterprise or similar entity providing environmental protection, compliance or response services to the offshore industry.

''(x) 1 member representing a company, organization, enterprise or similar entity engaged in offshore oil exploration or production on the Outer Continental Shelf of Alaska.

''(C) ADDITIONAL MEMBER.—1 member of the Committee shall represent the general public.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) a member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate one member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 711. Navigation Safety Advisory Council

''(a) ESTABLISHMENT.—There is established a Navigation Safety Advisory Council (referred to in this section as the 'Council').

''(b) FUNCTION.—The Council, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime collisions, rammings and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

''(c) ORGANIZATION.—

''(1) MEETING.—The Council shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of not more than 21 members.

''(B) EXPERIENCE.—Each member of the Council shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, or port safety.

''(C) POINTS OF VIEW.—Each member of the Council shall represent the point of view of one of the following entities or groups:

''(i) Commercial vessel owners or operators.

''(ii) Professional mariners.

''(iii) Recreational boaters.

''(iv) State agencies responsible for vessel or port safety.

''(v) The Maritime Law Association.

''(vi) Recreational boating industry.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Council is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Council.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Council.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Council.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Council more than once.

''(C) SERVICE.—Each member of the Council shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Council shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Council to December 31 of the fifth full year after the effective date of the appointment.

''(iii) REAPPOINTMENTS.—In the case of an appointment to fill a vacancy on the Council, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Council as the Chairperson and another member of the Council as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Council, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Council in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Council.

''(2) TERMINATION.—The Council shall terminate on September 30, 2027.

''§ 712. Towing Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a Towing Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 18 members.

''(B) EXPERIENCE.—Each member of the Committee shall have particular expertise, knowledge, and experience regarding—

''(i) shallow-draft inland navigation or coastal waterway navigation; and

''(ii) towing safety.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 7 members representing the barge and towing industry, reflecting a regional geographic balance.

''(ii) 1 member representing the offshore mineral and oil supply vessel industry.

''(iii) 1 member representing Masters or Pilots of towing vessels who have experience on the Western Rivers and the Gulf Intracoastal Waterway.

''(iv) 1 member representing Masters of towing vessels who have experience in offshore service.

''(v) 1 member representing Masters of towing vessels who have experience in harbor-assist operations.

''(vi) 1 member representing towing vessel engineers.

''(vii) 2 members representing port districts, authorities, or terminal operators.

''(viii) 1 member representing shippers.

''(ix) 1 member representing shippers who are engaged in the chartering or shipping of oil or hazardous materials by barge.

''(D) ADDITIONAL MEMBERS.—2 members of the Committee shall represent the general public.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) a member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of an individual in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) CONSULTATION.—The Commandant (or the Commandant's designee) shall, whenever practicable, consult with the Committee before taking any significant action affecting shallow-draft inland navigation, coastal waterway navigation, and towing safety.

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for subtitle I of title 46, United States Code, is amended by adding at the end the following:

''7. Coast Guard advisory committees 701.''

(2) COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—

(A) REPEAL.—Section 4508 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508.

(3) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—

(A) REPEAL.—Section 9307 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 93 of title 46, United States Code, is amended by striking the item relating to section 9307.

(4) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2215) is repealed.

(5) MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—

(A) REPEAL.—Section 8108 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 81 of title 46, United States Code, is amended by striking the item relating to section 8108.

(6) MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.—

(A) REPEAL.—Section 7115 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 71 of title 46, United States Code, is amended by striking the item relating to section 7115.

(7) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—

(A) REPEAL.—Section 13110 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13110.

(C) TECHNICAL AMENDMENT.—Section 4302(c)(4) of title 46, United States Code, is amended by striking ''13110'' and inserting ''708''.

(8) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—Section 109(a)(1) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended by striking ''section 70112 of title 46, United States Code, as amended by this Act'' and inserting ''section 709 of title 46, United States Code''.

(9) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is repealed.

(10) TOWING SAFETY ADVISORY COMMITTEE.—The Act to establish a Towing Safety Advisory Committee in the Department of Transportation, approved October 6, 1980, (33 U.S.C. 1231a) is repealed.

(c) AREA MARITIME SECURITY ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 70112 of title 46, United States Code, is amended—

(A) in the heading, by striking ''**Maritime Security Advisory Committees**'' and inserting ''**Area Maritime Security Advisory Committees**'';

(B) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT OF COMMITTEES.—

''(1) The Secretary may—

''(A) establish an Area Maritime Security Advisory Committee for any port area of the United States; and

''(B) request an Area Maritime Security Committee to review the proposed Area Maritime Transportation Security Plan developed under section 70103(b) and make recommendations to the Secretary that the Committee considers appropriate.

''(2) Each Area Maritime Security Advisory Committee—

''(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;

''(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

''(C) shall meet at the call of—

''(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

''(ii) a majority of the Committee.'';

(C) in subsection (b)—

(i) in paragraph (1), by striking ''of the committees'' and inserting ''Area Maritime Security Advisory Committee'';

(ii) in paragraph (3)—

(I) by striking ''such a committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(II) by striking ''the committee'' and inserting ''an Area Maritime Security Advisory Committee'';

(iii) in paragraph (4), by striking ''the Committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(iv) in paragraph (5)—

(I) by striking subparagraph (A); and

(II) in subparagraph (B), by striking ''(B)'' and indenting appropriately;

(D) in subsection (c)(1), by striking ''committee'' and inserting ''Area Maritime Security Advisory Committee'';

(E) by striking subsection (d);

(F) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(G) in subsection (d), as redesignated—

(i) by striking ''the Committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(ii) by striking the period at the end and inserting ''for an area.'';

(H) in subsection (e), as redesignated—

(i) in paragraph (1), by striking ''a committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(ii) in paragraph (2), by striking ''such a committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(I) by amending subsection (f), as redesignated, to read as follows:

''(f) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION DATE.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to Area Maritime Security Advisory Committees established under this section.

''(2) TERMINATION.—The Area Maritime Security Advisory Committees shall terminate on September 30, 2027.''.

(d) TABLE OF CONTENTS.—The table of contents of chapter 701 of title 46, United States Code, is amended in the item relating to section 70112 by striking ''Maritime Security Advisory Committees'' and inserting ''Area Maritime Security Advisory Committees''.

(e) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE; REPEAL.—Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is repealed.

(f) TRANSITION OF COAST GUARD ADVISORY COMMITTEES.—

(1) IN GENERAL.—Notwithstanding the amendments made under subsections (b) and (c) of this section, an advisory committee described in paragraph (2) of this subsection shall continue to be subject to the requirements under law to which such advisory committee was subject as in effect on the day before the date of enactment of this Act, including its charter, and the members appointed to such advisory committee shall continue to serve pursuant thereto, until the Secretary of the department in which the Coast Guard is operating makes the applicable appointments under sections 702 through 712 of title 46, United States Code.

(2) COAST GUARD ADVISORY COMMITTEES.—An advisory committee described in this paragraph is as follows:

(A) Chemical Transportation Advisory Committee.

(B) Commercial Fishing Safety Advisory Committee established under section 4508 of title 46, United States Code.

(C) Great Lakes Pilotage Advisory Committee established under section 9307 of title 46, United States Code.

(D) Lower Mississippi River Waterway Safety Advisory Committee established under section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2215).

(E) Merchant Marine Personnel Advisory Committee established under section 8108 of title 46, United States Code.

(F) Merchant Mariner Medical Advisory Committee established under section 7115 of title 46, United States Code.

(G) National Boating Safety Advisory Council established under section 13110 of title 46, United States Code.

(H) National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.

(I) National Offshore Safety Advisory Committee.

(J) Navigation Safety Advisory Council established under section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073).

(K) Towing Safety Advisory Committee established under the Act entitled the ''Act to establish a Towing Safety Advisory Committee in the Department of Transportation'', approved October 6, 1980 (33 U.S.C. 1231a).

(3) DEADLINE.—Not later than 2 years after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall make the appointments, and file any necessary charters, under sections 702 through 712 of title 46, United States Code.

SEC. 3642. CLARIFICATION OF LOGBOOK AND ENTRY REQUIREMENTS.

Section 11304 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''an official logbook, which'' and inserting ''a logbook, which may be in any form, including electronic, and''; and

(B) by inserting ''or a ferry, passenger vessel, or small passenger vessel (as those terms are defined in section 2101)'' after ''Canada''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''log book'' and inserting ''logbook''; and

(B) by amending paragraph (3) to read as follows:

''(3) Each illness or injury, the nature of the illness or injury, and any medical treatment administered.''.

SEC. 3643. TECHNICAL AMENDMENTS; LICENSES, CERTIFICATIONS OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.

Part E of subtitle II of title 46, United States Code, is amended—

(1) in section 7106(b), by striking ''merchant mariner's document'' and inserting ''license'';

(2) in section 7107(b), by striking ''merchant mariner's document'' and inserting ''certificate of registry''; and

(3) in section 7507(b)—

(A) in paragraph (1), by striking ''licenses or certificates of registry'' and inserting ''merchant mariner documents''; and

(B) in paragraph (2), by striking ''a merchant mariner's document'' and inserting ''a license or a certificate of registry.''.

SEC. 3644. NUMBERING FOR UNDOCUMENTED BARGES.

Chapter 121 of title 46, United States Code, is amended—

(1) in section 12102—

(A) in subsection (c), by adding at the end the following: ''The Secretary may require such an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered.''; and

(B) in subsection (d), by striking ''Secretary of Transportation'' and inserting ''Secretary of the department in which the Coast Guard is operating''; and

(2) in section 12301—

(A) by striking subsection (b); and

(B) by striking the subsection designation in subsection (a) and indenting appropriately.

SEC. 3645. EQUIPMENT REQUIREMENTS; EXEMPTION FROM THROWABLE PERSONAL FLOTATION DEVICES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall revise section 175.17 of title 33, Code of Federal Regulations, to exempt paddleboards and rafts from the requirement for carriage of an additional throwable personal flotation device if each person is required to wear a personal flotation device while under way and at least 1 rescue throw bag, as typically used in whitewater rafting, is on board.

SEC. 3646. ENSURING MARITIME COVERAGE.

In order to meet Coast Guard mission requirements for search and rescue, all-hazard incident response, and maritime environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.

SEC. 3647. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

(a) IN GENERAL.—Section 4503(d) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking ''After January 1, 2020,'' and all that follows through ''the Secretary, if'' and inserting ''Subject to paragraph (3), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to

which section 4502(b) of this title applies shall comply with the alternate safety compliance program if'';

(2) in paragraph (2), by striking ''establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary'' and inserting ''prescribes an alternate safety compliance program under paragraph (1), shall comply with the alternate safety compliance program''; and

(3) by amending paragraph (3) to read as follows:

''(3) For purposes of paragraph (1), a separate alternate safety compliance program may be developed for a specific region or specific fishery.''.

(b) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the alternate to classing under section 4503(e) of title 46, United States Code, as amended by subsection (a) of this section.

SEC. 3648. FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.

(a) NONAPPLICATION.—Section 4503(c)(2)(A) of title 46, United States Code, is amended by striking ''79'' and inserting ''180''.

(b) DETERMINING WHEN KEEL IS LAID.—Section 4503 of title 46, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) For purposes of this section, a keel is laid when a structure, adequate of serving as a keel for a vessel greater than 79 feet in length is identified for use in the construction of a specific vessel and is so affirmed by a marine surveyor.''.

SEC. 3649. TERMINATION OF UNSAFE OPERATIONS; TECHNICAL AMENDMENT.

Section 4505 of title 46, United States Code, is amended by striking ''4503(1)'' and inserting ''4503(a)''.

SEC. 3650. INSTALLATION AND USE OF ENGINE CUT-OFF SWITCHES ON RECREATIONAL VESSEL.

(a) USE OF ENGINE CUT-OFF SWITCH LINKS.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall revise the regulations under part 175 of title 33, Code of Federal Regulations, to prohibit a person from operating a recreational vessel 25 feet or less in length unless—

(A) the person is wearing an engine cut-off switch link while operating on plane or above displacement speed; and

(B) the engine cut-off switch is factory equipped on the primary propulsion machinery.

(2) EXCEPTIONS.—The requirement under paragraph (1) shall not apply to the following:

(A) A vessel 25 feet or less in length whose main helm is installed within an enclosed cabin that would protect an operator from being thrown overboard should the operator be displaced from the helm.

(B) A vessel with propulsion machinery developing static thrust of less than 115 pounds or 3 horsepower.

(C) A vessel that is not equipped with an engine cut-off switch.

(b) INSTALLATION OF ENGINE CUT-OFF SWITCHES.—The Secretary of the department in which the Coast Guard is operating shall revise the regulations under part 183 of title 33, Code of Federal Regulations, to require an equipment manufacturer, distributor, or dealer that installs propulsion machinery and associate starting controls on a recreational vessel 25 feet or less in length and capable of developing at least 115 pounds of static thrust to install an engine cut-off switch on such recreational vessel in accordance with the American Boat and Yacht Standard A–33, as amended.

(c) PENALTY.—A person that violates a regulation promulgated under subsection (a)(1) of this section shall be subject to a civil penalty under section 4311 of title 46, United States Code, not to exceed—

(1) $100 for the first offense;

(2) $250 for the second offense; and

(3) $500 for any subsequent offense.

(d) PREEMPTION.—In accordance with section 4306 of title 46, United States Code, a State may not establish, continue in effect, or enforce any law or regulation addressing engine cut-off switch requirements that is not identical to a regulation prescribed under this section.

(e) DEFINITIONS.—In this section:

(1) ENGINE CUT-OFF SWITCH.—The term ''engine cut-off switch'' means a mechanical or electronic device that is connected to propulsion machinery that will stop propulsion if—

(A) the switch is not properly connected; or

(B) the switch components are submerged in water or separated from the switch by a predetermined distance.

(2) ENGINE CUT-OFF SWITCH LINK.—The term ''engine cut-off switch link'' means the equipment attached to the recreational vessel operator and which activates the engine cut-off switch.

(f) EFFECTIVE DATES.—A regulation prescribed under this section shall specify an effective date that is not earlier than 1 year from the date the regulation was published.

SEC. 3651. VISUAL DISTRESS SIGNALS AND ALTERNATIVE USE.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall develop a performance standard for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) REGULATIONS.—Not later than 180 days after the performance standard for alternative use and possession of visual distress alerting and locating signals is finalized, the Secretary shall revise part 175 of title 33, Code of Federal Regulations, to allow for carriage of such alternative signal devices.

SEC. 3652. RENEWAL PERIOD FOR DOCUMENTED RECREATIONAL VESSELS.

Section 12114 of title 46, United States Code, is amended by adding at the end the following:

''(d) ISSUANCE OF CERTIFICATE OF DOCUMENTATION.—The Secretary of the department in which the Coast Guard is operating is authorized to issue certificates of documentation with effective periods of 1 year, 2 years, 3 years, 4 years, or 5 years.

''(1) PHASED IN ISSUANCE OF CERTIFICATES.—

''(A) In fiscal year 2019, vessel owners or operators with vessel documentation numbers ending in 0, 1, 2, 3 shall be qualified to apply for a renewal certificate of documentation with an effective period of 5 years. Alternatively, vessel owners or operators with vessel documentation numbers ending in 0, 1, 2, 3 may elect to apply for a renewal certificate of documentation with an effective period of 1 year, 2 years, 3 years, or 4 years. All other vessel owners and operators shall be qualified to apply for an initial or renewal certificate with an effective period of 1 year.

''(B) In fiscal year 2020, vessel owners or operators with vessel documentation numbers ending in 4, 5, or 6 shall be qualified to apply for a renewal certificate of documentation with an effective period of 5 years. Alternatively, vessel owners or operators with vessel documentation numbers ending in 4, 5, or 6 may elect to apply for a renewal certificate of documentation with an effective period of 1 year, 2 years, 3 years, or 4 years. All other vessel owners and operators shall be qualified to apply for an initial or renewal certificate with an effective period of 1 year.

''(C) In fiscal year 2021, vessel owners or operators with vessel documentation numbers ending in 7, 8, or 9 shall be qualified to apply for an initial or renewal certificate of documentation with an effective period of 5 years. Alternatively, vessel owners or operators with vessel documentation numbers ending in 7, 8, or 9 may elect to apply for an initial or renewal certificate of documentation with an effective period of 1 year, 2 years, 3 years, or 4 years. All other vessel owners and operators shall be qualified to apply for an initial or renewal certificate with an effective period of 1 year.

''(D) Starting in fiscal year 2022 all vessel owners and operators shall be qualified to apply for a renewal certificate of documentation with effective periods of 1 year, 2 years, 3 years, 4 years, or 5 years.

''(E) Starting in fiscal year 2019 vessel owners and operators applying for an initial certificate of documentation may apply for such documentation with an effective period of 1 year, 2 years, 3 years, 4 years, or 5 years.

''(2) APPLICATION FOR RENEWAL.—Applications for renewal may be submitted no earlier than 90 days prior to the expiration date of a certificate of documentation.

''(3) FEES.—

''(A) For fiscal years 2019 through 2021, the Secretary shall collect the following fees from vessel owners or operators:

''(i) For a certificate of documentation with an effective period of 5 years the fee collected from the vessel owner or operator shall be $130.

''(ii) For a certificate of documentation with an effective period of 4 years the fee collected from the vessel owner or operator shall be $104.

''(iii) For a certificate of documentation with an effective period of 3 years the fee collected from the vessel owner or operator shall be $78.

''(iv) For a certificate of documentation with an effective period of 2 years the fee collected from the vessel owner or operator shall be $52.

''(v) For a certificate of documentation with an effective period of 1 year the fee collected from the vessel owner or operator shall be $26.

''(B) For fiscal years 2022 and thereafter, such fees shall be published in the Federal Register as a direct final rule. Such rulemaking shall be exempt from the requirements of the Administrative Procedure Act (Public Law 79–404; 60 Stat 237).

''(4) FUNDS AVAILABILITY.—Fees collected for the issuance of certificates of documentation by the Secretary of the department in which the Coast Guard is operating—

''(A) shall be deposited into the account that bore the expense for issuance of such certificate of documentation; and

''(B) shall be available until expended.''.

SEC. 3653. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.

Section 4502(b) of title 46, United States Code, is amended—

(1) in paragraph (2)(B), by striking ''a survival craft'' and inserting ''subject to paragraph (3), a survival craft''; and

(2) by adding at the end the following:

''(3)(A) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if—

''(i) it is necessary for normal fishing operations;

''(ii) is readily accessible during an emergency; and

''(iii) is capable of safely holding all individuals on board the vessel, in accordance with the Coast Guard capacity rating, when applicable.

''(B) In this paragraph, the term 'nonapplicable vessel' means a vessel that is—

''(i) operating outside of 12 nautical miles; and

''(ii) required by the Secretary to have an inflatable life raft.''.

SEC. 3654. INLAND WATERWAY AND RIVER TENDER, AND BAY CLASS ICEBREAKER ACQUISITION PLAN.

(a) ACQUISITION PLAN.—Not later than 545 days after the date of enactment of this Act, the Commandant of the Coast Guard 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 plan to replace the aging fleet of inland waterway and river tenders, and the bay class icebreakers.

(b) CONTENTS.—The plan described in subsection (a) shall include—

(1) a schedule for the acquisition to begin;

(2) the date the first vessel will be delivered;

(3) the date the acquisition will be complete;

(4) a description of the order and location of replacements;

(5) an estimate of the cost per vessel and for total acquisition program of record; and

(6) an analysis of whether existing vessels can be used.

SEC. 3655. ARCTIC PLANNING CRITERIA.

(a) ALTERNATIVE PLANNING CRITERIA.—

(1) IN GENERAL.—The Commandant of the Coast Guard may approve a vessel response plan for the area covered by the Captain of the Port Zone that includes the Arctic, for purposes of complying with the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), if the Commandant—

(A) verifies that equipment included in the plan has been tested and proven capable of operating in the environmental conditions expected in the area in which it is intended to be operated; and

(B) verifies that training has been conducted by the equipment operators on the equipment listed in the plan within the geographic boundaries of the Captain of the Port Zone that includes the Arctic.

(2) POST-APPROVAL REQUIREMENTS.—For each plan approved under paragraph (1)—

(A) the oil spill removal organization listed in the vessel response plan shall conduct regular exercises and drills of the plan in the area covered by the Captain of the Port Zone that includes the Arctic; or

(B) the oil spill removal organization listed in the vessel response plan may take credit for responses to actual spills or releases in the area covered by the Captain of the Port Zone that includes the Arctic instead of conducting regular exercises and drills of the plan, if the oil spill removal organization—

(i) documents which exercise requirements were met during the response; and

(ii) submits a request for credit to and receives approval from the Commandant.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commandant of the Coast Guard 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 oil spill prevention and response capabilities for the area covered by the Captain of the Port Zone that includes the Arctic.

(2) CONTENTS.—The report shall include the following:

(A) A description of equipment and assets available for oil spill response under the vessel response plans approved for vessels operating in the Captain of the Port Zone, including details on the provider of such equipment and assets.

(B) A description of the location of equipment and assets that are to be deployed, including an estimate of the time to deploy the equipment and assets.

(C) A determination on the degree of how effectively the oil spill equipment and assets are distributed throughout the Captain of the Port Zone.

(D) A statement on whether the ability to maintain and deploy equipment and assets is taken into account when measuring the level of equipment available throughout the Captain of the Port Zone.

(E) Validation of port assessment visit process and response resource inventory for oil spill response under the vessel response plans approved for vessels operating in the Captain of the Port Zone.

(F) A determination of the compliance rate with Federal vessel response plan regulations in the Captain of the Port Zone in the previous 3 years.

(G) A description of the resources need throughout the Coast Guard to conduct port assessments, exercises, response plan review, and spill responses.

(c) DEFINITION OF ARCTIC.—In this section, the term ''Arctic'' has the meaning given the term under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 3656. FISHING SAFETY GRANT PROGRAMS.

(a) FISHING SAFETY TRAINING GRANT PROGRAM.—Section 4502(i)(4) of title 46, United States Code, is amended by striking ''2015 through 2017'' and inserting ''2015 through 2019''.

(b) FISHING SAFETY RESEARCH GRANT PROGRAM.—Section 4502(j)(4) of title 46, United States Code, is amended by striking ''2015 through 2017'' and inserting ''2015 through 2019''.

SEC. 3657. SAFETY STANDARDS.

Section 4502(f) of title 46, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking paragraph (2), and inserting the following:

''(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) requested by the owner or operator;

''(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2); and''.

SEC. 3658. COMMERCIAL FISHING VESSEL SAFETY OUTREACH STRATEGY.

(a) REQUIREMENT FOR STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and 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 national communications plan for the purposes of—

(1) disseminating information to the commercial fishing vessel industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing vessel industry; and

(4) releasing information collected under section 703 of title 46, United States Code, as amended by this Act, to the commercial fishing vessel industry.

(b) CONTENT.—The plan required by subsection (a), and each annual update, shall—

(1) employ all available staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

(2) be individually adapted as necessary by Captain of the Port Zone to ensure the most effective strategy and means to communicate with commercial fishing vessel industry;

(3) include a means to document all communication and outreach conducted with the commercial fishing vessel industry; and

(4) include a mechanism to measure effectiveness of such plan.

(c) UPDATES.—The Secretary of the department in which the Coast Guard is operating shall—

(1) update and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the plan required by subsection (a) not less frequently than once each year; and

(2) include input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry under subsection (b)(3).

SEC. 3659. CONSISTENCY IN MARINE INSPECTIONS.

(a) DEFINITION OF OFFICER IN CHARGE, MARINE INSPECTION.—In this section, the term ''Officer in Charge, Marine Inspection'' has the meaning given the term in section 50.10-10 of title 46, Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall make it a priority to interpret regulations and standards, with respect to inspections, enforcement, and administration under subtitle II of title 46, United States Code, and title 33, United States Code, consistently between all Officers in Charge, Marine Inspections to avoid disruption and undue expense to industry.

(c) DISCREPANCIES.—

(1) IN GENERAL.—Efforts to resolve any disagreements regarding the existing condition of a vessel should be made between the local Officer in Charge, Marine Inspection conducting an inspection and the Officer in Charge, Marine Inspection that issued the most recent Certificate of Inspection or the Marine Safety Center, unless there is a justifiable safety concern.

(2) GOOD FAITH EFFORTS.—The Officer in Charge, Marine Inspection shall make a good faith effort to resolve the discrepance, if possible, or submit a justification for the discrepancy to the Commandant of the Coast Guard, via the cognizant District Commander, before a decision on the appeal is made.

(d) APPEALS FROM DECISIONS OR ACTIONS.—The Coast Guard shall provide the necessary information regarding the right of appeal to any person affected by an Office in Charge, Marine Inspection or Marine Safety Center for any unresolved discrepancy and facilitate the process for appealing that decision or action under parts 1 through 4 of title 46, Code of Federal Regulations.

(e) REPORT ON MARINE INSPECTOR TRAINING.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard 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 training, experience, and qualifications required for assignment as a marine inspector under section 57 of title 14, United States Code, including—

(1) a description of any continuing education requirement, including a specific list of the courses;

(2) a description of the training, including a specific list of the courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise;

(3) a description of any training that was offered in the 15-year period before the date of enactment of this Act, but is no longer required or offered, including a specific list of the courses, including the senior marine inspector course and any plan review courses;

(4) a justification for why a course described in paragraph (3) is no longer required or offered; and

(5) a list of the course content the Commandant considers necessary to promote consistency among marine inspectors in an environment of increasingly complex vessels and vessel systems.

Subtitle D—Maritime Security

SEC. 3661. MARITIME BORDER SECURITY COOPERATION.

The Secretary of the department in which the Coast Guard is operating shall, in accordance with law—

(1) partner with other Federal, State, and local government agencies to leverage existing technology, including camera systems and other sensors, to provide continuous monitoring of high-risk maritime borders, as determined by the Secretary; and

(2) enter into such agreements as the Secretary considers necessary to ensure 24-hour monitoring of such technology.

SEC. 3662. CURRENCY DETECTION CANINE TEAM PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CANINE CURRENCY DETECTION TEAM.—The term ''canine currency detection team'' means a canine and a canine handler that are trained to detect currency.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement and maritime security operations, including underway vessel boardings.

(c) OPERATION.—The Secretary may cooperate with, or enter into an agreement with, the head of another Federal agency to meet the requirements under subsection (b).

SEC. 3663. CONFIDENTIAL INVESTIGATIVE EXPENSES.

Section 658 of title 14, United States Code, is amended by striking ''$45,000'' and inserting ''$250,000''.

SEC. 3664. MONITORING OF ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities in the Western Pacific regions.

(b) REQUIREMENTS.—The pilot program shall—

(1) consider using light aircraft-based detection systems which can identify potential illegal activity from higher altitudes and produce enforcement-quality evidence at lower altitudes; and

(2) be directed at detecting and deterring illegal, unreported, and unregulated fishing and enhancing maritime domain awareness.

SEC. 3665. STRATEGIC ASSETS IN THE ARCTIC.

(a) DEFINITION OF ARCTIC.—In this section, the term ''Arctic'' has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

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

(1) the Arctic continues to grow in significance to both the national security interests and the economic prosperity of the United States; and

(2) the Coast Guard must ensure it is positioned to respond to any accident, incident, or threat with appropriate assets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Secretary of Defense and taking into consideration the Department of Defense 2016 Arctic Strategy, 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 progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

(d) CONTENTS.—The report under subsection (c) shall include—

(1) a description of the Coast Guard's progress toward each strategic objective;

(2) plans to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety and mitigate close calls, collisions, and other dangerous interactions between the shipping industry and subsistence hunters;

(3) plans to prevent marine casualties, when possible, by ensuring vessels avoid environmentally sensitive areas and permanent security zones;

(4) an explanation of—

(A) whether it is feasible to establish a vessel traffic service, using existing resources or otherwise; and

(B) whether an Arctic Response Center of Expertise is necessary to address the gaps in experience, skills, equipment, resources, training, and doctrine to prepare, respond to, and recover spilled oil in the Arctic;

(5) an assessment of whether sufficient agreements are in place to ensure the Coast Guard is receiving the information it needs to carry out its responsibilities;

(6) an assessment of the assets and infrastructure necessary to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy dated May 2013 based on factors such as—

(A) response time;

(B) coverage area;

(C) endurance on scene;

(D) presence; and

(E) deterrence; and

(7) an analysis of National Security Cutters, Offshore Patrol Cutters, and Fast Response Cutters capabilities based on the factors described in subparagraphs (A) through (E) of paragraph (6), both stationed from various Alaska ports and in other locations.

SEC. 3666. FLEET REQUIREMENTS ASSESSMENT AND STRATEGY.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with interested Federal and non-Federal stakeholders, 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 including—

(1) an assessment of Coast Guard at-sea operational fleet requirements to support its statutory missions established in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.); and

(2) a strategic plan for meeting the requirements identified under paragraph (1).

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

(1) an assessment of—

(A) the extent to which the Coast Guard at-sea operational fleet requirements are currently being met;

(B) the Coast Guard's current fleet, its operational lifespan, and how the aging of the fleet will impact at-sea operational needs;

(C) fleet operations and recommended improvements to minimize costs and extend operational vessel life spans; and

(D) actual cutter requirements for the Fast Response Cutter, the Offshore Patrol Cutter, and the National Security Cutter to meet at-sea operational needs as compared to planned acquisitions under the current programs of record;

(2) an analysis of—

(A) how the Coast Guard at-sea operational fleet requirements are currently met, including the use of the Coast Guard's current cutter fleet, agreements with partners, chartered vessels, and unmanned vehicle technology; and

(B) how existing and planned cutter programs of record meet the at-sea operational requirements, including the Fast Response Cutter, the Offshore Patrol Cutter, and the National Security Cutter; and

(3) a description of—

(A) planned manned and unmanned vessel acquisition; and

(B) how such acquisitions will change the extent to which the Coast Guard at-sea operational requirements are met.

(c) CONSULTATION AND TRANSPARENCY.—

(1) CONSULTATION.—In consulting with the Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—

(A) provide the stakeholders with opportunities for input—

(i) prior to initially drafting the report, including the assessment and strategic plan; and

(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan, for submission; and

(B) document the input and its disposition in the report.

(2) TRANSPARENCY.—All input provided under paragraph (1) shall be made available to the public.

SEC. 3667. COMPTROLLER GENERAL REPORT ON CERTAIN TASK FORCES.

(a) FINDINGS.—Congress finds that the Joint Interagency Task Force South (referred to in this section as the ''JIATF-South'') is an exemplary program that executes its counter-narcotics mission with distinction and in a cost-effective manner.

(b) STUDY.—The Comptroller General of the United States shall study each of the following task forces and compare the execution of the task force's counter-narcotics and illegal migrant operation to that of the JIATF-South:

(1) The Joint Interagency Task Force West (referred to in this section as the ''JIATF-West'').

(2) The Department of Homeland Security's Joint Task Forces (referred to in this section as the ''DHS–JTF'').

(c) CONTENTS.—In conducting the study under subsection (b), the Comptroller General shall, at a minimum—

(1) review the JIATF-West Counter-narcotics Operations Center and its performance of its mission to support counter-narcotics missions by United States law enforcement agencies;

(2) compare the JIATF-West, DHS–JTFs, and JIATF-South organizational and manning structure;

(3) assess the JIATF-West's current organizational and manning structure as it relates

to JIATF-West's ability to conduct counter-narcotics missions;

(4) review the JIATF-West's December 2015–May 2017 reorganization initiative and its impact, if any, on improving mission performance;

(5) review the JIATF-West's leadership, including an assessment of—

(A) the role of a Coast Guard flag officer as the director as compared to the Coast Guard's role in JIAFT-South; and

(B) the process used by the JIATF-West for developing and implementing its December 2015–May 2017 reorganization initiative, including how it assessed progress and solicited feedback on the initiative;

(C) its general management and personnel practices, and their impact, if any, on mission performance;

(6) include recommendations for improving the JIATF-West's performance; and

(7) review whether there is any redundancy between DHS–JTF and JIATF-South or JIATF-West.

(d) REPORT.—The Comptroller General 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 findings of the study under subsection (b), including any recommendations for improving the counter-narcotics and illegal migrant operations of the JIATF-West or DHS–JTF.

SEC. 3668. SAFETY OF VESSELS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 91 of title 14, United States Code, is amended—

(1) in the heading, by striking ''**naval vessels**'' and inserting ''**vessels of the armed forces**'';

(2) in subsection (a), by striking ''United States naval vessel'' and inserting ''vessel of the armed forces''; and

(3) in subsection (b)—

(A) by striking ''senior naval officer present in command'' and inserting ''senior officer present in command''; and

(B) by striking ''United States naval vessel'' and inserting ''vessel of the armed forces''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 5 of title 14, United States Code, is amended by amending the item relating to section 91 to read as follows:

''91. Safety of vessels of the armed forces.''.

SEC. 3669. PROTECTING AGAINST UNMANNED AIRCRAFT.

(a) PROTECTING AGAINST UNMANNED AIRCRAFT.—Chapter 5 of title 14, United States Code, is amended by inserting after section 91, the following:

''§ 91A. Protecting against unmanned aircraft

''(a) AUTHORITY.—Notwithstanding title 18 (including section 32 (commonly known as the Aircraft Sabotage Act), section 1030 (commonly known as the Computer Fraud and Abuse Act), sections 2510–2522 (commonly known as the Wiretap Act), and sections 3121–3127 (commonly known as the Pen/Trap Statute)), and section 46502 of title 49, the Secretary, or the Secretary's designee, may take such action as necessary to mitigate, prevent, or respond to the operation of an unmanned aircraft that could interfere with the security or safe navigation of—

''(1) any vessel or aircraft of the Coast Guard; or

''(2) any vessel the Coast Guard is assisting or escorting.

''(b) REMEDY.—

''(1) IN GENERAL.—The exclusive remedy for any cause of action by the owner or operator of an unmanned aircraft arising from such action as necessary taken under this section shall be limited to the monetary value of the unmanned aircraft at the time such action as necessary is taken.

''(2) INDEMNIFICATION.—The senior member present and all persons acting under that officer's direction shall be indemnified from any penalties or actions for damages arising from such action as necessary taken under this section.

''(c) POLICY DEVELOPMENT.—The Secretary, in coordination with the Secretary of Transportation, shall develop policy for the actions authorized in subsection (a).

''(d) NOTICE.—

''(1) IN GENERAL.—Any notice, regulation, or amendment to an existing regulation promulgated pursuant to this section shall be deemed a military function of the United States, and the Secretary shall promulgate such notice, regulation, or amendment without regard to chapters 5 and 6 of title 5, and Executive Orders 12866 and 13563.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary of Homeland Security to publish information concerning any aspect of any assistance or escort that the Coast Guard may conduct.

''(e) PENALTIES.—Any person who operates an unmanned aircraft which interferes with the security or safe navigation of a vessel or aircraft described in subsection (a) shall be subject to a civil penalty or criminal penalty.

''(1) CIVIL PENALTY.—

''(A) Any person whom Secretary the finds, after notice and an opportunity for a hearing, to have violated this section or a regulation issued hereunder shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary's designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

''(B) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

''(C) If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

''(2) CRIMINAL PENALTY.—

''(A) Any person who willfully and knowingly violates this section or any regulation issued hereunder commits a class D felony.

''(B) Any person who, in the willful and knowing violation of this section or of any regulation issued hereunder engages in conduct that causes bodily injury to any person or damage to any vessel or aircraft described in subsection (a) commits a class C felony.

''(f) DEFINITIONS.—In this section:

''(1) INTERFERE.—The term 'interfere', with respect to security or safe navigation, means—

''(A) inflict or otherwise cause physical harm to a person;

''(B) inflict or otherwise cause damage to a vessel or aircraft described in subsection (a);

''(C) impede the operation of a vessel or aircraft described in subsection (a), including the diversion of a crewmember from a duty related to such vessel or aircraft;

''(D) conduct unauthorized surveillance or reconnaissance; or

''(E) result in unauthorized access to, or disclosure of, classified, or otherwise lawfully protected information.

''(2) SUCH ACTION AS NECESSARY.—The term 'such action as necessary' means any action to disable, disrupt or exercise control of, seize, or destroy an unmanned aircraft.

''(3) UNMANNED AIRCRAFT.—The term'unmanned aircraft' has the meaning given the term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title 14, United States Code, is amended—

(1) in the heading for section 91, by striking ''**naval vessels**'' and inserting ''VESSELS OF THE ARMED FORCES''; and

(2) in the analysis for chapter 5—

(A) in the item relating to section 91, by striking ''naval vessels'' and inserting ''vessels of the armed forces''; and

(B) by inserting, after the item relating to section 91, the following:

''91A. Protecting against unmanned aircraft.''.

SEC. 3670. JURISDICTION AND VENUE.

Section 70504(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''the district court of the United States for—'' and inserting ''in any district court of the United States.''; and

(2) by striking paragraphs (1) and (2).

Subtitle E—Miscellaneous

SEC. 3681. SHIP SHOAL LIGHTHOUSE TRANSFER; REPEAL.

Section 27 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2218) is repealed.

SEC. 3682. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—Chapter 15 of title 14, United States Code, is amended by inserting after section 563 the following:

''§ 563a. Acquisition workforce expedited hiring authority

''For purposes of section 3304 of title 5, the Commandant of the Coast Guard may—

''(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

''(2) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.''.

(2) TABLE OF CONTENTS.—The table of contents of chapter 15 of title 14, United States Code, is amended by inserting after the item relating to section 563 the following:

''563a. Acquisition workforce expedited hiring authority.''.

(3) REPEAL.—Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is repealed.

(b) ACQUISITION WORKFORCE REEMPLOYMENT AUTHORITY.—

(1) IN GENERAL.—Chapter 15 of title 14, as amended by subsection (a) of this section, is further amended by inserting after section 563a the following:

''§ 563b. Acquisition workforce reemployment authority

''(a) IN GENERAL.—Except as provided in subsection (b), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant of the Coast Guard under section 563a of this title, the annuity of an annuitant so employed shall continue. An annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

''(b)(1) ELECTION.—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in a position within

the Coast Guard after the date of enactment of the National Defense Authorization Act for Fiscal Year 2018', may elect to be subject to section 8344 or 8468 of such title (as the case may be).

''(A) DEADLINE.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes reasonable actions to notify employees who may file an election.

''(B) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

''(2) APPLICATION.—Paragraph (1) shall apply to an individual who is eligible to file an election under paragraph (1) and does not file a timely election under this subsection.''.

(2) TABLE OF CONTENTS.—The table of contents of chapter 15 of title 14, United States Code, as amended in subsection (a) of this section, is further amended by inserting after the item relating to section 563a the following:

''563b. Acquisition workforce reemployment authority.''.

SEC. 3683. DRAWBRIDGES.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure the public is made aware of any temporary change to a drawbridge operating schedule; and

(2) to ensure the operators are maintaining logbook records of drawbridge movement.

(b) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Section 5 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following—

''(d) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Notwithstanding section 553 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

''(1) is approved—

''(A) the Secretary of the department in which the Coast Guard is operating shall—

''(i) issue a deviation approval letter to the bridge owner; and

''(ii) announce the temporary change in—

''(I) the Local Notice to Mariners;

''(II) broadcast notices to mariners through radio stations; or

''(III) such other local media as the Secretary considers appropriate; and

''(B) the bridge owner, except a railroad bridge owner, shall notify—

''(i) the public by publishing notice of the temporary change in a newspaper of general circulation published in the place where the bridge is located;

''(ii) the department, agency, or office of transportation with jurisdiction over the roadway that abuts the approaches to the bridge; and

''(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; or

''(2) is denied, the Secretary of the department in which the Coast Guard is operating shall—

''(A) not later than 10 days after the date of receipt of the request, provide the bridge owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

''(B) provide the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

''(e) DRAWBRIDGE MOVEMENTS.—The Secretary of the department in which the Coast Guard is operating—

''(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;

''(2) may inspect the log to ensure drawbridge movement is in accordance with the posted operating schedule;

''(3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and

''(4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

''(f) REQUIREMENTS.—

''(1) RECORDS.—An operator of a drawbridge built across a navigable river or other water of the United States—

''(A) that opens the draw of such bridge for the passage of a vessel, shall maintain for not less than 5 years a logbook record of—

''(i) the bridge identification and date of each opening;

''(ii) the bridge tender or operator for each opening;

''(iii) each time it is opened for navigation;

''(iv) each time it is closed for navigation;

''(v) the number and direction of vessels passing through during each opening;

''(vi) the types of vessels passing through during each opening;

''(vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;

''(viii) for each vessel, the vessel name and registration number if easily observable; and

''(ix) all maintenance openings, malfunctions, or other comments; and

''(B) that remains open to navigation but closes to allow for trains to cross, shall maintain for not less than 5 years a record of—

''(i) the bridge identification and date of each opening;

''(ii) the bridge tender or operator;

''(iii) each time it is opened to navigation;

''(iv) each time it is closed to navigation; and

''(v) all maintenance openings, malfunctions, or other comments.

''(2) SUBMISSION OF RECORDS.—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary such logbook records under paragraph (1) as the Secretary considers necessary to carry out this section.

''(3) EXEMPTION.—The requirements under paragraph (1) of this section shall be exempt from sections 3501 through 3521 of title 44, United States Code.''.

SEC. 3684. INCENTIVE CONTRACT; COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.

(a) IN GENERAL.—Whenever the parties to a project order for industrial work to be performed by the Coast Guard Yard or a designated Coast Guard industrial establishment agree that delivery or technical performance of the wage-grade industrial employees may, during the term of such project order, improve, the parties to such project order may, notwithstanding any other provision of law, including any provision of law that provides for the time or purpose of appropriated funds, enter into an incentive project order or a cost-plus-incentive-fee project order by which an agreed upon amount of the adjustment to be made pursuant to section 648(a) of title 14, United States Code, may, notwithstanding that provision of law or any other provision of law, be distributed as an incentive to the wage-grade industrial employees who completed the project order.

(b) CONDITION.—Before entering into an incentive project order or a cost-plus-incentive-fee project order, the commanding officer of the Coast Guard Yard or the commanding officer of the Coast Guard industrial establishment, as the case may be, shall complete a determination and finding for such incentive project order or cost-plus-incentive-fee project order that justifies the use of such project order as in the best interest of the Federal Government.

(c) TREATMENT OF INCENTIVE AWARD.—Notwithstanding any other provision of law, in the event that the industrial workforce of the Coast Guard Yard or a Coast Guard industrial establishment satisfies the performance target set out in an incentive project order or a cost-plus-incentive-fee project order—

(1) the adjustment to be made pursuant to section 648(a) of title 14, United States Code, shall, notwithstanding that provision of law, be reduced by the agreed amount and distributed as an incentive to such wage-grade industrial employees; and

(2) the remainder of the adjustment shall be credited to the appropriation current at that time.

SEC. 3685. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.

(a) IN GENERAL.—Section 1094(d)(1) of title 10, United States Code, shall apply in the same manner and to the same degree as such section applies to a health-care professional described in subsection (d)(2) of that section to a health-care professional described in subsection (b) of this section.

(b) HEALTH-CARE PROFESSIONAL.—A health-care professional described in this subsection is a member of the Coast Guard, civilian employee of the Coast Guard, member of the Public Health Service assigned to the Coast Guard, personal services contractor under section 1091 of title 10, United States Code, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary of the department in which the Coast Guard is operating for this purpose who—

(1) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

(2) is performing authorized duties for the Coast Guard.

SEC. 3686. LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.

(a) LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 10 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant;

(2) within 60 days after receiving the notice under paragraph (1), the Commandant shall develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to—

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate 1 or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions;

(3) within 30 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island; and

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary

shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(b) BOUNDARY REVISIONS.—The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) PUBLIC LAND ORDER.—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) FAILURE TO TIMELY RESPOND TO NOTICE.—If the Commandant does not transmit proposed operational restrictions to the Secretary within 60 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 75 days after transmitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) CERCLA.—

(1) IN GENERAL.—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(2) EXEMPTION.—Notwithstanding paragraph (1), the Coast Guard shall be exempt from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRACT.—The term ''Tract'' means the land (including submerged land) depicted as ''PROPOSED PROPERTY EXCHANGE AREA'' on the survey titled ''PROPOSED PROPERTY EXCHANGE PARCEL'' and dated March 22, 2017.

SEC. 3687. ABANDONED SEAFARERS FUND AMENDMENTS.

Section 11113 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking ''may be appropriated to the Secretary'' in the matter before subparagraph (A) and inserting ''shall be available to the Secretary without further appropriation, and shall remain available until expended,''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''plus a surcharge of 25 percent of such total amount,'' after ''seafarer,'' in the matter preceding subparagraph (A); and

(B) by striking paragraph (4).

SEC. 3688. SMALL SHIPYARD CONTRACTS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 667 the following:

''§ 667a. Construction of Coast Guard vessels and assignment of vessel projects

''The assignment of Coast Guard vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 667 the following:

''667a. Construction of Coast Guard vessels and assignment of vessel projects.''.

SEC. 3689. WESTERN CHALLENGER; CERTIFICATE OF DOCUMENTATION.

Section 604(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3062) is amended by inserting ''and a fisheries endorsement'' after ''endorsement''.

SEC. 3690. RADAR REFRESHER TRAINING.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating the requirement that a mariner actively using the mariner's credential complete an approved refresher or recertification course to maintain a radar observer endorsement. This rulemaking shall be exempt from chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563.

SEC. 3691. VESSEL RESPONSE PLAN AUDIT.

(a) REQUIREMENT FOR AUDIT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an audit of the verification and approval process of the Coast Guard for vessel response plans required under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(b) REVIEW AND RECOMMENDATIONS.—The audit required by subsection (a) shall—

(1) review and make recommendations regarding the verification and approval process of the Coast Guard for vessel response plans required under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for—

(A) the current Coast Guard staffing model and organization used for such process;

(B) the amount of time expended by the Coast Guard verifying and approving such vessel response plans; and

(C) the amount of time expended by the Coast Guard for verification and approval of a single such vessel response plan; and

(2) include a detailed analysis of—

(A) such process beginning with initial submission from the vessel through final approval;

(B) how such process ensures compliance with applicable statutes and regulations;

(C) the role of local and regional Coast Guard units in such process;

(D) any public comment or other forms of engagement with regional stakeholders, including State governments and Indian tribes;

(E) any engagement or utilization of Federal or State agency resources and consultation, including weather data systems, oil spill trajectory modeling, or risk management information for the purposes of reviewing vessel response plans;

(F) how the Coast Guard verifies availability and contractual obligation of resources required in a such a vessel response plan;

(G) the resources available and used by the Coast Guard to verify operational capability and capacity of equipment listed in a vessel response plan for the applicable operating environment;

(H) how the Coast Guard verifies alternate measures when a vessel cannot meet the National Planning Criteria;

(I) the weather data, modeling software, and information systems available and used by the Coast Guard when determining compliance for response resource mobilization times stipulated in regulation;

(J) how the Coast Guard factors in regional specific adverse weather, as defined in section 155.1020 of title 33, Code of Federal Regulations, in determining compliance for response resource mobilization times stipulated in regulation;

(K) how the Coast Guard reviews and verifies previously approved vessel response plans for compliance when there is a change in statute or regulation which effects response planning criteria or resource mobilization times;

(L) the Coast Guard process for calculating compliance for response resource mobilization times stipulated in statute and regulation;

(M) how the Coast Guard verifies availability and compliance with response resource mobilization requirements for different geographic regions;

(N) how the Coast Guard ensures vessel response plans are adapted and updated to account for new regional response needs, such as regional trends of transportation of heavy oils and volume of traffic;

(O) the Coast Guard processes and actions taken if an approved vessel response plan is discovered to be noncompliant;

(P) how such process could be improved; and

(Q) the resources needed to improve such process.

SEC. 3692. CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL RESEARCH AND RESPONSE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response (referred to in this section as the ''Center of Expertise'') in accordance with section 58 of title 14, United States Code.

(b) LOCATION.—The Center of Expertise shall be located in close proximity to—

(1) critical crude oil transportation infrastructure on and connecting the Great Lakes, such as submerged pipelines and high-traffic navigation locks; and

(2) an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

(c) FUNCTIONS.—The Center of Expertise shall—

(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(2) identify any significant gaps in Great Lakes oil spill research, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

(4) educate and train Federal, State, and local first responders located in United States Coast Guard District 9 in—

(A) the incident command system structure;

(B) Great Lakes oil spill response techniques and strategies; and

(C) public affairs; and

(5) work with academic and private sector response training centers to develop and standardize maritime oil spill response training and techniques for use on the Great Lakes.

(d) DEFINITION.—In this section, the term ''Great Lakes'' means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario.

Subtitle F—Department of Commerce Vessels

SEC. 3701. WAIVERS FOR CERTAIN CONTRACTS.

Section 3134 of title 40, United States Code, is amended—

(1) by inserting ''Secretary of Homeland Security,'' after ''Air Force,'' each place it appears; and

(2) by adding at the end the following:

''(c) COMMERCE.—The Secretary of Commerce may waive this subchapter with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).''.

Subtitle G—Federal Maritime Commission Authorization Act of 2017

SEC. 3711. SHORT TITLE.

This subtitle may be cited as the ''Federal Maritime Commission Authorization Act of 2017''.

SEC. 3712. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is amended by striking ''$24,700,000 for each of fiscal years 2016 and 2017'' and inserting ''$28,490,000 for each of fiscal years 2018 and 2019''.

SEC. 3713. RECORD OF MEETINGS AND VOTES.

(a) IN GENERAL.—Section 303 of title 46, United States Code, is amended to read as follows:

''§ 303. Meetings

''(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

''(b) RECORD.—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

''(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(1) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

''(A) no formal or informal vote or other official agency action is taken at the meeting;

''(B) each individual present at the meeting is a Commissioner or an employee of the Commission; and

''(C) the General Counsel of the Commission is present at the meeting.

''(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

''(A) a list of the individuals present at the meeting; and

''(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

''(3) EXCEPTION.—If the Commission properly determines matters may be withheld from the public under section 555b(c) of title 5, the Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

''(4) ONGOING PROCEEDINGS.—If a meeting under paragraph (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission decision.

''(5) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

''(6) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

''(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 3 of title 46, United States Code, is amended by amending the item relating to section 303 to read as follows:

''303. Meetings.''.

SEC. 3714. PUBLIC PARTICIPATION.

(a) NOTICE OF FILING.—Section 40304(a) of title 46, United States Code, is amended to read as follows:

''(a) NOTICE OF FILING.—Not later than 7 days after the date an agreement is filed, the Federal Maritime Commission shall—

''(1) transmit a notice of the filing to the Federal Register for publication; and

''(2) request interested persons to submit relevant information and documents.''.

(b) REQUEST FOR INFORMATION AND DOCUMENTS.—Section 40304(d) of title 46, United States Code, is amended by striking ''section'' and inserting ''part''.

(c) SAVING CLAUSE.—Nothing in this section, or the amendments made by this section, may be construed—

(1) to prevent the Federal Maritime Commission from requesting from a person, at any time, any additional information or documents the Commission considers necessary to carry out chapter 403 of title 46, United States Code;

(2) to prescribe a specific deadline for the submission of relevant information and documents in response to a request under section 40304(a)(2) of title 46, United States Code; or

(3) to limit the authority of the Commission to request information under section 40304(d) of title 46, United States Code.

SEC. 3715. REPORTS FILED WITH THE COMMISSION.

Section 40104(a) of title 46, United States Code, is amended to read as follows:

''(a) REPORTS.—

''(1) IN GENERAL.—The Federal Maritime Commission may require a common carrier or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee of the common carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as applicable.

''(2) REQUIREMENTS.—The report, account, record, rate, charge, or memorandum shall—

''(A) be made under oath if the Commission requires; and

''(B) be filed in the form and within the time prescribed by the Commission.''.

SEC. 3716. TRANSPARENCY.

(a) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission 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 biannual reports that describe the Commission's progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify for each unfinished regulatory proceeding—

(1) the popular title;

(2) the current stage of the proceeding;

(3) an abstract of the proceeding;

(4) what prompted the action in question;

(5) any applicable statutory, regulatory, or judicial deadline;

(6) the associated docket number;

(7) the date the rulemaking was initiated;

(8) a date for the next action; and

(9) if a date for next action identified in the previous report is not met, the reason for the delay.

SEC. 3717. NEGOTIATIONS.

(a) EXCEPTIONS.—Section 40307(b)(1) of title 46, United States Code, is amended by inserting ''tug operators,'' after ''motor carriers,''.

(b) CONCERTED ACTION.—Section 41105 of title 46, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking ''non-ocean carrier'' and inserting ''tug operator, non-ocean carrier,''; and

(B) by inserting ''tug operators or'' after ''States by those'';

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

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

''(5) negotiate with a marine terminal operator on any rate or service matter associated with certain covered services provided to ocean common carriers within the United States by those marine terminal operators, unless the negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this part, except that this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or association of ocean common carriers;'';

(4) in the matter preceding paragraph (1), by inserting ''(a) IN GENERAL.—'' before ''A conference'' and indenting appropriately; and

(5) by adding at the end the following:

''(b) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term 'certain covered services' means berthing, the loading or unloading of cargo to or from a vessel to or from a point of rest on a wharf, the bunkering of such a vessel, towage and tug assistance of such a vessel, or the positioning, removal, or replacement of navigation buoys.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONTENT REQUIREMENTS.—Section 40303(b)(5) of title 46, United States Code, is amended by striking ''section 41105(1) or (3) of this title'' and inserting ''paragraph (1) or paragraph (3) of section 41105(a) of this title''; and

(2) AWARD OF REPARATIONS.—Section 41305(c) of title 46, United States Code, is amended by striking ''section 41105(1) or (3) of this title'' and inserting ''paragraph (1) or paragraph (3) of section 41105(a) of this title''.

(d) SAVINGS CLAUSE.—Nothing in this section or the amendments made by this section shall be construed to limit the authority of the Department of Justice regarding antitrust matters.

SEC. 3718. PROHIBITIONS AND PENALTIES.

Section 41104(11) of title 46, United States Code, is amended to read as follows:

''(11) knowingly and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that

does not have a tariff as required by section 40501 of this title, or an ocean transportation intermediary that does not have a bond, insurance, or other surety as required by section 40902 of this title; or''.

Subtitle H—Vessel Incidental Discharge Act

SEC. 3721. SHORT TITLE.

This subtitle may be cited as the ''Vessel Incidental Discharge Act''.

SEC. 3722. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term ''aquatic nuisance species'' means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters of the United States, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—The term ''ballast water'' means any water and suspended matter taken on board a commercial vessel to control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how it is carried.

(4) BALLAST WATER DISCHARGE STANDARD.—The term ''ballast water discharge standard'' means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations, or section 151.1511 of such title, or a revised numerical ballast water discharge standard established under section 805, as applicable.

(5) BALLAST WATER MANAGEMENT SYSTEM.—The term ''ballast water management system'' means any system (including all ballast water treatment equipment and all associated control and monitoring equipment) that processes ballast water to kill, render harmless, or remove organisms.

(6) COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''commercial vessel'' means a vessel (as defined in section 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101 of title 46, United States Code).

(B) EXCLUSION.—The term ''commercial vessel'' does not include a recreational vessel.

(7) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''discharge incidental to the normal operation of a commercial vessel'' means—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I)(aa) graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater piping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

(II) deck runoff, deck washdown, above the waterline hull cleaning effluent, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters of the United States in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the commercial vessel is waterborne.

(B) EXCLUSIONS.—The term ''discharge incidental to the normal operation of a commercial vessel'' does not include—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I) ballast water;

(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(III) oil or a hazardous substance (as such terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)); or

(IV) sewage (as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6))); or

(ii) any emission of an air pollutant resulting from the operation onboard a commercial vessel of a commercial vessel propulsion system, motor driven equipment, or incinerator; or

(iii) any discharge into navigable waters of the United States from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

(8) GENERAL PERMIT.—The term ''General Permit'' means the Final National Pollutant Discharge Elimination System Vessel General Permit for Discharges Incidental to the Normal Operation of a Vessel noticed in the Federal Register on April 12, 2013 (78 Fed. Reg. 21938).

(9) GEOGRAPHICALLY LIMITED AREA.—The term ''geographically limited area'' means an area—

(A) with a physical limitation that prevents a commercial vessel from operating outside the area, such as the Great Lakes and Saint Lawrence River, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary in consultation with the heads of other Federal departments or agencies the Secretary considers appropriate.

(10) MAJOR CONVERSION.—The term ''major conversion'' has the meaning given such term in section 2101(14a) of title 46, United States Code.

(11) NAVIGABLE WATERS OF THE UNITED STATES.—The term ''navigable waters of the United States'' has the meaning given such term in section 2101(17a) of title 46, United States Code.

(12) OWNER OR OPERATOR.—The term ''owner or operator'' means a person owning, operating, or chartering by demise a commercial vessel.

(13) POLLUTANT.—The term ''pollutant'' has the meaning given such term in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)).

(14) RECREATIONAL VESSEL.—The term ''recreational vessel'' has the meaning given such term in section 2101(25) of title 46, United States Code.

(15) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 3723. EXISTING BALLAST WATER REGULATIONS.

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 that is in effect on the date immediately preceding the effective date of this subtitle, and that relates to a matter subject to regulation under this subtitle, shall remain in full force and effect unless or until superseded by a new regulation issued under this subtitle relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—The regulations issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this subtitle.

SEC. 3724. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (3), and subject to sections 151.2035 and 151.2036 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if—

(A) by applying the best available technology economically achievable, the discharge meets the ballast water discharge standard; and

(B) the owner or operator discharges the ballast water in accordance with other requirements established by the Secretary.

(2) COMMERCIAL VESSELS ENTERING THE GREAT LAKES SYSTEM AND HUDSON RIVER.—If a commercial vessel enters the Great Lakes through the Saint Lawrence River or the Hudson River north of the George Washington Bridge after operating outside the exclusive economic zone of the United States or Canada, the owner or operator shall—

(A) comply with the requirements of—

(i) paragraph (1);

(ii) subpart C of part 151 of title 33, Code of Federal Regulations; and

(iii) section 401.30 of such title; and

(B) conduct a complete ballast water exchange in an area that is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange, or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1).

(3) SAFETY EXEMPTION.—Notwithstanding paragraphs (1) and (2), an owner or operator may discharge any ballast water into navigable waters of the United States from a commercial vessel if—

(A) the ballast water is discharged solely to ensure the safety of life at sea;

(B) the ballast water is discharged accidentally as the result of damage to the commercial vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

(ii) the owner or operator did not willfully or recklessly cause such damage; or

(C) the ballast water is discharged solely for the purpose of avoiding or minimizing a discharge from the commercial vessel of a pollutant that would violate an applicable Federal or State law.

(4) LIMITATION ON REQUIREMENTS.—In establishing requirements under this subsection, the Secretary may not require the installation of a ballast water management system on a commercial vessel that—

(A) carries all of its ballast water in sealed tanks that are not subject to discharge; or

(B) discharges ballast water solely into a reception facility described in section 3727.

(b) APPLICABILITY.—

(1) COVERED VESSELS.—Except as provided in paragraph (2), subsection (a) shall apply to

any commercial vessel that is designed, constructed, or adapted to carry ballast water while such commercial vessel is operating in navigable waters of the United States.

(2) EXEMPTED VESSELS.—Subsection (a) shall not apply to a commercial vessel—

(A) that continuously takes on and discharges ballast water in a flow-through system, if such system does not introduce aquatic nuisance species into navigable waters of the United States, as determined by the Secretary;

(B) that operates exclusively within a geographically limited area;

(C) that operates pursuant to a geographic restriction issued as a condition under section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the commercial vessel;

(D) in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking;

(E) that discharges ballast water consisting solely of water taken aboard from a public or commercial source that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

(F) in an alternative compliance program established pursuant to section 3726.

(c) TYPE APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS THAT RENDER BALLAST WATER ORGANISMS INCAPABLE OF REPRODUCTION.—

(1) IN GENERAL.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations, and part 162 of title 46, Code of Federal Regulations, a ballast water management system that renders organisms in ballast water incapable of reproduction at the concentrations prescribed in the ballast water discharge standard shall be type approved by the Secretary, if—

(A) such system—

(i) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and

(ii) meets the requirements of subpart 162.060 of title 46, Code of Federal Regulations, other than the requirements related to staining methods or measuring the concentration of living organisms; and

(B) such laboratory uses a type approval testing method described in a final policy letter published under paragraph (2).

(2) TYPE APPROVAL TESTING METHODS.—

(A) DRAFT POLICY.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish a draft policy letter describing type approval testing methods capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(B) PUBLIC COMMENT.—The Secretary shall provide for a period of not more than 60 days for the public to comment on the draft policy letter published under paragraph (1).

(C) FINAL POLICY.—Not later than 150 days after the date of the enactment of this Act, the Secretary shall publish a final policy letter describing type approval testing methods capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(D) REVISIONS.—The Secretary shall revise such policy letter as additional testing methods are determined by the Secretary to be capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(E) CONSIDERATIONS.—In developing a policy letter under this paragraph, the Secretary—

(i) shall consider a type approval testing method that uses organism grow out and most probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

(ii) shall not consider a type approval testing method that relies on a staining method that measures the concentration of organisms greater than or equal to 10 micrometers and organisms less than or equal to 50 micrometers.

SEC. 3725. REVIEW OF BALLAST WATER DISCHARGE STANDARD.

(a) EFFECTIVENESS REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct reviews in accordance with this section to determine whether revising the ballast water discharge standard based on the application of the best available technology economically achievable would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) REQUIRED REVIEWS.—Not later than January 1, 2022, and every 10 years thereafter, the Secretary, in consultation with the Administrator, shall complete a review under paragraph (1).

(3) STATE PETITIONS FOR REVIEW.—

(A) IN GENERAL.—The Governor of a State may submit a petition requesting the Secretary to conduct a review under paragraph (1) if there is significant new information that could reasonably indicate the ballast water discharge standard could be revised to result in a reduction in the risk of the introduction or establishment of aquatic nuisance species.

(B) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1).

(C) REQUIRED INFORMATION.—A petition submitted to the Secretary under subparagraph (A) shall include—

(i) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(ii) information regarding any ballast water management systems that may achieve the proposed ballast water discharge standard;

(iii) the scientific and technical information on which the petition is based, including a description of the risk reduction that would result from the proposed ballast water discharge standard included under clause (i); and

(iv) any additional information the Secretary considers appropriate.

(D) PUBLIC AVAILABILITY.—Upon receiving a petition under subparagraph (A), the Secretary shall make publicly available a copy of the petition, including the information included under subparagraph (C).

(E) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under subparagraph (A) as a single such petition.

(F) AUTHORITY TO REVIEW.—After receiving a petition that meets the requirements of this paragraph, the Secretary, in consultation with the Administrator, may conduct a review under paragraph (1).

(b) PRACTICABILITY REVIEW.—

(1) IN GENERAL.—If the Secretary determines under subsection (a) that revision of the ballast water discharge standard would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species, the Secretary, in consultation with the Administrator, shall conduct a practicability review to determine whether—

(A) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is economically achievable and operationally practicable; and

(B) testing protocols that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised can be practicably implemented.

(2) CRITERIA FOR PRACTICABILITY REVIEW.—In conducting a practicability review under paragraph (1), the Secretary shall consider—

(A) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(B) improvements in ballast water management systems, including—

(i) the capability of such systems to achieve the ballast water discharge standard as proposed to be revised;

(ii) the effectiveness and reliability of such systems in the shipboard environment;

(iii) the compatibility of such systems with the design and operation of a commercial vessel by class, type, and size;

(iv) the commercial availability of such systems; and

(v) the safety of such systems;

(C) improvements in the capabilities to detect, quantify, and assess whether aquatic nuisance species are capable of reproduction under the ballast water discharge standard as proposed to be revised;

(D) the impact of ballast water management systems on water quality;

(E) the costs, cost-effectiveness, and effects of—

(i) a revised ballast water discharge standard; and

(ii) maintaining the existing ballast water discharge standard; and

(F) other criteria that the Secretary considers appropriate.

(3) INFORMATION FROM STATES.—In conducting a practicability review under paragraph (1), the Secretary shall solicit information from the States concerning matters the Secretary is required to consider under paragraph (2).

(c) REVISED BALLAST WATER DISCHARGE STANDARD.—The Secretary shall issue a rule to revise the ballast water discharge standard if the Secretary, in consultation with the Administrator, determines on the basis of the practicability review under subsection (b) that—

(1) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is economically achievable and operationally practicable; and

(2) testing protocols that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised can be practicably implemented.

(d) REVISED BALLAST WATER DISCHARGE STANDARD EFFECTIVE DATE AND COMPLIANCE DEADLINE.—

(1) IN GENERAL.—If the Secretary issues a rule to revise the ballast water discharge standard under subsection (c), the Secretary shall include in such rule—

(A) an effective date for the revised ballast discharge standard that is 3 years after the date on which such rule is published in the Federal Register; and

(B) for the owner or operator of a commercial vessel that is constructed or completes a major conversion on or after the date that is 3 years after the date on which the rule is published in the Federal Register, a deadline to comply with the revised ballast water discharge standard that is the first day on which such commercial vessel operates in navigable waters of the United States.

(2) EXTENSIONS.—The Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline under paragraph (1)(B).

(3) FACTORS.—In reviewing a petition under this subsection, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline—

(A) whether the ballast water management system to be installed, if applicable, is available in sufficient quantities to meet the compliance deadline;

(B) whether there is sufficient shipyard or other installation facility capacity;

(C) whether there is sufficient availability of engineering and design resources;

(D) commercial vessel characteristics, such as engine room size, layout, or a lack of installed piping;

(E) electric power generating capacity aboard the commercial vessel;

(F) the safety of the commercial vessel and crew; and

(G) any other factor that the Secretary determines appropriate.

(4) CONSIDERATION OF PETITIONS.—

(A) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this subsection.

(B) DEADLINE.—If the Secretary does not approve or deny a petition referred to in subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(5) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator shall be considered to be in compliance with the ballast water discharge standard if—

(i) the ballast water management system installed on the commercial vessel complies with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation;

(ii) the owner or operator maintains the ballast water management system in proper working condition, as determined by the Secretary; and

(iii) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after—

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary; or

(iii) the completion of a major conversion of the commercial vessel.

SEC. 3726. ALTERNATIVE COMPLIANCE PROGRAM.

The Secretary, in consultation with the Administrator, may issue a rule establishing 1 or more compliance programs that may be used by an owner or operator as an alternative to compliance with the requirements of section 3724(a) for a commercial vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the service life of the commercial vessel, as determined by the Secretary.

SEC. 3727. RECEPTION FACILITIES.

(a) IN GENERAL.—Notwithstanding the requirements under section 3724(a), an owner or operator may discharge ballast water into an onshore or offshore facility for the reception of ballast water that meets the standards established by the Administrator, in consultation with the Secretary, under subsection (b).

(b) ISSUANCE OF STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall publish a rule in the Federal Register that establishes reasonable and practicable standards for reception facilities to mitigate adverse effects of aquatic nuisance species on navigable waters of the United States.

SEC. 3728. REQUIREMENTS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall publish a rule in the Federal Register that establishes best management practices for discharges incidental to the normal operation of a commercial vessel for commercial vessels that are—

(1) greater than or equal to 79 feet in length; and

(2) not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code).

(b) TRANSITION.—

(1) IN GENERAL.—Notwithstanding the expiration date for the General Permit, any practice, limitation, or concentration applicable to any discharge incidental to the normal operation of a commercial vessel that is required by the General Permit on the date of enactment of this Act, and any reporting requirement required by the General Permit on such date of enactment, shall remain in effect until the effective date of a rule issued by the Secretary under subsection (a).

(2) PART 6 CONDITIONS.—Notwithstanding paragraph (1) and any other provision of law, the terms and conditions of Part 6 of the General Permit (relating to specific requirements for individual States or Indian country lands) shall expire on the date of enactment of this Act.

(c) APPLICATION TO CERTAIN VESSELS.—

(1) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or prohibition enforced under any other provision of law for, nor shall any best management practice regarding a discharge incidental to the normal operation of a commercial vessel under this subtitle apply to, a discharge incidental to the normal operation of a commercial vessel if the commercial vessel is—

(A) less than 79 feet in length; or

(B) a fishing vessel, including a fish processing vessel and a fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code).

(2) APPLICATION OF GENERAL PERMIT.—The terms and conditions of the General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on the date of enactment of this Act.

(d) STATE PETITION FOR REVISION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit a petition to the Secretary requesting that the Secretary revise a best management practice established under subsection (a) if there is significant new information that could reasonably indicate that—

(A) revising the best management practice would substantially reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel; and

(B) the revised best management practice would be economically achievable and operationally practicable.

(2) REQUIRED INFORMATION.—A petition submitted to the Secretary under paragraph (1) shall include—

(A) the scientific and technical information on which the petition is based; and

(B) any additional information the Secretary considers appropriate.

(3) PUBLIC AVAILABILITY.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(4) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(5) REVISION OF BEST MANAGEMENT PRACTICES.—If, after reviewing a petition submitted by a Governor under paragraph (1), the Secretary, in consultation with the Administrator, determines that revising a best management practice would substantially reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel, and the revised best management practice would be economically achievable and operationally practicable, the Secretary, in consultation with the Administrator, may issue a rule to revise the best management practice established under subsection (a).

SEC. 3729. JUDICIAL REVIEW.

(a) IN GENERAL.—A person may file a petition for review of a final rule issued under this subtitle in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—

(1) IN GENERAL.—A petition shall be filed under this section not later than 120 days after the date on which the rule to be reviewed is published in the Federal Register.

(2) EXCEPTION.—Notwithstanding paragraph (1), a petition that is based solely on grounds that arise after the deadline to file a petition under paragraph (1) has passed may be filed not later than 120 days after the date on which such grounds first arise.

SEC. 3730. STATE ENFORCEMENT.

The Secretary may enter into an agreement with the Governor of a State to authorize the State to enforce the provisions of this subtitle, as the Secretary considers appropriate.

SEC. 3731. EFFECT ON STATE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b) and as necessary to implement an agreement entered into under section 3730, no State or political subdivision thereof may adopt or enforce any statute, regulation, or other requirement of the State or political subdivision with respect to—

(1) a discharge into navigable waters of the United States from a commercial vessel of ballast water; or

(2) a discharge incidental to the normal operation of a commercial vessel.

(b) PRESERVATION OF AUTHORITY.—Nothing in this subtitle may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any water or other substance discharged or emitted from a vessel in preparation for transport of the vessel by land from one body of water to another body of water.

SEC. 3732. EFFECT ON OTHER LAWS.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Except as provided in section 3728(b), on or after the date of enactment of this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall not apply to a discharge into navigable waters of the United States of ballast water from a commercial vessel or a discharge incidental to the normal operation of a commercial vessel.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY; MARINE SANITATION DEVICES.—Nothing in

this subtitle may be construed as affecting the application to a commercial vessel of section 311 or 312 of the Federal Water Pollution Control Act (33 U.S.C. 1321 and 1322).

(b) ESTABLISHED REGIMES.—Notwithstanding any other provision of this subtitle, nothing in this subtitle may be construed as affecting the authority of the Federal Government under—

(1) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the regulation by the Federal Government of any discharge or emission that, on or after the date of enactment of this Act, is covered under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978; and

(2) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.) with respect to the regulation by the Federal Government of any anti-fouling system that, on or after the date of enactment of this Act, is covered under the International Convention on the Control of Harmful Anti-fouling Systems on Ships, done at London October 5, 2001.

(c) INTERNATIONAL LAW.—

(1) IN GENERAL.—Any action taken under this subtitle shall be taken in accordance with international law.

(2) STANDARDS.—Nothing in this subtitle may be construed to impose any design, equipment, or operation standard on a commercial vessel not documented under the laws of the United States and engaged in innocent passage unless the standard implements a generally accepted international rule, as determined by the Secretary.

(d) OTHER AUTHORITIES.—Nothing in this subtitle may be construed as affecting the authority of the Secretary of Commerce or the Secretary of the Interior, as the case may be, to administer lands or waters under such Secretary's administrative control.

(e) CONFORMING AMENDMENTS.—The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) is amended—

(1) in section 1101(c)(2) (16 U.S.C. 4711(c)(2))—

(A) in subparagraph (K), by striking ''; and'' and inserting a period; and

(B) by striking subparagraph (L); and

(2) in section 1205 (16 U.S.C. 4725), by adding at the end the following: ''Ballast water and discharges incidental to the normal operation of a commercial vessel (as such terms are defined in the Vessel Incidental Discharge Act) shall be regulated pursuant to such Act.''.

Subtitle I—National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments and Hydrographic Services Improvement Act Reauthorization and Amendments Act of 2017

SEC. 3801. SHORT TITLE.

This subtitle may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments and Hydrographic Services Improvement Act Reauthorization and Amendments Act of 2017''.

SEC. 3802. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

PART I—GENERAL PROVISIONS

SEC. 3811. 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 ½, 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. 3812. 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 or detailed to an agency other than the Administration—

''(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. 3813. 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. 3814. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3813(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, midcareer 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 3813(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 3815. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3814(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 3814(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. 3816. 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''.

PART II—PARITY AND RECRUITMENT

SEC. 3821. 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. 3822. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3821(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 268 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(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) 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 268 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 3821(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 3823. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3822(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—

''(A) agrees 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 3822(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 3824. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this Act is enacted, 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 3821(a)), section 268 of such Act (as added by section 3822(a)), and section 269 of such Act (as added by section 3823(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 3846(d)), if such section entitled officer 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 3846(c).

SEC. 3825. 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 (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), 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) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs.

''(21) 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), in the matter before subparagraph (A), 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 CORPS 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 commissioned officer corps 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 officer 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), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 3826. 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 488, relating to allowances for recruiting expenses.

''(5) 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) PERSONAL MONEY ALLOWANCE.—Section 414 of title 37, United States Code, is amended by inserting ''or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Health Service''.

(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) 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. 3827. LEGION OF MERIT AWARD.

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

SEC. 3828. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 3825(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), 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. 3829. 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. 3830. 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'';

(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. 3831. 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. 3832. 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 subtitle, 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 section 3823, the following new item:

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

SEC. 3833. 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 in 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 3813;

(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 2017 and in each fiscal year thereafter.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 3841. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—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.''.

(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 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 3842. 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. 3843. 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. 3844. 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. 3845. 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 reauthorize 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. 3846. 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 reauthorize 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. 3847. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 3846(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 reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3846(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

PART IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 3851. 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. 3852. 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 V—HYDROGRAPHIC SERVICES AND OTHER MATTERS

SEC. 3861. 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 2017 through 2021.'';

(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 2017 through 2021.'';

(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 2017 through 2021.'';

(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 2017 through 2021.''; 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 2017 through 2021.''; 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.''.

SEC. 3862. SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall—

(1) develop and implement a system to track and report the full cost to the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure data;

(2) evaluate additional measures for comparing cost per unit effort beyond square nautical miles; and

(3) submit to Congress a report on which additional measures for comparing cost per unit effort the Secretary intends to use and the rationale for such use.

(b) DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act (Public Law 111–11; 33 U.S.C. 3501 et seq.).

SEC. 3863. HOMEPORT OF CERTAIN RESEARCH VESSELS.

(a) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of obtaining such cost estimates, designs, permits, and construction as may be necessary for construction of a new port facility—

(1) to facilitate the homeporting of the R/V FAIRWEATHER in accordance with title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 775); and

(2) that is under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere.

(b) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for the construction described in subsection (a).

(c) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of obtaining such cost estimates, designs, permits, and construction as may be necessary for construction of a new port facility—

(1) to facilitate the homeporting of a new, existing, or reactivated research vessel in the city of St. Petersburg, Florida; and

(2) that is under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere.

(d) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for construction or acquisition of the facilities needed to allow for an oceanographic research vessel to be homeported in St. Petersburg, Florida. The strategic plan shall include an estimate of funding needed to construct such facilities.

SA 496. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 710. REGULAR UPDATE OF PRESCRIPTION DRUG PRICING STANDARD UNDER TRICARE RETAIL PHARMACY PROGRAM.

Section 1074g(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) With respect to the TRICARE retail pharmacy program described in subsection (a)(2)(E)(ii), the Secretary shall ensure that a contract entered into with a TRICARE pharmacy program contractor includes requirements described in section 1860D–12(b)(6) of the Social Security Act (42 U.S.C. 1395w–112(b)(6)) to ensure the provision of information regarding the pricing standard for prescription drugs.''.

SA 497. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ELIGIBILITY FOR CERTAIN HEALTH CARE BENEFITS OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.—Section 1074(d)(2) of title 10, United States Code, is amended by striking ''in support of a contingency operation under'' and inserting ''under section 12304b of this title or''.

(b) TRANSITIONAL HEALTH CARE.—Section 1145(a)(2)(B) of such title is amended by striking ''in support of a contingency operation'' and inserting ''under section 12304b of this title or a provision of law referred to in section 101(a)(13)(B) of this title''.

SA 498. Mr. McCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 786, between lines 3 and 4, insert the following:

Subtitle A—Authorization of Appropriations

On page 787, strike lines 1 through 6 and insert the following:

Subtitle B—Defense Force and Infrastructure Review and Recommendations

SEC. 2711. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Defense Force and Infrastructure Review Act of 2017''.

(b) PURPOSE.—The purpose of this subtitle is to provide a fair and transparent process that will result in the credible analysis of infrastructure requirements and recommendations for military infrastructure.

SEC. 2712. PROCEDURE FOR MAKING RECOMMENDATIONS FOR INFRASTRUCTURE CLOSURES AND REALIGNMENTS.

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2019, the Secretary shall submit to Congress the following:

(A)(i) Subject to clause (ii), a force-structure plan for the Armed Forces based on the most recent National Military Strategy, an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

(ii) The force structure described in the force-structure plan under clause (i) shall contain, at a minimum, a Navy of 355 ships, an Air Force of 1500 combat coded aircraft, an Army of 60 brigade combat teams, and a Marine Corps of three Marine expeditionary forces, together with all enabling and supporting elements.

(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(2) Using the most recent National Military Strategy and the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity within the United States and the target of the Secretary for the reduction of such excess capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(3) In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(4) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than September 15, 2018. For purposes of selecting military installations for closure or realignment under this subtitle, no revision of the force-structure plan or infrastructure inventory is authorized after September 15, 2018.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—(1) On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) if such need exists, a certification that the additional round of closures and realignments would result in substantial annual net savings for the Department of Defense following the completion of such closures and realignments.

(2) If the Secretary does not include the certifications referred to in paragraph (1) as part of the submission of the force-structure plan and infrastructure inventory prepared under subsection (a), the President may not commence a round for the selection of military installations for closure and realignment under this subtitle in the year following submission of the force-structure plan and infrastructure inventory.

(c) COMPTROLLER GENERAL EVALUATION.—(1) If the certification is provided under subsection (b), the Comptroller General of the United States shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria specified in subsection (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) The need for the closure or realignment of additional military installations.

(2) The Comptroller General shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in paragraph (2) and other criteria specified in paragraph (3).

(2) The military value criteria specified in this paragraph are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total

force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(E) The strategic impact of the location of an installation on operational plans, contingency plans, and missions of the combatant commands.

(3)(A) The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations in the United States under this subtitle are as follows:

(i) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

(ii) The economic impact on existing communities in the vicinity of military installations.

(iii) The extent with which a closure or realignment contributes to the reduction of excess infrastructure and infrastructure capacity to meet the targeted reduction established by the Secretary as required by subsection (a)(2)(B).

(iv) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(v) The cost of mitigating the impact of any increases of such forces, missions, and personnel at receiving locations to maintain the level of service that exists prior to the closure or realignment.

(vi) The environmental impact, including the impact of costs related to potential environmental restoration, vulnerability adaptation, mitigation, waste management, and environmental compliance activities.

(B) When determining the costs associated with a closure or realignment under subparagraph (A)(i), the Secretary shall consider costs associated with military construction, information technology, environmental remediation, relocation of personnel, termination of public-private contracts, guarantees, and other factors contributing to the cost of a closure or realignment as determined by the Secretary.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (d)(2) in the making of recommendations for the closure or realignment of military installations.

(f) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—Selection criteria relating to cost savings or return on investment from the proposed closure or realignment of military installations under this subtitle shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

(g) RELATION TO OTHER MATERIALS.—The final selection criteria specified in subsection (d) shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in subsection (a), in making recommendations for the closure or realignment of military installations in the United States under this subtitle.

(h) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—(1)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than May 15, 2019, publish in the Federal Register—

(i) with respect to each military installation in the United States, unclassified assessment data of the current condition of facilities and infrastructure and an environmental baseline of known contamination and remediation activities at each such installation that will be used by the Secretary to develop closure and realignment recommendations; and

(ii) standard rules to be used by the Secretary to calculate annual recurring savings for manpower, base operating costs, utility costs, base closure guarantees, service-sharing agreements, and other installation support activities that the Secretary will use in the determination of the savings derived from closure and realignment of military installations.

(B) The Secretary shall provide a public comment period of 60 days to allow for a review of the data published under subparagraph (A) and an opportunity for the Secretary to correct the assessments to ensure accurate and reliable information is used for final closure and realignment recommendations.

(C) If the Secretary does not publish the data or standard rules under subparagraph (A) by May 15, 2019, the President shall not commence a round for the selection of military installations for closure and realignment under this subtitle.

(2)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than October 15, 2019, publish in the Federal Register and transmit to the congressional defense committees a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

(B) The closures and realignments included in the list published by the Secretary under subparagraph (A) may not have an estimated cost to implement that exceeds $5,000,000,000 as certified by the Director of Cost Analysis and Program Evaluation of the Department of Defense.

(C) At the same time as the transmittal of the list under subparagraph (A), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification that—

(i) the recommendations included in such list will yield net savings to the Department of Defense within seven years of completing the closures and realignments included in such recommendations; and

(ii) no individual recommendation for closure or realignment is included in such list unless the closure or realignment demonstrates net savings to the Department within 10 years.

(D) Not later than seven days after the transmittal of the list of recommendations for closure and realignment under subparagraph (A), the Secretary shall submit to the congressional defense committees—

(i) a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation based on the final selection criteria under subsection (d); and

(ii) for each such recommendation, a master plan that contains a list of each facility action (including construction, development, conversion, or extension, and any acquisition of land necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility) required to carry out the closure or realignment, including the scope of work, cost, and timing of each construction activity as documented in military construction project data justifications.

(E) With respect to each recommendation for closure or realignment of a military installation under subparagraph (A), the construction scope and cost data contained in the master plan under subparagraph (D)(ii) for such installation shall be deemed to be the authorization by law to carry out the construction activity as required under chapter 169 of title 10, United States Code.

(3)(A) In considering military installations for closure or realignment, the Secretary shall consider all military installations in the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning—

(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment.

(D) In making recommendations for closure or realignment of a military installation under subparagraph (A), the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

(E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

(F) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (D) that is received with respect to a military installation covered by such recommendations. The statement shall set forth the reasons for the result.

(G) For each closure recommendation, and based on an assessment of the extent of economic impact to local communities supporting the military installation to be closed, the Secretary shall determine and propose an amount to be provided to the local redevelopment agency within a year of the final decision to close the installation to be used to accelerate local redevelopment activities.

(4)(A) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Comptroller General of the United States.

(B) The Comptroller General shall analyze the information made available to the Comptroller General under subparagraph (A) for each recommendation (including information provided by local communities) and submit any recommendations of the Comptroller General to Congress for consideration.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense concerning the closure or realignment of a military installation, shall certify that such information is

accurate and complete to the best of that person's knowledge and belief.

(B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations that the Secretary of Defense shall prescribe, regulations that the Secretary of each military department shall prescribe for personnel within that military department, or regulations that the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any information provided to the Secretary of Defense by a person described in paragraph (5)(B), regardless of the method of transmission, shall be made available for the public record and submitted in written form to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Secretary.

(7) No military installation may be recommended for inactive status under this subsection unless the Secretary certifies that its use for future mobilization is essential to meet operational plans.

(8) The Secretary shall analyze and, to the extent the Secretary considers appropriate, recommend the realignment and closure of military installations outside the United States.

(9) Not later than October 31, 2019, the Secretary shall submit to the President a report containing a list of the military installations that the Secretary recommends for closure or realignment under this subsection, including recommendations regarding military installations outside the United States under paragraph (8).

(i) REVIEW BY THE PRESIDENT.—(1) The President shall, by not later than November 15, 2019, transmit to Congress a report containing the President's approval or disapproval of the recommendations of the Secretary under subsection (h).

(2) If the President approves all of the recommendations of the Secretary, the President shall transmit a copy of such recommendations to Congress, together with a certification of such approval.

(3) If the President disapproves of the recommendations of the Secretary, in whole or in part, the President shall transmit to Congress the reasons for that disapproval. The Secretary shall then transmit to the President, by not later than December 1, 2019, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Secretary transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to Congress, together with a certification of such approval.

(5) If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) by December 2, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

SEC. 2713. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary shall—

(1) close all military installations recommended for closure in the report transmitted to Congress by the President pursuant to section 2712(i) and approved under subsection (b);

(2) realign all military installations recommended for realignment in such report and approved under such subsection;

(3) carry out the privatization in place of a military installation recommended for closure or realignment in such report and approved under such subsection only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations in such report and is determined by the Secretary to be the most cost-effective method of implementation of the recommendation;

(4) carry out the construction activities contained in the master plan for the military installation as required under section 2712(h)(2)(D)(ii);

(5) initiate all such closures and realignments not later than two years after the date on which the President transmits the report to Congress pursuant to section 2712(i) containing the recommendations for such closures or realignments; and

(6) complete all such closures and realignments not later than the end of the five-year period beginning on the date on which the President transmits the report pursuant to section 2712(i) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL APPROVAL.—The Secretary may not carry out a closure or realignment recommended in the report transmitted by the President pursuant to section 2712(i) unless a joint resolution is enacted approving that closure or realignment.

SEC. 2714. IMPLEMENTATION AND ANALYSIS.

(a) USE IN MAKING ASSESSMENTS AND RECOMMENDATIONS.—In making assessments and recommendations under section 2712, the Secretary shall analyze the requirements and authorities under this section and consider all of the actions to be taken under this section with respect to closing or realigning a military installation under this subtitle.

(b) IMPLEMENTATION.—(1) In closing or realigning any military installation under this subtitle, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B)(i) provide—

(I) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(II) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account;

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

(2) In carrying out any closure or realignment under this subtitle, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(c) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this subtitle—

(A) the authority of the Administrator to utilize excess property under subchapter II of chapter 5 of title 40, United States Code;

(B) the authority of the Administrator to dispose of surplus property under subchapter III of chapter 5 of title 40, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code; and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with all regulations governing the utilization of excess property and the disposal of surplus property under subtitle I of title 40, United States Code.

(B) The Secretary may, with the concurrence of the Administrator of General Services—

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.

(C) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this subtitle, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subtitle, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) If a military installation to be closed, realigned, or placed in an inactive status under this subtitle includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the

continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 180 days after the date of approval of the closure or realignment of a military installation under this subtitle, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities specified in clause (ii) with respect to an installation referred to in that clause until the earlier of—

(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

(III) two years after the date of approval of the closure or realignment of the installation; or

(IV) 90 days before the date of the closure or realignment of the installation.

(ii) The activities specified in this clause are activities relating to the closure or realignment of an installation to be closed or realigned under this subtitle as follows:

(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed or realigned under this subtitle to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation. In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation.

(E) This paragraph shall not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property—

(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

(v)(I) meets known requirements of an authorized program of another Federal agency for which expenditures for similar property would be necessary; and

(II) is the subject of a written request by the head of the agency.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.

(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this subtitle to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, a portion of the profits obtained over time from the development of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvements.

(xii) Planning for or the marketing of the development and reuse of the installation.

(xiii) Adaptation for and mitigation of natural disasters.

(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this subtitle (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another Federal agency. Subparagraph (B) shall apply to a transfer under this subparagraph.

(ii) A lease under clause (i) shall be for a term not to exceed 50 years, but may provide for options for renewal or extension of the term by the agency concerned.

(iii) A lease under clause (i) may not require rental payments by the United States.

(iv) A lease under clause (i) shall include a provision specifying that if the agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another Federal agency using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

(G) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under paragraph (1) regarding whether another Federal agency has identified a use for any

portion of a military installation to be closed or realigned under this subtitle, or will accept transfer of any portion of such installation, are made not later than 180 days after the date of approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this subtitle shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another Federal agency has identified a use, or of which another Federal agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of such final determinations) information on any building or property that is identified under subclause (II); and

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—

(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as practicable after the date of approval of closure or realignment of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 90 days and not later than 180 days after the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 90 days and not later than 180 days after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(iii) If a redevelopment authority does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 270 days after the date specified by the redevelopment authority for the installation under subparagraph (D).

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest

expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Except as provided in subparagraph (E)(iii), not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

(iv)(I) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(v) If the Secretary of Housing and Urban Development determines as a result of a review under clause (iv) that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

(I) an explanation of that determination; and

(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall submit a revised plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

(ii)(I) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless.

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iii) Not later than 30 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to

State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(VI) It is the sense of Congress that the Secretary of Defense and the redevelopment authority should work with State and local agencies to the maximum extent practicable to collaborate on environmental assessments to reduce redundancy of effort and to accelerate redevelopment actions.

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure or realignment of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

(O) For purposes of this paragraph, the term ''communities in the vicinity of the installation'', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.

(P) For purposes of this paragraph, the term ''other interested parties'', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.

(7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this subtitle, or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this subtitle, if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.

(d) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President and, except as provided in paragraph (2), the Department of Defense in carrying out this subtitle.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation that has been recommended for closure or realignment;

(ii) the need for transferring functions to any military installation that has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(e) WAIVER.—The Secretary of Defense may close or realign military installations under this subtitle without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

(f) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (c)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection. The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this subtitle that are available for purposes other than to assist the homeless.

(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities

will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

(5) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330, except in the case of releases or threatened releases not disclosed pursuant to paragraph (4) of this subsection.

SEC. 2715. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2017.

(a) IN GENERAL.—(1) If a joint resolution is enacted under section 2713(b), there shall be established on the books of the Treasury an account to be known as the ''Department of Defense Base Closure Account 2017'' (in this section referred to as the ''Account''). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this subtitle.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds that remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the report transmitted under subsection (c)(2).

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2714 with respect to military installations approved for closure or realignment under this subtitle.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2714(a) at a military installation in support of a master plan for the military installation as required under section 2712(h)(2)(D)(ii), such construction project shall be conducted in accordance with the sections of chapter 169 of title 10, United States Code, applicable to such construction project.

(3)(A) In the case of construction projects carried out using funds in the Account that exceed the applicable minor construction threshold under section 2805 of title 10, United States Code, the Secretary may carry out such a project that has not been authorized by law if the Secretary determines that—

(i) the project is necessary for the Department to execute a closure or realignment action under this subtitle; and

(ii) the requirement for the project is so urgent that deferral of the project for authorization by law would pose a significant delay in proceeding with a realignment or closure action under this subtitle or is inconsistent with national security or the protection of health, safety, or environmental quality.

(B)(i) When a decision is made to carry out a construction project under subparagraph (A), the Secretary shall submit to the congressional defense committees in writing a report on that decision. Each such report shall include—

(I) a justification for the project and a current estimate of the cost of the project; and

(II) a justification for carrying out the project under this subtitle.

(ii) The Secretary may carry out a construction project under subparagraph (A) only after the end of the seven-day period beginning on the earlier of—

(I) the date on which the report under clause (i) relating to such project is received by the congressional defense committees; or

(II) the date on which a copy of such report is provided to such committees in an electronic medium pursuant to section 480 of title 10, United States Code.

(4) The maximum amount that the Secretary may obligate in any fiscal year under this section is $100,000,000.

(5) A project carried out using funds under this section shall be carried out within the total amount of funds appropriated for the Account that have not been obligated.

(c) REPORTS.—(1)(A) Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this subtitle using funds in the Account, the Secretary shall transmit a report to the congressional defense committees of—

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

(ii) the amount and nature of other expenditures made pursuant to section 2714(a) during such fiscal year;

(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2714(a) during the first fiscal year commencing after the submission of the report.

(B) The report for a fiscal year shall include the following:

(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from any proposals for projects and funding levels for the Account for such fiscal year, including an explanation of—

(I) any failure to carry out military construction projects that were so proposed; and

(II) any expenditures for military construction projects that were not so proposed.

(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations approved for closure or realignment under this subtitle.

(2) Not later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all of the funds deposited into and expended from the Account or otherwise expended under this subtitle with respect to such installations; and

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this subtitle, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for nonappropriated fund instrumentalities.

(4) In this subsection:

(A) The term ''commissary store funds'' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term ''nonappropriated funds'' means funds received from a nonappropriated fund instrumentality.

(C) The term ''nonappropriated fund instrumentality'' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2714(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Act of Congress authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not

been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2805 of title 10, United States Code.

(3) The limitation on cost or scope variation specified in paragraph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project to be carried out using funds in the Account is required for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determination, the Secretary shall notify the congressional defense committees of the variation in cost or scope not later than 21 days before the date on which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the reasons for the variation in the notification.

SEC. 2716. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act, and ending on April 15, 2020, this subtitle shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this subtitle, during the period specified in subsection (a)—

(1) to identify, through any transmittal to Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this subtitle affects the authority of the Secretary to carry out closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency described in subsection (d) of such section.

SEC. 2717. DEFINITIONS.

In this subtitle:

(1) The term ''Account'' means the Department of Defense Base Closure Account established by section 2715(a)(1).

(2) The term ''congressional defense committees'' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

(4) The term ''realignment'' includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(5) The term ''Secretary'' means the Secretary of Defense.

(6) The term ''United States'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(7) The term ''date of approval'', with respect to a closure or realignment of an installation, means the date on which Congress approves under section 2713(b) a recommendation of closure or realignment, as the case may be, of such installation.

(8) The term ''redevelopment authority'', in the case of an installation to be closed or realigned under this subtitle, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.

(9) The term ''redevelopment plan'' in the case of an installation to be closed or realigned under this subtitle, means a plan that—

(A) is agreed to by the local redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure or realignment of the installation.

(10) The term ''representative of the homeless'' has the meaning given such term in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

SEC. 2718. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER PROVISIONS OF LAW.

(a) DEFINITION OF ''BASE CLOSURE LAW'' IN TITLE 10.—Section 101(a)(17) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The Defense Force and Infrastructure Review Act of 2017.''.

(b) DEFINITION OF ''BASE CLOSURE LAW'' IN OTHER LAWS.—

(1) Section 131(b) of Public Law 107–249 (10 U.S.C. 221 note) is amended by striking ''means'' and all that follows and inserting ''has the meaning given the term 'base closure law' in section 101(a)(17) of title 10, United States Code.''.

(2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

(3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

SEC. 2719. CONFORMING AMENDMENTS.

(a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''on or after January 1, 2005,'' and inserting ''from January 1, 2005 through December 31, 2005,''; and

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

''(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2715 of the Defense Force and Infrastructure Review Act of 2017.''.

(b) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking ''the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)'' and inserting ''a base closure law, as that term is defined in section 101(a)(17) of title 10,''.

SA 499. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYEE BENEFITS PROTECTION.

(a) NOTIFICATION OF EXTENT TO WHICH HEALTH BENEFITS CAN BE MODIFIED OR TERMINATED.—

(1) INCLUSION IN SUMMARY PLAN DESCRIPTION.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022) is amended by inserting ''; in the case of a group health plan (as so defined), whether the provisions of the plan permit the plan sponsor or any employer participating in the plan to unilaterally modify or terminate the benefits under the plan with respect to employees, retired employees, and beneficiaries, and when and to what extent benefits under the plan are fully vested with respect to employees, retired employees, and beneficiaries'' after ''the name and address of such issuer''.

(2) PRESUMPTION THAT RETIRED EMPLOYEE HEALTH BENEFITS CANNOT BE MODIFIED OR TERMINATED.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) In the case of a suit brought under this title by a participant or beneficiary relating to benefits of a retired employee or the dependents of a retired employee under a group health plan (as defined in section 733(a)(1)), the presumption for purposes of such suit shall be that as of the date an employee retires or completes 20 years of service with the employer, benefits available under the plan during retirement of the employee are fully vested and cannot be modified or terminated for the life of the employee or, if longer, the life of the employee's spouse. This presumption can be overcome only upon a showing, by clear and convincing evidence, that the terms of the group health plan allow for a modification or termination of benefits available under the plan and that the employee, prior to becoming a participant in the plan, was made aware, in clear and unambiguous terms, that the plan allowed for such modification or termination of benefits.''.

(b) PROTECTION OF RETIREES UNDER CERTAIN COLLECTIVELY BARGAINED AGREEMENTS.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h) It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby the organization and employer agree to modify the terms of any previous agreement in a manner that would result in a reduction or termination of retiree health insurance benefits provided to an employee or a dependent of an employee under the previous agreement, if such modification of the terms of the previous agreement occurs after the date on which the employee retires.''.

SA 500. Mr. CARDIN (for himself, Mr. BOOKER, Ms. HIRONO, Mr. NELSON, Mr. VAN HOLLEN, Mr. MARKEY, Mr. BROWN, Mr. CARPER, Mr. BLUMENTHAL, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STRIKING PROVISIONS THAT INCREASE HEALTH DISPARITIES.

Any provision of this Act that would increase health disparities among certain populations, including disparities on the basis of race and ethnicity, socioeconomic status, gender, religion, disability status, geographic location, and sexual identity and orientation shall be null and void and of no effect.

SA 501. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Keeping Health Insurance Affordable Act of 2017''.

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

Sec. 1. Short title; table of contents.

TITLE I—MARKETPLACE STABILITY AND SECURITY

Sec. 101. Individual Market Reinsurance Fund.
Sec. 102. Public health insurance option.

TITLE II—HEALTH CARE FINANCIAL ASSISTANCE

Sec. 201. Increase in eligibility for premium assistance tax credits.
Sec. 202. Enhancements for reduced cost sharing.

TITLE III—DRUG PRICING

Sec. 301. Requiring drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals.
Sec. 302. Negotiation of prices for medicare prescription drugs.
Sec. 303. Guaranteed prescription drug benefits.
Sec. 304. Full reimbursement for qualified retiree prescription drug plans.

TITLE IV—MEDICAID COLLABORATIVE CARE MODELS

Sec. 401. Enhanced FMAP for medical assistance provided through a collaborative care model.

TITLE I—MARKETPLACE STABILITY AND SECURITY

SEC. 101. INDIVIDUAL MARKET REINSURANCE FUND.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established the ''Individual Market Reinsurance Fund'' to be administered by the Secretary to provide funding for an individual market stabilization reinsurance program in each State that complies with the requirements of this section.

(2) FUNDING.—There is appropriated to the Fund, out of any moneys in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section (other than subsection (c)) for each calendar year beginning with 2018. Amounts appropriated to the Fund shall remain available without fiscal or calendar year limitation to carry out this section.

(b) INDIVIDUAL MARKET REINSURANCE PROGRAM.—

(1) USE OF FUNDS.—The Secretary shall use amounts in the Fund to establish a reinsurance program under which the Secretary shall make reinsurance payments to health insurance issuers with respect to high-cost individuals enrolled in qualified health plans offered by such issuers that are not grandfathered health plans or transitional health plans for any plan year beginning with the 2018 plan year. This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide payments from the Fund in accordance with this subsection.

(2) AMOUNT OF PAYMENT.—The payment made to a health insurance issuer under subsection (a) with respect to each high-cost individual enrolled in a qualified health plan issued by the issuer that is not a grandfathered health plan or a transitional health plan shall equal 80 percent of the lesser of—

(A) the amount (if any) by which the individual's claims incurred during the plan year exceeds—

(i) in the case of the 2018, 2019, or 2020 plan year, $50,000; and

(ii) in the case of any other plan year, $100,000; or

(B) for plan years described in—

(i) subparagraph (A)(i), $450,000; and

(ii) subparagraph (A)(ii), $400,000.

(3) INDEXING.—In the case of plan years beginning after 2018, the dollar amounts that appear in subparagraphs (A) and (B) of paragraph (2) shall each be increased by an amount equal to—

(A) such amount; multiplied by

(B) the premium adjustment percentage specified under section 1302(c)(4) of the Affordable Care Act, but determined by substituting ''2018'' for ''2013''.

(4) PAYMENT METHODS.—

(A) IN GENERAL.—Payments under this subsection shall be based on such a method as the Secretary determines. The Secretary may establish a payment method by which interim payments of amounts under this subsection are made during a plan year based on the Secretary's best estimate of amounts that will be payable after obtaining all of the information.

(B) REQUIREMENT FOR PROVISION OF INFORMATION.—

(i) REQUIREMENT.—Payments under this subsection to a health insurance issuer are conditioned upon the furnishing to the Secretary, in a form and manner specified by the Secretary, of such information as may be required to carry out this subsection.

(ii) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to clause (i) is subject to the HIPAA privacy and security law, as defined in section 3009(a) of the Public Health Service Act (42 U.S.C. 300jj–19(a)).

(5) SECRETARY FLEXIBILITY FOR BUDGET NEUTRAL REVISIONS TO REINSURANCE PAYMENT SPECIFICATIONS.—If the Secretary determines appropriate, the Secretary may substitute higher dollar amounts for the dollar amounts specified under subparagraphs (A) and (B) of paragraph (2) (and adjusted under paragraph (3), if applicable) if the Secretary certifies that such substitutions, considered together, neither increase nor decease the total projected payments under this subsection.

(c) OUTREACH AND ENROLLMENT.—

(1) IN GENERAL.—During the period that begins on January 1, 2018, and ends on December 31, 2020, the Secretary shall award grants to eligible entities for the following purposes:

(A) OUTREACH AND ENROLLMENT.—To carry out outreach, public education activities, and enrollment activities to raise awareness of the availability of, and encourage enrollment in, qualified health plans.

(B) ASSISTING INDIVIDUALS TRANSITION TO QUALIFIED HEALTH PLANS.—To provide assistance to individuals who are enrolled in health insurance coverage that is not a qualified health plan enroll in a qualified health plan.

(C) ASSISTING ENROLLMENT IN PUBLIC HEALTH PROGRAMS.—To facilitate the enrollment of eligible individuals in the Medicare program or in a State Medicaid program, as appropriate.

(D) RAISING AWARENESS OF PREMIUM ASSISTANCE AND COST-SHARING REDUCTIONS.—To distribute fair and impartial information concerning enrollment in qualified health plans and the availability of premium assistance tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act, and to assist eligible individuals in applying for such tax credits and cost-sharing reductions.

(2) ELIGIBLE ENTITIES DEFINED.—

(A) IN GENERAL.—In this subsection, the term ''eligible entity'' means—

(i) a State; or

(ii) a nonprofit community-based organization.

(B) ENROLLMENT AGENTS.—Such term includes a licensed independent insurance agent or broker that has an arrangement with a State or nonprofit community-based organization to enroll eligible individuals in qualified health plans.

(C) EXCLUSIONS.—Such term does not include an entity that—

(i) is a health insurance issuer; or

(ii) receives any consideration, either directly or indirectly, from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan.

(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to awarding grants to States or eligible entities in States that have geographic rating areas at risk of having no qualified health plans in the individual market.

(4) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, $500,000,000 is appropriated to the Secretary for each of calendar years 2018 through 2020, to carry out this subsection.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—The Secretary shall submit a report to Congress, not later than January 21, 2019, and each year thereafter, that contains the following information for the most recently ended year:

(A) The number and types of plans in each State's individual market, specifying the number that are qualified health plans, grandfathered health plans, or health insurance coverage that is not a qualified health plan.

(B) The impact of the reinsurance payments provided under this section on the availability of coverage, cost of coverage, and coverage options in each State.

(C) The amount of premiums paid by individuals in each State by age, family size, geographic area in the State's individual market, and category of health plan (as described in subparagraph (A)).

(D) The process used to award funds for outreach and enrollment activities awarded to eligible entities under subsection (c), the

amount of such funds awarded, and the activities carried out with such funds.

(E) Such other information as the Secretary deems relevant.

(2) EVALUATION REPORT.—Not later than January 31, 2022, the Secretary shall submit to Congress a report that—

(A) analyzes the impact of the funds provided under this section on premiums and enrollment in the individual market in all States; and

(B) contains a State-by-State comparison of the design of the programs carried out by States with funds provided under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Health and Human Services.

(2) FUND.—The term ''Fund'' means the Individual Market Reinsurance Fund established under subsection (a).

(3) GRANDFATHERED HEALTH PLAN.—The term ''grandfathered health plan'' has the meaning given that term in section 1251(e) of the Patient Protection and Affordable Care Act.

(4) HIGH-COST INDIVIDUAL.—The term ''high-cost individual'' means an individual enrolled in a qualified health plan (other than a grandfathered health plan or a transitional health plan) who incurs claims in excess of $50,000 during a plan year.

(5) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

(6) TRANSITIONAL HEALTH PLAN.—The term ''transitional health plan'' means a plan continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2013, to the State Insurance Commissioners outlining a transitional policy for coverage in the individual and small group markets to which section 1251 of the Patient Protection and Affordable Care Act does not apply, and under the extension of the transitional policy for such coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, and February 13, 2017.

SEC. 102. PUBLIC HEALTH INSURANCE OPTION.

(a) IN GENERAL.—Part 3 of subtitle D of title I of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by adding at the end the following new section:

''SEC. 1325. PUBLIC HEALTH INSURANCE OPTION.

''(a) ESTABLISHMENT AND ADMINISTRATION OF A PUBLIC HEALTH INSURANCE OPTION.—

''(1) ESTABLISHMENT.—For years beginning with 2018, the Secretary of Health and Human Services (in this subtitle referred to as the 'Secretary') shall provide for the offering through Exchanges established under this title of a health benefits plan (in this Act referred to as the 'public health insurance option') that ensures choice, competition, and stability of affordable, high-quality coverage throughout the United States in accordance with this section. In designing the option, the Secretary's primary responsibility is to create a low-cost plan without compromising quality or access to care.

''(2) OFFERING THROUGH EXCHANGES.—

''(A) EXCLUSIVE TO EXCHANGES.—The public health insurance option shall only be made available through Exchanges established under this title.

''(B) ENSURING A LEVEL PLAYING FIELD.—Consistent with this section, the public health insurance option shall comply with requirements that are applicable under this title to health benefits plans offered through such Exchanges, including requirements related to benefits, benefit levels, provider networks, notices, consumer protections, and cost sharing.

''(C) PROVISION OF BENEFIT LEVELS.—The public health insurance option—

''(i) shall offer bronze, silver, and gold plans; and

''(ii) may offer platinum plans.

''(3) ADMINISTRATIVE CONTRACTING.—The Secretary may enter into contracts for the purpose of performing administrative functions (including functions described in subsection (a)(4) of section 1874A of the Social Security Act) with respect to the public health insurance option in the same manner as the Secretary may enter into contracts under subsection (a)(1) of such section. The Secretary has the same authority with respect to the public health insurance option as the Secretary has under subsections (a)(1) and (b) of section 1874A of the Social Security Act with respect to title XVIII of such Act. Contracts under this subsection shall not involve the transfer of insurance risk to such entity.

''(4) OMBUDSMAN.—The Secretary shall establish an office of the ombudsman for the public health insurance option which shall have duties with respect to the public health insurance option similar to the duties of the Medicare Beneficiary Ombudsman under section 1808(c)(2) of the Social Security Act. In addition, such office shall work with States to ensure that information and notice is provided that the public health insurance option is one of the health plans available through an Exchange.

''(5) DATA COLLECTION.—The Secretary shall collect such data as may be required to establish premiums and payment rates for the public health insurance option and for other purposes under this section, including to improve quality and to reduce racial, ethnic, and other disparities in health and health care.

''(6) ACCESS TO FEDERAL COURTS.—The provisions of Medicare (and related provisions of title II of the Social Security Act) relating to access of Medicare beneficiaries to Federal courts for the enforcement of rights under Medicare, including with respect to amounts in controversy, shall apply to the public health insurance option and individuals enrolled under such option under this title in the same manner as such provisions apply to Medicare and Medicare beneficiaries.

''(b) PREMIUMS AND FINANCING.—

''(1) ESTABLISHMENT OF PREMIUMS.—

''(A) IN GENERAL.—The Secretary shall establish geographically adjusted premium rates for the public health insurance option—

''(i) in a manner that complies with the premium rules under paragraph (3); and

''(ii) at a level sufficient to fully finance the costs of—

''(I) health benefits provided by the public health insurance option; and

''(II) administrative costs related to operating the public health insurance option.

''(B) CONTINGENCY MARGIN.—In establishing premium rates under subparagraph (A), the Secretary shall include an appropriate amount for a contingency margin.

''(2) ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States an account for the receipts and disbursements attributable to the operation of the public health insurance option, including the start-up funding under subparagraph (B). Section 1854(g) of the Social Security Act shall apply to receipts described in the previous sentence in the same manner as such section applies to payments or premiums described in such section.

''(B) START-UP FUNDING.—

''(i) IN GENERAL.—In order to provide for the establishment of the public health insurance option there is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000. In order to provide for initial claims reserves before the collection of premiums, there is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, such sums as necessary to cover 90 days worth of claims reserves based on projected enrollment.

''(ii) AMORTIZATION OF START-UP FUNDING.—The Secretary shall provide for the repayment of the startup funding provided under clause (i) to the Treasury in an amortized manner over the 10-year period beginning with 2018.

''(iii) LIMITATION ON FUNDING.—Nothing in this subsection shall be construed as authorizing any additional appropriations to the account, other than such amounts as are otherwise provided with respect to other health benefits plans participating under the Exchange involved.

''(3) INSURANCE RATING RULES.—The premium rate charged for the public health insurance option may not vary except as provided under section 2701 of the Public Health Service Act.

''(c) PAYMENT RATES FOR ITEMS AND SERVICES.—

''(1) RATES ESTABLISHED BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall establish payment rates for the public health insurance option for services and health care providers consistent with this subsection and may change such payment rates in accordance with subsection (d).

''(B) INITIAL PAYMENT RULES.—

''(i) IN GENERAL.—During 2018, 2019, and 2020, the Secretary shall set the payment rates under this subsection for services and providers described in subparagraph (A) equal to the payment rates for equivalent services and providers under parts A and B of Medicare, subject to clause (ii), paragraph (4), and subsection (d).

''(ii) EXCEPTIONS.—The Secretary may determine the extent to which Medicare adjustments applicable to base payment rates under parts A and B of Medicare for graduate medical education and disproportionate share hospitals shall apply under this section.

''(C) FOR NEW SERVICES.—The Secretary shall modify payment rates described in subparagraph (B) in order to accommodate payments for services, such as well-child visits, that are not otherwise covered under Medicare.

''(D) PRESCRIPTION DRUGS.—Payment rates under this subsection for prescription drugs that are not paid for under part A or part B of Medicare shall be at rates negotiated by the Secretary.

''(2) SUBSEQUENT PERIODS; PROVIDER NETWORK.—

''(A) SUBSEQUENT PERIODS.—Beginning with 2021 and for subsequent years, the Secretary shall continue to use an administrative process to set such rates in order to promote payment accuracy, to ensure adequate beneficiary access to providers, and to promote affordability and the efficient delivery of medical care consistent with subsection (a)(1). Such rates shall not be set at levels expected to increase average medical costs per enrollee covered under the public health insurance option beyond what would be expected if the process under paragraph (1)(B) were continued, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

''(B) ESTABLISHMENT OF A PROVIDER NETWORK.—Health care providers participating under Medicare are participating providers in the public health insurance option unless they opt out in a process established by the Secretary.

''(3) ADMINISTRATIVE PROCESS FOR SETTING RATES.—Chapter 5 of title 5, United States Code shall apply to the process for the initial establishment of payment rates under this subsection but not to the specific methodology for establishing such rates or the calculation of such rates.

''(4) CONSTRUCTION.—Nothing in this section shall be construed as limiting the Secretary's authority to correct for payments that are excessive or deficient, taking into account the provisions of subsection (a)(1) and any appropriate adjustments based on the demographic characteristics of enrollees covered under the public health insurance option, but in no case shall the correction of payments under this paragraph result in a level of expenditures per enrollee that exceeds the level of expenditures that would have occurred under paragraph (1)(B), as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

''(5) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary to establish payment rates, including payments to provide for the more efficient delivery of services, such as the initiatives provided for under subsection (d).

''(6) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review of a payment rate or methodology established under this subsection or under subsection (d).

''(d) MODERNIZED PAYMENT INITIATIVES AND DELIVERY SYSTEM REFORM.—

''(1) IN GENERAL.—For plan years beginning with 2018, the Secretary may utilize innovative payment mechanisms and policies to determine payments for items and services under the public health insurance option. The payment mechanisms and policies under this subsection may include patient-centered medical home and other care management payments, accountable care organizations, value-based purchasing, bundling of services, differential payment rates, performance or utilization based payments, partial capitation, and direct contracting with providers. Payment rates under such payment mechanisms and policies shall not be set at levels expected to increase average medical costs per enrollee covered under the public health insurance option beyond what would be expected if the process under subsection (c)(1)(B) were continued, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

''(2) REQUIREMENTS FOR INNOVATIVE PAYMENTS.—The Secretary shall design and implement the payment mechanisms and policies under this subsection in a manner that—

''(A) seeks to—

''(i) improve health outcomes;

''(ii) reduce health disparities (including racial, ethnic, and other disparities);

''(iii) provide efficient and affordable care;

''(iv) address geographic variation in the provision of health services; or

''(v) prevent or manage chronic illness; and

''(B) promotes care that is integrated, patient-centered, high-quality, and efficient.

''(3) ENCOURAGING THE USE OF HIGH VALUE SERVICES.—To the extent allowed by the benefit standards applied to all health benefits plans participating under the Exchange involved, the public health insurance option may modify cost sharing and payment rates to encourage the use of services that promote health and value.

''(4) NON-UNIFORMITY PERMITTED.—Nothing in this subtitle shall prevent the Secretary from varying payments based on different payment structure models (such as accountable care organizations and medical homes) under the public health insurance option for different geographic areas.

''(e) PROVIDER PARTICIPATION.—

''(1) IN GENERAL.—The Secretary shall establish conditions of participation for health care providers under the public health insurance option.

''(2) LICENSURE OR CERTIFICATION.—The Secretary shall not allow a health care provider to participate in the public health insurance option unless such provider is appropriately licensed or certified under State law.

''(3) PAYMENT TERMS FOR PROVIDERS.—

''(A) PHYSICIANS.—The Secretary shall provide for the annual participation of physicians under the public health insurance option, for which payment may be made for services furnished during the year, in one of 2 classes:

''(i) PREFERRED PHYSICIANS.—Those physicians who agree to accept the payment rate established under this section (without regard to cost-sharing) as the payment in full.

''(ii) PARTICIPATING, NON-PREFERRED PHYSICIANS.—Those physicians who agree not to impose charges (in relation to the payment rate described in subsection (c) for such physicians) that exceed the ratio permitted under section 1848(g)(2)(C) of the Social Security Act.

''(B) OTHER PROVIDERS.—The Secretary shall provide for the participation (on an annual or other basis specified by the Secretary) of health care providers (other than physicians) under the public health insurance option under which payment shall only be available if the provider agrees to accept the payment rate established under subsection (c) (without regard to cost-sharing) as the payment in full.

''(4) EXCLUSION OF CERTAIN PROVIDERS.—The Secretary shall exclude from participation under the public health insurance option a health care provider that is excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act).

''(f) APPLICATION OF FRAUD AND ABUSE PROVISIONS.—Provisions of law (other than criminal law provisions) identified by the Secretary by regulation, in consultation with the Inspector General of the Department of Health and Human Services, that impose sanctions with respect to waste, fraud, and abuse under Medicare, such as the False Claims Act (31 U.S.C. 3729 et seq.), shall also apply to the public health insurance option.

''(g) MEDICARE DEFINED.—For purposes of this section, the term 'Medicare' means the health insurance programs under title XVIII of the Social Security Act.''.

(b) CONFORMING AMENDMENTS.—

(1) TREATMENT AS QUALIFIED HEALTH PLAN.—Section 1301(a)(2) of the Patient Protection and Affordable Care Act is amended—

(A) in the heading, by inserting '', THE PUBLIC HEALTH INSURANCE OPTION,'' before ''AND''; and

(B) by inserting ''the public health insurance option under section 1325,'' before ''and a multi-State plan''.

(2) LEVEL PLAYING FIELD.—Section 1324(a) of such Act is amended by inserting ''the public health insurance option under section 1325,'' before ''or a multi-State qualified health plan''.

TITLE II—HEALTH CARE FINANCIAL ASSISTANCE

SEC. 201. INCREASE IN ELIGIBILITY FOR PREMIUM ASSISTANCE TAX CREDITS.

(a) IN GENERAL.—Subparagraph (A) of section 36B(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''400 percent'' and inserting ''600 percent''.

(b) CONFORMING AMENDMENT.—The table contained in clause (i) of section 36B(b)(3)(A)(i) of the Internal Revenue Code of 1986 is amended by striking ''400%'' and inserting ''600%''.

(c) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''In the case of'' and all that follows through ''the amount of'' and inserting ''The amount of'', and

(2) by striking ''but less than 400%'' in the table.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 202. ENHANCEMENTS FOR REDUCED COST SHARING.

(a) MODIFICATION OF AMOUNT.—

(1) IN GENERAL.—Section 1402(c)(2) of the Patient Protection and Affordable Care Act is amended to read as follows:

''(2) ADDITIONAL REDUCTION.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall further reduce cost-sharing under the plan in a manner sufficient to—

''(A) in the case of an eligible insured whose household income is not less than 100 percent but not more than 200 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 95 percent of such costs;

''(B) in the case of an eligible insured whose household income is more than 200 percent but not more than 300 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 90 percent of such costs; and

''(C) in the case of an eligible insured whose household income is more than 300 percent but not more than 400 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 85 percent of such costs.''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 1402(c)(1)(B) of such Act is amended to read as follows:

''(i) IN GENERAL.—The Secretary shall ensure the reduction under this paragraph shall not result in an increase in the plan's share of the total allowed costs of benefits provided under the plan above—

''(I) 95 percent in the case of an eligible insured described in paragraph (2)(A);

''(II) 90 percent in the case of an eligible insured described in paragraph (2)(B); and

''(III) 85 percent in the case of an eligible insured described in paragraph (2)(C).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2017.

(b) FUNDING.—Section 1402 of the Patient Protection and Affordable Care Act is amended by adding at the end the following new subsection:

''(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary such sums as may be necessary for payments under this section.''.

TITLE III—DRUG PRICING

SEC. 301. REQUIRING DRUG MANUFACTURERS TO PROVIDE DRUG REBATES FOR DRUGS DISPENSED TO LOW-INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(1) in subsection (e)(1), in the matter preceding subparagraph (A), by inserting ''and subsection (f)'' after ''this subsection''; and

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

''(f) PRESCRIPTION DRUG REBATE AGREEMENT FOR REBATE ELIGIBLE INDIVIDUALS.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2019, in this part, the term 'covered part D drug' does not include any drug or biological product that is manufactured by a manufacturer that has not entered into and have in effect a rebate agreement described in paragraph (2).

''(B) 2018 PLAN YEAR REQUIREMENT.—Any drug or biological product manufactured by a manufacturer that declines to enter into a rebate agreement described in paragraph (2) for the period beginning on January 1, 2018, and ending on December 31, 2018, shall not be included as a 'covered part D drug' for the subsequent plan year.

''(2) REBATE AGREEMENT.—A rebate agreement under this subsection shall require the manufacturer to provide to the Secretary a rebate for each rebate period (as defined in paragraph (6)(B)) ending after December 31, 2017, in the amount specified in paragraph (3) for any covered part D drug of the manufacturer dispensed after December 31, 2017, to any rebate eligible individual (as defined in paragraph (6)(A)) for which payment was made by a PDP sponsor or MA organization under this part for such period, including payments passed through the low-income and reinsurance subsidies under sections 1860D–14 and 1860D–15(b), respectively. Such rebate shall be paid by the manufacturer to the Secretary not later than 30 days after the date of receipt of the information described in section 1860D–12(b)(7), including as such section is applied under section 1857(f)(3), or 30 days after the receipt of information under subparagraph (D) of paragraph (3), as determined by the Secretary. Insofar as not inconsistent with this subsection, the Secretary shall establish terms and conditions of such agreement relating to compliance, penalties, and program evaluations, investigations, and audits that are similar to the terms and conditions for rebate agreements under paragraphs (3) and (4) of section 1927(b).

''(3) REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

''(A) IN GENERAL.—The amount of the rebate specified under this paragraph for a manufacturer for a rebate period, with respect to each dosage form and strength of any covered part D drug provided by such manufacturer and dispensed to a rebate eligible individual, shall be equal to the product of—

''(i) the total number of units of such dosage form and strength of the drug so provided and dispensed for which payment was made by a PDP sponsor or an MA organization under this part for the rebate period, including payments passed through the low-income and reinsurance subsidies under sections 1860D–14 and 1860D–15(b), respectively; and

''(ii) the amount (if any) by which—

''(I) the Medicaid rebate amount (as defined in subparagraph (B)) for such form, strength, and period, exceeds

''(II) the average Medicare drug program rebate eligible rebate amount (as defined in subparagraph (C)) for such form, strength, and period.

''(B) MEDICAID REBATE AMOUNT.—For purposes of this paragraph, the term 'Medicaid rebate amount' means, with respect to each dosage form and strength of a covered part D drug provided by the manufacturer for a rebate period—

''(i) in the case of a single source drug or an innovator multiple source drug, the amount specified in paragraph (1)(A)(ii)(II) or (2)(C) of section 1927(c) plus the amount, if any, specified in subparagraph (A)(ii) of paragraph (2) of such section, for such form, strength, and period; or

''(ii) in the case of any other covered outpatient drug, the amount specified in paragraph (3)(A)(i) of such section for such form, strength, and period.

''(C) AVERAGE MEDICARE DRUG PROGRAM REBATE ELIGIBLE REBATE AMOUNT.—For purposes of this subsection, the term 'average Medicare drug program rebate eligible rebate amount' means, with respect to each dosage form and strength of a covered part D drug provided by a manufacturer for a rebate period, the sum, for all PDP sponsors under part D and MA organizations administering an MA–PD plan under part C, of—

''(i) the product, for each such sponsor or organization, of—

''(I) the sum of all rebates, discounts, or other price concessions (not taking into account any rebate provided under paragraph (2) or any discounts under the program under section 1860D–14A) for such dosage form and strength of the drug dispensed, calculated on a per-unit basis, but only to the extent that any such rebate, discount, or other price concession applies equally to drugs dispensed to rebate eligible Medicare drug plan enrollees and drugs dispensed to PDP and MA–PD enrollees who are not rebate eligible individuals; and

''(II) the number of the units of such dosage and strength of the drug dispensed during the rebate period to rebate eligible individuals enrolled in the prescription drug plans administered by the PDP sponsor or the MA–PD plans administered by the MA organization; divided by

''(ii) the total number of units of such dosage and strength of the drug dispensed during the rebate period to rebate eligible individuals enrolled in all prescription drug plans administered by PDP sponsors and all MA–PD plans administered by MA organizations.

''(D) USE OF ESTIMATES.—The Secretary may establish a methodology for estimating the average Medicare drug program rebate eligible rebate amounts for each rebate period based on bid and utilization information under this part and may use these estimates as the basis for determining the rebates under this section. If the Secretary elects to estimate the average Medicare drug program rebate eligible rebate amounts, the Secretary shall establish a reconciliation process for adjusting manufacturer rebate payments not later than 3 months after the date that manufacturers receive the information collected under section 1860D–12(b)(7)(B).

''(4) LENGTH OF AGREEMENT.—The provisions of paragraph (4) of section 1927(b) (other than clauses (iv) and (v) of subparagraph (B)) shall apply to rebate agreements under this subsection in the same manner as such paragraph applies to a rebate agreement under such section.

''(5) OTHER TERMS AND CONDITIONS.—The Secretary shall establish other terms and conditions of the rebate agreement under this subsection, including terms and conditions related to compliance, that are consistent with this subsection.

''(6) DEFINITIONS.—In this subsection and section 1860D–12(b)(7):

''(A) REBATE ELIGIBLE INDIVIDUAL.—The term 'rebate eligible individual' means—

''(i) a subsidy eligible individual (as defined in section 1860D–14(a)(3)(A));

''(ii) a Medicaid beneficiary treated as a subsidy eligible individual under clause (v) of section 1860D–14(a)(3)(B); and

''(iii) any part D eligible individual not described in clause (i) or (ii) who is determined for purposes of the State plan under title XIX to be eligible for medical assistance under clause (i), (iii), or (iv) of section 1902(a)(10)(E).

''(B) REBATE PERIOD.—The term 'rebate period' has the meaning given such term in section 1927(k)(8).''.

(b) REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY MANUFACTURERS RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

(1) REQUIREMENTS FOR PDP SPONSORS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(7) REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY MANUFACTURERS RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

''(A) IN GENERAL.—For purposes of the rebate under section 1860D–2(f) for contract years beginning on or after January 1, 2019, each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan shall require that the sponsor comply with subparagraphs (B) and (C).

''(B) REPORT FORM AND CONTENTS.—Not later than a date specified by the Secretary, a PDP sponsor of a prescription drug plan under this part shall report to each manufacturer—

''(i) information (by National Drug Code number) on the total number of units of each dosage, form, and strength of each drug of such manufacturer dispensed to rebate eligible Medicare drug plan enrollees under any prescription drug plan operated by the PDP sponsor during the rebate period;

''(ii) information on the price discounts, price concessions, and rebates for such drugs for such form, strength, and period;

''(iii) information on the extent to which such price discounts, price concessions, and rebates apply equally to rebate eligible Medicare drug plan enrollees and PDP enrollees who are not rebate eligible Medicare drug plan enrollees; and

''(iv) any additional information that the Secretary determines is necessary to enable the Secretary to calculate the average Medicare drug program rebate eligible rebate amount (as defined in paragraph (3)(C) of such section), and to determine the amount of the rebate required under this section, for such form, strength, and period.

Such report shall be in a form consistent with a standard reporting format established by the Secretary.

''(C) SUBMISSION TO SECRETARY.—Each PDP sponsor shall promptly transmit a copy of the information reported under subparagraph (B) to the Secretary for the purpose of audit oversight and evaluation.

''(D) CONFIDENTIALITY OF INFORMATION.—The provisions of subparagraph (D) of section 1927(b)(3), relating to confidentiality of information, shall apply to information reported by PDP sponsors under this paragraph in the same manner that such provisions apply to information disclosed by manufacturers or wholesalers under such section, except—

''(i) that any reference to 'this section' in clause (i) of such subparagraph shall be treated as being a reference to this section;

''(ii) the reference to the Director of the Congressional Budget Office in clause (iii) of such subparagraph shall be treated as including a reference to the Medicare Payment Advisory Commission; and

''(iii) clause (iv) of such subparagraph shall not apply.

''(E) OVERSIGHT.—Information reported under this paragraph may be used by the Inspector General of the Department of Health and Human Services for the statutorily authorized purposes of audit, investigation, and evaluations.

''(F) PENALTIES FOR FAILURE TO PROVIDE TIMELY INFORMATION AND PROVISION OF FALSE

INFORMATION.—In the case of a PDP sponsor—

''(i) that fails to provide information required under subparagraph (B) on a timely basis, the sponsor is subject to a civil money penalty in the amount of $10,000 for each day in which such information has not been provided; or

''(ii) that knowingly (as defined in section 1128A(i)) provides false information under such subparagraph, the sponsor is subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

Such civil money penalties are in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(2) APPLICATION TO MA ORGANIZATIONS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following:

''(D) REPORTING REQUIREMENT RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Section 1860D–12(b)(7).''.

(c) DEPOSIT OF REBATES INTO MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D–16(c) of the Social Security Act (42 U.S.C. 1395w–116(c)) is amended by adding at the end the following new paragraph:

''(6) REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Amounts paid under a rebate agreement under section 1860D–2(f) shall be deposited into the Account.''.

(d) EXCLUSION FROM DETERMINATION OF BEST PRICE AND AVERAGE MANUFACTURER PRICE UNDER MEDICAID.—

(1) EXCLUSION FROM BEST PRICE DETERMINATION.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)) is amended by inserting ''and amounts paid under a rebate agreement under section 1860D–2(f)'' after ''this section''.

(2) EXCLUSION FROM AVERAGE MANUFACTURER PRICE DETERMINATION.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)) is amended—

(A) in subclause (IV), by striking ''and'' after the semicolon;

(B) in subclause (V), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(VI) amounts paid under a rebate agreement under section 1860D–2(f).''.

SEC. 302. NEGOTIATION OF PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

''(i) NEGOTIATION; NO NATIONAL FORMULARY OR PRICE STRUCTURE.—

''(1) NEGOTIATION OF PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have and exercise authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

''(2) NO NATIONAL FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.''.

SEC. 303. GUARANTEED PRESCRIPTION DRUG BENEFITS.

(a) IN GENERAL.—Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended to read as follows:

''ACCESS TO A CHOICE OF QUALIFIED PRESCRIPTION DRUG COVERAGE

''SEC. 1860D–3. (a) ASSURING ACCESS TO A CHOICE OF COVERAGE.—

''(1) CHOICE OF AT LEAST THREE PLANS IN EACH AREA.—Beginning on January 1, 2019, the Secretary shall ensure that each part D eligible individual has available, consistent with paragraph (2), a choice of enrollment in—

''(A) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b); and

''(B) at least 2 qualifying plans (as defined in paragraph (3)) in the area in which the individual resides, at least one of which is a prescription drug plan.

''(2) REQUIREMENT FOR DIFFERENT PLAN SPONSORS.—The requirement in paragraph (1)(B) is not satisfied with respect to an area if only one entity offers all the qualifying plans in the area.

''(3) QUALIFYING PLAN DEFINED.—For purposes of this section, the term 'qualifying plan' means—

''(A) a prescription drug plan;

''(B) an MA–PD plan described in section 1851(a)(2)(A)(i) that provides—

''(i) basic prescription drug coverage; or

''(ii) qualified prescription drug coverage that provides supplemental prescription drug coverage so long as there is no MA monthly supplemental beneficiary premium applied under the plan, due to the application of a credit against such premium of a rebate under section 1854(b)(1)(C); or

''(C) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b).

''(b) HHS AS PDP SPONSOR FOR A NATIONWIDE PRESCRIPTION DRUG PLAN.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall take such steps as may be necessary to qualify and serve as a PDP sponsor and to offer a prescription drug plan that offers basic prescription drug coverage throughout the United States. Such a plan shall be in addition to, and not in lieu of, other prescription drug plans offered under this part.

''(2) PREMIUM; SOLVENCY; AUTHORITIES.—In carrying out paragraph (1), the Secretary—

''(A) shall establish a premium in the amount of $37 for months in 2019 and, for months in subsequent years, in the amount specified in this paragraph for months in the previous year increased by the annual percentage increase described in section 1860D–2(b)(6) (relating to growth in medicare prescription drug costs per beneficiary) for the year involved;

''(B) is deemed to have met any applicable solvency and capital adequacy standards; and

''(C) shall exercise such authorities (including the use of regional or other pharmaceutical benefit managers) as the Secretary determines necessary to offer the prescription drug plan in the same or a comparable manner as is the case for prescription drug plans offered by private PDP sponsors.

''(c) FLEXIBILITY IN RISK ASSUMED.—In order to ensure access pursuant to subsection (a) in an area the Secretary may approve limited risk plans under section 1860D–11(f) for the area.''.

(b) CONFORMING AMENDMENT.—Section 1860D–11(g) of the Social Security Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

''(8) APPLICATION.—This subsection shall not apply on or after January 1, 2019.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2019.

SEC. 304. FULL REIMBURSEMENT FOR QUALIFIED RETIREE PRESCRIPTION DRUG PLANS.

(a) ELIMINATION OF TRUE OUT-OF-POCKET LIMITATION.—Section 1860D–2(b)(4)(C)(iii) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)(iii) is amended—

(1) in subclause (III), by striking ''or'' at the end;

(2) in subclause (IV), by striking the period at the end and inserting ''; or''; and

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

''(V) under a qualified retiree prescription drug plan (as defined in section 1860D–22(a)(2)).''.

(b) EQUALIZATION OF SUBSIDIES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for such increase in the special subsidy payment amounts under section 1860D–22(a)(3) of the Social Security Act (42 U.S.C. 1395w–132(a)(3)) as may be appropriate to provide for payments in the aggregate equivalent to the payments that would have been made under section 1860D–15 of such Act (42 U.S.C. 1395w–115) if the individuals were not enrolled in a qualified retiree prescription drug plan. In making such computation, the Secretary shall not take into account the application of the amendments made by section 1202 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2480).

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on January 1, 2019.

TITLE IV—MEDICAID COLLABORATIVE CARE MODELS

SEC. 401. ENHANCED FMAP FOR MEDICAL ASSISTANCE PROVIDED THROUGH A COLLABORATIVE CARE MODEL.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in the first sentence of subsection (b)—

(A) by striking '', and (5)'' and inserting '', (5)''; and

(B) by inserting '', and (6) beginning January 1, 2018, the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided by a State for items and services delivered through a collaborative care model (as defined in subsection (ee)) or an evidence-based model (which may be a collaborative care model) that integrates behavioral health services into primary care treatment'' before the period;

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

''(ee) COLLABORATIVE CARE MODELS.—

''(1) IN GENERAL.—The term 'collaborative care model' means a model for providing health care to individuals which adheres to the core services described in paragraph (2) and under which each individual receiving care through the model receives care from a collaborative team of providers described in paragraph (3).

''(2) CORE SERVICES.—The services described in this paragraph are:

''(A) Comprehensive care management.

''(B) Care coordination and health promotion.

''(C) Comprehensive transitional care from inpatient settings to other settings, including appropriate follow up.

''(D) Individual and family support, which shall include authorized representatives.

''(E) Referral to community and social support services, as appropriate.

''(F) The use of health information technology to link services, as feasible and appropriate.

''(3) COLLABORATIVE HEALTH TEAM.—A team described in this paragraph includes the following providers:

''(A) A primary care provider such as a primary care phsyician, an internist, a nurse practitioner, or a physician's assistant.

''(B) Care management staff which shall include a member who is a registered professional nurse, a clinical social worker, or a psychologist, and who specializes in primary care management and is trained to provide evidence based care coordination, brief behavioral interventions, and to support treatments (including medications) initiated by a primary care physician.

''(C) A psychiatric consultant who shall advise the primary care provider as necessary (either in person or remotely).''.

SA 502. Mr. ENZI (for Mr. HELLER (for himself and Mrs. FISCHER)) proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; as follows:

Strike subsection (c) of section 109.

SA 503. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 105 and insert the following:

SEC. 105. EMPLOYER MANDATE.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980H (and the item relating to such section in the table of sections for such chapter).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 504. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 104 and insert the following:

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 48 (and the item related to such chapter in the table of chapters).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 505. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 114 and insert the following:

SEC. 105. REPEAL OF MEDICAL DEVICE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

SA 506. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPEN GOVERNMENT DATA.

(a) SHORT TITLE.—This section may be cited as the ''Open, Public, Electronic, and Necessary Government Data Act'' or the ''OPEN Government Data Act''.

(b) DEFINITION.—In this section, the term ''agency'' has the meaning given the term in section 3561 of title 44, United States Code, as added by subsection (c).

(c) OPEN GOVERNMENT DATA.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''Subchapter III—Open Government Data

''§ 3561. Definitions

''As used in this subchapter—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 3502; and

''(B) includes the Federal Election Commission;

''(2) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

''(3) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'Enterprise Data Inventory' means a data inventory developed and maintained under section 3563;

''(6) the terms 'information resources management', 'information system', and 'information technology' have the meanings given those terms in section 3502;

''(7) the term 'machine-readable' means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

''(8) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

''(9) the term 'open Government data asset' means a data asset maintained by the Federal Government that is—

''(A) machine-readable;

''(B) available in an open format;

''(C) not encumbered by restrictions that would impede use or reuse;

''(D) releasable to the public according to guidance issued by the Director under section 3562(d); and

''(E) based on an underlying open standard that is maintained by a standards organization; and

''(10) the term 'open license' means a legal guarantee applied to a data asset that the data asset is made available—

''(A) at no cost to the public; and

''(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

''§ 3562. Requirements for Government data

''(a) MACHINE-READABLE DATA REQUIRED.—Open Government data assets made available by an agency shall be published as machine-readable data.

''(b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and subject to privacy, confidentiality, security, and any other restrictions, and according to guidance issued by the Director under subsection (d)—

''(1) data assets maintained by the Federal Government shall—

''(A) be available in an open format; and

''(B) be available under open licenses; and

''(2) open Government data assets published by or for an agency shall be made available under an open license.

''(c) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the data assets of the agency in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law, regulation, and policy.

''(d) GUIDANCE FOR OPEN BY DEFAULT AND OPEN LICENSE REQUIREMENTS.—The Director shall issue guidance for agencies to use in implementing subsections (a) and (b), including criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

''(1) privacy and confidentiality risks and restrictions, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

''(2) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

''(3) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

''(4) the expectation that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the 'Freedom of Information Act'); and

''(5) any other considerations that the Director determines to be relevant.

''§ 3563. Enterprise Data Inventory

''(a) AGENCY DATA INVENTORY REQUIRED.—

''(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director, shall develop and maintain an enterprise data inventory that accounts for any data asset created, collected, under the control or direction of, or maintained by the agency after the effective date of this section, with the goal of including all data assets, to the extent practicable.

''(2) CONTENTS.—Each Enterprise Data Inventory shall include the following:

''(A) Data assets used in agency information systems (including program administration, statistics, and financial activity) generated by applications, devices, networks, facilities, and equipment, categorized by source type.

''(B) Data assets shared or maintained across agency programs and bureaus.

''(C) Data assets that are shared among agencies or created by more than 1 agency.

''(D) A clear indication of all data assets that can be made publicly available under section 552 of title 5 (commonly known as the 'Freedom of Information Act').

''(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is available to the public.

''(F) Open Government data assets.

''(G) Other elements as required by the guidance issued by the Director under subsection (c).

''(b) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency, in coordination with privacy and security officials of the agency, shall use the guidance issued by the Director under section 3562(d) in determining whether to make data assets included in the Enterprise Data Inventory of the agency publicly available in an open format and under an open license.

''(c) GUIDANCE FOR ENTERPRISE DATA INVENTORY.—The Director shall issue guidance for each Enterprise Data Inventory, including a requirement that an Enterprise Data Inventory includes a compilation of metadata about agency data assets.

''(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency—

''(1) shall make the Enterprise Data Inventory of the agency available to the public on the Federal Data Catalog required under section 3566;

''(2) shall ensure that access to the Enterprise Data Inventory of the agency and the data contained therein is consistent with applicable law, regulation, and policy; and

''(3) may implement paragraph (1) in a manner that maintains a nonpublic portion of the Enterprise Data Inventory of the agency.

''(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

''(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

''(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

''(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.

''§ 3564. Federal agency responsibilities

''(a) INFORMATION RESOURCES MANAGEMENT.—With respect to general information resources management, each agency shall—

''(1) improve the integrity, quality, and utility of information to all users within and outside the agency by—

''(A) using open format for any new open Government data asset created or obtained on or after the date that is 1 year after the date of enactment of this section; and

''(B) to the extent practicable, encouraging the adoption of open format for all open Government data assets created or obtained before the date described in subparagraph (A); and

''(2) in consultation with the Director, develop an open data plan that, at a minimum and to the extent practicable—

''(A) requires the agency to develop processes and procedures that—

''(i) require each new data collection mechanism to use an open format; and

''(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data assets;

''(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements;

''(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data assets;

''(D) requires the agency to update the plan at an interval determined by the Director;

''(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from the public and private sectors; and

''(F) prohibits the disclosure of data assets unless the data asset may be released to the public in accordance with guidance issued by the Director under section 3562(d).

''(b) INFORMATION DISSEMINATION.—With respect to information dissemination, each agency—

''(1) shall provide access to open Government data assets online;

''(2) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

''(3) may engage the public in using open Government data assets and encourage collaboration by—

''(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

''(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

''(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

''(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

''§ 3565. Additional agency data asset management responsibilities

''The Chief Information Officer of each agency, or other appropriate official designated by the head of an agency, in collaboration with other internal agency stakeholders, is responsible for—

''(1) data asset management, format standardization, sharing of data assets, and publication of data assets for the agency;

''(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3563;

''(3) ensuring that agency data conforms with open data best practices;

''(4) engaging agency employees, the public, and contractors in using open Government data assets and encouraging collaborative approaches to improving data use;

''(5) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

''(6) supporting officials responsible for leading agency mission areas and Governmentwide initiatives in maximizing data available for program administration, statistics, evaluation, research, and internal financial management, subject to any privacy, confidentiality, security laws and policies, and other valid restrictions;

''(7) reviewing the information technology infrastructure of the agency and the impact of the infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

''(8) ensuring that, to the extent practicable, the agency is maximizing data assets used in agency information systems generated by applications, devices, networks, facilities, and equipment, categorized by source type, and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

''(9) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director.

''§ 3566. Federal Data Catalog

''(a) FEDERAL DATA CATALOG REQUIRED.—The Administrator of General Services shall maintain a single public interface online, to be known as the 'Federal Data Catalog', as a point of entry dedicated to sharing open Government data assets with the public.

''(b) COORDINATION WITH AGENCIES.—The Director shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data assets published through the interface described in subsection (a).''.

(2) SPECIAL PROVISIONS.—

(A) EFFECTIVE DATE.—Notwithstanding subsection (i), section 3562 of title 44, United States Code, as added by paragraph (1), shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(B) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3562 of title 44, United States Code, as added by paragraph (1).

(C) DEADLINE FOR FEDERAL DATA CATALOG.—Not later than 180 days after the effective date of this section, the Administrator of General Services shall meet the requirements of section 3566 of title 44, United States Code, as added by paragraph (1)

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—OPEN GOVERNMENT DATA

''3561. Definitions.
''3562. Requirements for Government data.
''3563. Enterprise Data Inventory.
''3564. Federal agency responsibilities.
''3565. Additional agency data asset management responsibilities.
''3566. Federal Data Catalog.''.

(d) EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.—

(1) AGENCY REVIEW OF EVALUATION AND ANALYSIS CAPABILITIES; REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in paragraph (2).

(2) REQUIREMENTS OF AGENCY REVIEW.—The report required under paragraph (1) shall assess the coverage, quality, methods, effectiveness, and independence of the evaluation, research, and analysis efforts of an agency, including each of the following:

(A) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(B) The extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(C) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability.

(D) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(E) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(F) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(3) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted under paragraph (1) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) ONLINE REPOSITORY AND ADDITIONAL REPORTS.—

(1) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices, which shall—

(A) include definitions, regulation and policy, checklists, and case studies related to open data, this section, and the amendments made by this section; and

(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(2) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(A) the value of information made available to the public as a result of this section and the amendments made by this section;

(B) whether it is valuable to expand the publicly available information to any other data assets; and

(C) the completeness of the Enterprise Data Inventory at each agency required under section 3563 of title 44, United States Code, as added by subsection (c).

(3) BIENNIAL OMB REPORT.—Not later than 1 year after the effective date of this section, and every 2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this section and the amendments made by this section.

(4) AGENCY CIO REPORT.—Not later than 1 year after the effective date of this section and every year thereafter, the Chief Information Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on compliance with the requirements of this section and the amendments made by this section, including information on the requirements that the agency could not meet and what the agency needs to comply with those requirements.

(f) GUIDANCE.—The Director of the Office of Management and Budget shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.

(g) NATIONAL SECURITY SYSTEMS.—This section and the amendments made by this section shall not apply to data assets that are contained in a national security system, as defined in section 11103 of title 40, United States Code.

(h) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to require the disclosure of information or records that may be withheld from public disclosure under any provision of Federal law, including section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') and section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 507. Mr. CARDIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle ____—Syrian War Crimes Accountability Act of 2017

SEC. 12__1. SHORT TITLE.

This subtitle may be cited as the ''Syrian War Crimes Accountability Act of 2017''.

SEC. 12__2. FINDINGS.

Congress makes the following findings:

(1) March 2017 marks the sixth year of the ongoing conflict in Syria.

(2) As of February 2017—

(A) more than 600,000 people are living under siege in Syria;

(B) approximately 6,300,000 people are displaced from their homes inside Syria; and

(C) approximately 4,900,000 Syrians have fled to neighboring countries as refugees.

(3) Since the conflict in Syria began, the United States has provided more than $5,900,000,000 to meet humanitarian needs in Syria, making the United States the world's single largest donor by far to the Syrian humanitarian response.

(4) In response to growing concerns over systemic human rights violations in Syria, the Independent International Commission of Inquiry on the Syrian Arab Republic (referred to in this section as ''COI'') was established on August 22, 2011. The purpose of COI is to ''investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable''.

(5) On December 21, 2016, the United Nations General Assembly adopted a resolution to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

(6) The 2016 United States Commission on International Religious Freedom Annual Report states that in Syria ''[r]eports have emerged from all groups, including Muslims, Christians, Ismailis, and others, of gross human rights violations, including beheading, rape, murder, torture of civilians and religious figures, and the destruction of mosques and churches.''.

(7) On February 7, 2017, Amnesty International reported that between 5,000 and 13,000 people were extrajudicially executed in the Saydnaya Military Prison between September 2011 and December 2015.

(8) In February 2017, COI released a report—

(A) stating that a joint United Nations-Syrian Arab Red Crescent convoy in Orum al-Kubra, Syria, was attacked by air on September 19, 2016;

(B) explaining that the attack killed at least 14 civilian aid workers, injured at least 15 others, and destroyed trucks, food, medicine, clothes, and other supplies; and

(C) concluding that ''the attack was meticulously planned and ruthlessly carried out by the Syrian air force to purposefully hinder the delivery of humanitarian aid and target aid workers, constituting the war crimes of deliberately attacking humanitarian relief personnel, denial of humanitarian aid and targeting civilians.''.

(9) On October 21, 2016, the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism transmitted its fourth report, which concluded that the Syrian Arab Armed Forces and the Islamic State in Iraq and Syria (ISIS) have both used chemical weapons against villages in Syria.

(10) On August 11, 2016, COI released a report stating that certain offenses, including deliberately attacking hospitals, executions without due process, and the massive and systematized nature of deaths in state-controlled detention facilities in Syria, constitute war crimes and crimes against humanity.

(11) Physicians for Human Rights reported that, between March 2011 and the end of December 2016, Syrian government and allied forces—

(A) had committed 412 attacks on medical facilities (including through the use of indiscriminate barrel bombs on at least 80 occasions); and

(B) had killed 735 medical personnel.

(12) The Department of State's 2016 Country Reports on Human Rights Practices—

(A) details President Bashar al-Assad's use of ''indiscriminate and deadly force against civilians, conducting air and ground-based military assaults on cities, residential areas, and civilian infrastructure'';

(B) explains that ''these attacks included bombardment with improvised explosive devices, commonly referred to as 'barrel bombs' . . .''; and

(C) reports that ''[t]he government [of Syria] continued the use of torture and rape, including of children''.

(13) On March 17, 2016, Secretary of State John Kerry stated: ''In my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. . . . The United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable.''.

(14) In February 2016, COI reported that—

(A) ''crimes against humanity continue to be committed by [Syrian] Government forces and by ISIS'';

(B) the Syrian government has ''committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforce disappearance and other inhuman acts''; and

(C) ''[a]ccountability for these and other crimes must form part of any political solution''.

(15) Credible civil society organizations collecting evidence of war crimes, crimes against humanity, and genocide in Syria report that at least 12 countries in western Europe and North America have requested assistance on investigating such crimes.

SEC. 12__3. SENSE OF CONGRESS.

Congress—

(1) strongly condemns—

(A) the ongoing violence, use of chemical weapons, targeting of civilian populations with barrel, incendiary, and cluster bombs and SCUD missiles, and systematic gross human rights violations carried out by the Government of Syria and pro-government forces under the direction of President Bashar al-Assad; and

(B) all abuses committed by violent extremist groups and other combatants involved in the civil war in Syria;

(2) expresses its support for the people of Syria seeking democratic change;

(3) urges all parties to the conflict—

(A) to immediately halt indiscriminate attacks on civilians;

(B) to allow for the delivery of humanitarian and medical assistance; and

(C) to end sieges of civilian populations;

(4) calls on the President to support efforts in Syria, and on the part of the international community, to ensure accountability for war crimes, crimes against humanity, and genocide committed during the conflict; and

(5) supports the request in United Nations Security Council Resolutions 2139 (2014), 2165 (2014), and 2191 (2014) for the Secretary-General to regularly report to the Security Council on implementation on the resolutions, including of paragraph 2 of Resolution 2139, which ''demands that all parties immediately put an end to all forms of violence [and] cease and desist from all violations of international humanitarian law and violations and abuses of human rights''.

SEC. 12__4. DEFINITIONS.

In this subtitle:

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

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

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

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) GENOCIDE.—The term ''genocide'' means any offense described in section 1091(a) of title 18, United States Code.

(3) HYBRID TRIBUNAL.—The term ''hybrid tribunal'' means a temporary criminal tribunal that involves a combination of domestic and international lawyers, judges, and other professionals to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide.

(4) TRANSITIONAL JUSTICE.—The term ''transitional justice'' means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

(A) to redress legacies of atrocities; and

(B) to promote long-term, sustainable peace.

(5) WAR CRIME.—The term ''war crime'' has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 12__5. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.

(a) IN GENERAL.—The Secretary of State shall submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act and another such report not later than 180 days after the Secretary of State determines that the violence in Syria has ceased.

(b) ELEMENTS.—The reports required under subsection (a) shall include—

(1) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—

(A) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

(B) incidents that may constitute war crimes, crimes against humanity, or genocide committed by violent extremist groups, anti-government forces, and any other combatants in the conflict;

(C) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and

(D) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

(2) a description and assessment by the Department of State Office of Global Criminal Justice, the United States Agency for International Development, the Department of Justice, and other appropriate agencies of programs that the United States Government has undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including programs—

(A) to train investigators within and outside of Syria on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of war crimes, crimes against humanity, or genocide, including—

(i) the number of United States Government or contract personnel currently designated to work full-time on these issues; and

(ii) the identification of the authorities and appropriations being used to support such training efforts;

(B) to promote and prepare for a transitional justice process or processes for the perpetrators of war crimes, crimes against humanity, and genocide in Syria beginning in March 2011;

(C) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Syria, including support for Syrian, foreign, and international nongovernmental organizations, and other entities, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic; and

(D) to assess the influence of accountability measures on efforts to reach a negotiated settlement to the Syrian conflict during the reporting period.

(c) FORM.—The report required under subsection (a) may be submitted in unclassified or classified form, but shall include a publicly available annex.

(d) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Syria, violent extremist groups, anti-government forces, or any other combatants or participants in the conflict.

SEC. 12__6. TRANSITIONAL JUSTICE STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, shall—

(1) complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and

(2) submit a detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be offered, to—

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

(B) the Committee on Foreign Affairs of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

SEC. 12__7. TECHNICAL ASSISTANCE AUTHORIZED.

(a) IN GENERAL.—The Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and all nonstate armed groups fighting in the country, including violent extremist groups in Syria beginning in March 2011—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(2) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(3) conduct criminal investigations;

(4) build Syria's investigative and judicial capacities and support prosecutions in the

domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;

(5) support investigations by third-party states, as appropriate; or

(6) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

(b) ADDITIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under section 12__6, is authorized to provide assistance to support the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.

(c) BRIEFING.—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in subsection (a).

SEC. 12__8. STATE DEPARTMENT REWARDS FOR JUSTICE PROGRAM.

Section 36(b)(10) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)(10)) is amended by inserting ''(including war crimes, crimes against humanity, or genocide committed in Syria beginning in March 2011)'' after ''genocide''.

SEC. 12__9. INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.

The Secretary of State, acting through the United States Permanent Representative to the United Nations, should use the voice, vote, and influence of the United States at the United Nations to advocate that the United Nations Human Rights Council, while the United States remains a member, annually extend the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic until the Commission has completed its investigation of all alleged violations of international human rights laws beginning in March 2011 in the Syrian Arab Republic.

SA 508. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF UNITED STATES NUCLEAR AND RADIOLOGICAL TERRORISM PREVENTION STRATEGY.

(a) IN GENERAL.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall enter into an arrangement with the National Academy of Sciences to assess and recommend improvements to the strategies of the United States for preventing, countering, and responding to nuclear and radiological terrorism, specifically terrorism involving the use of nuclear weapons, improvised nuclear devices, or radiological dispersal or exposure devices, or the sabotage of nuclear facilities.

(b) REVIEW.—The assessment conducted under subsection (a) shall address the adequacy of the strategies of the United States described in that subsection and identify technical, policy, and resource gaps with respect to—

(1) identifying national and international nuclear and radiological terrorism risks and critical emerging threats;

(2) preventing state and non-state actors from acquiring the technologies, materials, and critical expertise needed to mount nuclear or radiological attacks;

(3) countering efforts by state and non-state actors to mount such attacks;

(4) responding to nuclear and radiological terrorism incidents to attribute their origin and help manage their consequences; and

(5) other important matters identified by the National Academy of Sciences that are directly relevant to those strategies.

(c) RECOMMENDATIONS.—The assessment conducted under subsection (a) shall include recommendations to the Secretary of Energy, Congress, and such other Federal entities as the National Academy of Sciences considers appropriate, for preventing, countering, and responding to nuclear and radiological terrorism, including recommendations for—

(1) closing technical, policy, or resource gaps;

(2) improving cooperation and appropriate integration among Federal entities and Federal, State, and tribal governments;

(3) improving cooperation between the United States and other countries and international organizations; and

(4) other important matters identified by the National Academy of Sciences that are directly relevant to the strategies of the United States described in subsection (a).

(d) LIAISONS.—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall appoint appropriate liaisons to the National Academy of Sciences with respect to supporting the timely conduct of the assessment required by subsection (a).

(e) ACCESS TO MATERIALS.—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall provide access to the National Academy of Sciences to materials relevant to the assessment required by subsection (a).

(f) CLEARANCES.—The Secretary of Energy and the Director of National Intelligence shall ensure that appropriate members and staff of the National Academy of Sciences have the necessary clearances, obtained in an expedited manner, to conduct the assessment required by subsection (a).

SA 509. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 338. FACILITIES DEMOLITION PLAN OF THE ARMY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a facilities demolition plan of the Army that does the following:

(1) Takes into account the impact of a contaminated facility on mission readiness, and national security generally, in establishing priorities for the demolition of facilities.

(2) Sets forth a multi-year plan for the demolition of Army facilities, including contaminated facilities given afforded a priority for demolition pursuant to paragraph (1).

SA 510. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION TO THE HUBZONE PROGRAM.

Section 3(p)(4)(C) of the Small Business Act (15 U.S.C. 632(p)(4)(C)) is amended by striking ''until the later of'' and all that follows and inserting ''for the 7-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.''.

SA 511. Mr. SULLIVAN (for himself, Mr. PETERS, Mr. CORNYN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1218. COOPERATION BETWEEN INDIA AND AFGHANISTAN.

(a) SENSE OF CONGRESS ON BILATERAL COOPERATION.—It is the sense of Congress that, in order to promote stability and security in Afghanistan, the Secretary of Defense should, in coordination with the Secretary of State, identify and promote means by which the Government of India may do the following:

(1) Increase security assistance to the Afghan National Security Forces (ANSF), including through the provision of logistics support, threat analysis, intelligence, materiel, and maintenance support by India.

(2) Support targeted infrastructure development and economic investment in Afghanistan, including through a priority for such investment that is aligned with the mutual interests of the India Government and the United States Government.

(3) Improve the provision by India of humanitarian and disaster relief assistance to Afghanistan, including through the provision of logistics support by India, joint training between Afghanistan and India, and combined military planning by Afghanistan and India for humanitarian assistance and disaster relief missions in Afghanistan.

(b) ENHANCED TRILATERAL COOPERATION.—In order to enhance trilateral cooperation between Afghanistan, India, and the United States, and to promote mutual priorities for security assistance in Afghanistan, the Secretary of Defense shall, in coordination with the Secretary of State—

(1) work with representatives of the Afghanistan Government, the India Government, and the United States Government on an ongoing basis to—

(A) establish priorities for investments to promote security and stability in Afghanistan that align with the mutual interests of Afghanistan, India, and the United States;

(B) identify gaps in the capabilities of Afghanistan security forces, and determine means of addressing such gaps;

(C) identify economic and infrastructure development opportunities in Afghanistan related to improving security and stability in Afghanistan; and

(D) identify means of improving the coordination and delivery of humanitarian assistance and disaster relief capabilities to Afghanistan by the Afghanistan, India, and United States militaries in order to improve joint military response to current and anticipated humanitarian needs in Afghanistan; and

(2) advocate for necessary capabilities, especially to meet critical, short-term needs identified by the commander of United States forces participating in Operation Resolute Support in Afghanistan.

SA 512. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PARENTAL LEAVE FOR MEMBERS OF THE ARMED FORCES.

Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j);

(2) by redesignating subsection (k) as subsection (j); and

(3) by inserting after subsection (h) the following new subsection (i):

''(i)(1) A member of the armed forces, regardless of gender or marital status, shall be authorized to take at least 84 days of parental leave to be used in connection with—

''(A) the birth of a child of the member;

''(B) a qualifying adoption of a child by the member; or

''(C) the placement of a child in foster care with the member.

''(2) In the case of a dual military family, both members of the armed forces shall be authorized to take parental leave under this subsection. The Secretary concerned shall permit the transfer of such leave between the two members to accommodate individual family circumstances.

''(3) For the purpose of parental leave under this subsection, an adoption of a child by a member of the armed forces is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

''(4) Parental leave under paragraph (1) is in addition to other leave provided under other provisions of this section or under other legal authority. Nothing in this subsection prevents the Secretary concerned from authorizing convalescent leave for a female member of the armed forces as necessary prior or subsequent to the delivery of her child. Convalescent or other leave taken before childbirth by a pregnant member shall not reduce the number of days of parental leave available to the member under this subsection.

''(5) The Secretary of Defense, and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to implement this subsection, which shall be uniform for the armed forces.''.

SA 513. Mr. MCCAIN (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. REPORT ON DEFENSE OF COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES.

(a) REPORT REQUIRED.—Not later than January 1, 2018, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defense of combat logistics and strategic mobility forces.

(b) COVERED PERIODS.—The report required by subsection (a) shall cover two periods:

(1) The period from 2018 through 2025.

(2) The period from 2026 through 2035.

(c) ELEMENTS.—The report required by subsection (a) shall include, for each of the periods covered by the report, the following:

(1) A description of potential warfighting planning scenarios in which combat logistics and strategic mobility forces will be threatened, including the most stressing such scenario.

(2) A description of the combat logistics and strategic mobility forces capacity, including additional combat logistics and strategic mobility forces, that may be required due to losses from attacks under each scenario described pursuant to paragraph (1).

(3) A description of the projected capability and capacity of subsurface (e.g., torpedoes), surface (e.g., anti-ship missiles), and air (e.g., anti-ship missiles) threats to combat logistics and strategic mobility forces for each scenario described pursuant to paragraph (1).

(4) A description of planned operating concepts for defending combat logistics and strategic mobility forces from subsurface, surface, and air threats for each scenario described pursuant to paragraph (1).

(5) An assessment of the ability and availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1), while also accomplishing other assigned missions, for each scenario described pursuant to that paragraph.

(6) A description of specific capability gaps or risk areas in the ability or availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1).

(7) A description and assessment of potential solutions to address the capability gaps and risk areas identified pursuant to paragraph (6), including new capabilities, increased capacity, or new operating concepts that could be employed by United States naval forces.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES DEFINED.—In this section, the term ''combat logistics and strategic mobility forces'' means the combat logistics force, the Ready Reserve Force, and the Military Sealift Command surge fleet.

SA 514. Mr. REED (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON THE CIRCUMSTANCES SURROUNDING THE 2016 ATTACKS ON THE U.S.S. MASON.

Not later than March 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the circumstances surrounding the attacks in 2016 on the U.S.S. Mason (DDG–87).

SA 515. Mr. MARKEY (for himself, Mr. CARDIN, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NULLIFICATION OF CERTAIN PROVISIONS.

If the Congressional Budget Office determines that the provisions of, or the amendments made by, this Act would reduce Federal Medicaid spending and reduce taxes for the top 1 percent of Americans, such provisions or amendments shall be null and void and this Act shall be applied and administered as if such provisions and amendments had not been enacted.

SA 516. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENTS RELATING TO MULTI-USE SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

In order to facilitate access for small business concerns and nontraditional contractors to affordable secure spaces, the Secretary of Defense shall develop the processes and procedures necessary to build, certify, and maintain certifications for multi-use sensitive compartmented information facilities not tied to a single contract and where multiple companies can work on multiple projects at different security levels securely.

SA 517. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON NATIONAL SPACE DEFENSE CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Space is a warfighting domain.

(2) Deterrence of adversaries of the United States, preserving the space domain, and defending against threats to space systems requires coordination across the Department of Defense, including the military departments, and the intelligence community.

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

(1) the National Space Defense Center is critical to defending and securing the space domain in order to protect all United States assets in space;

(2) integration between the intelligence community and the Department of Defense within the National Space Defense Center is essential to detecting, assessing, and reacting to evolving space threats; and

(3) the Department of Defense, including the military departments, and the elements of the intelligence community should seek ways to bolster integration with respect to space threats through work at the National Space Defense Center.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SA 518. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENT FOR FOREIGN MILITARY FINANCING PROVIDED AS GRANTS.

(a) IN GENERAL.—Financing provided to a country or international organization pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the procurement of defense articles, defense services, and design and construction services shall be made available on a grant basis.

(b) WAIVER.—The President may waive the restriction in subsection (a) in any fiscal year for any country or international organization if the President first certifies to the appropriate congressional committees that—

(1) the provision of such financing on any other basis to a specific country or international organization will not result in the refusal by such country or international organization to procure United States defense articles, defense services, or design and construction services through such financing;

(2) if such financing is provided on a loan basis, the country or international organization has sufficient funds to repay such loan in a reasonable time, without causing an impact on the services or activities of such country or international organization provides to its citizens or members, as the case may be; or

(3) there will be no impact on United States defense sector jobs.

(c) LIMITATION.—The amounts of such financing to be provided to each country shall be generally comparable to the amount made available to such country for fiscal year 2017, subject to appropriations, with the exception of Israel, Egypt, Jordan, and Pakistan, unless the President certifies to the appropriate congressional committees that the different amount to be made available better serves the national security and foreign policy interests of the United States with respect to the United States relationship with that country, including the rationale for such certification.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 519. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE STRATEGY TO ASSIST GOVERNMENT OF NIGERIA EFFORTS TO COUNTER BOKO HARAM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for the next three years, the President shall submit to the appropriate congressional committees a report that contains a comprehensive strategy to support Nigeria's efforts to counter Boko Haram through engagement with the Nigerian security sector.

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

(1) an assessment conducted by the Office of the Director of National Intelligence of the major obstacles to Nigeria's military effectiveness in northeastern Nigeria, including recommendations for United States Government diplomatic actions and security cooperation programs and activities to address such obstacles and a description of funding needs and actions that must be taken by the Government of Nigeria to address such obstacles;

(2) an assessment of the efforts taken by the Nigerian military to hold soldiers accountable for human rights violations, including the Zaria massacre;

(3) a plan for the United States Government to work to help the Government of Nigeria increase its capacity to investigate and prosecute human rights abuses and to effectively try cases through transparent mechanisms;

(4) a description of all security cooperation currently being provided to the Nigerian security sector, as well as a description of current deployment of uniformed personnel currently assisting with counter-Boko Haram efforts in the Lake Chad Basin and a description of their location and their responsibilities; and

(5) any other matters the President deems appropriate.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form with a classified annex.

(d) PROHIBITION OF TRANSFERS.—No precision-guided munitions or other types of air-delivered bombs may be transferred to the Government of Nigeria until the President certifies that the Government of Nigeria has made progress on military accountability for human rights abuses, including for the Zaria massacre in December 2015 that killed 300 people, and has publicly issued the findings of the inquiry into the January 2016 bombing in Rann.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

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

SA 520. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 24, insert ''and constructed in a Flight IIA configuration'' before ''using''.

SA 521. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CALCULATION OF THE COST OF DROP-IN FUELS.

Section 2922h of title 10, United States Code, is amended—

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

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

''(c) INCLUSION OF FINANCIAL CONTRIBUTIONS FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—For purposes of calculating the fully burdened cost of a drop-in fuel under subsection (a), for a proposed purchase to be made on or after the beginning of fiscal year 2022, the Secretary of Defense shall include in such calculation any financial contributions made by other Federal departments and agencies.''.

SA 522. Mr. CORNYN (for himself, Mr. BLUMENTHAL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON AIRPORTS USED BY MAHAN AIR.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act,

and annually thereafter through 2020, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landings of aircraft owned or controlled by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION OF LIST.—The list required by subsection (a)(1) shall be publicly and prominently posted on the website of the Department of Homeland Security on the date on which the report required by subsection (a) is submitted to Congress.

SA 523. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.

(a) IN GENERAL.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term ''qualified hazardous duty area'' means the Sinai Peninsula of Egypt, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger) for services performed in such location. Such term includes such location only during the period such entitlement is in effect.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of this section shall take effect on June 9, 2015.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

SA 524. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. UPGRADE OF M113 VEHICLES.

No amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 may be obligated or expended to upgrade Army M113 vehicles until the Secretary of the Army submits to the Committees on Appropriations of the Senate and the House of Representatives a report setting forth the strategy of the Army for the upgrade of such vehicles. The report shall include the following:

(1) A detailed strategy for upgrading and fielding M113 vehicles.

(2) An analysis of the manner in which the Army plans to address M113 vehicle survivability and maneuverability concerns.

(3) An analysis of the historical costs associated with upgrading M113 vehicles, and a validation of current cost estimates for upgrading such vehicles.

(4) A comparison of total procurement and life cycle costs of adding an echelon above brigade (EAB) requirement to the Army Multi-Purpose Vehicle (AMPV) with total procurement and life cycle costs of upgrading legacy M113 vehicles.

(5) An analysis of the possibility of further accelerating Army Multi-Purpose Vehicle production or modifying the current fielding strategy for the Army Multi-Purpose Vehicle to meet near-term echelon above brigade requirements.

SA 525. Mr. WHITEHOUSE (for himself, Mr. DAINES, Mr. PETERS, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. UNITED STATES-ISRAEL CYBERSECURITY COOPERATION.

(a) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in accordance with the agreement entitled the ''Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters'', done at Jerusalem May 29, 2008 (or successor agreement), and the requirements specified in paragraph (2), shall establish a grant program at the Department to support—

(A) cybersecurity research and development; and

(B) demonstration and commercialization of cybersecurity technology.

(2) REQUIREMENTS.—

(A) APPLICABILITY.—Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, the Secretary shall require cost sharing in accordance with this paragraph.

(B) RESEARCH AND DEVELOPMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall require not less than 50 percent of the cost of a research, development, demonstration, or commercial application program or activity described in subparagraph (A) to be provided by a non-Federal source.

(ii) REDUCTION.—The Secretary may reduce or eliminate, on a case-by-case basis, the percentage requirement specified in clause (i) if the Secretary determines that such reduction or elimination is necessary and appropriate.

(C) MERIT REVIEW.—In carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, awards shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

(D) REVIEW PROCESSES.—In carrying out a review under subparagraph (C), the Secretary may use merit review processes developed under section 302(14) of the Homeland Security Act of 2002 (6 U.S.C. 182(14)).

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of such applicant—

(A) addresses a requirement in the area of cybersecurity research or cybersecurity technology, as determined by the Secretary; and

(B) is a joint venture between—

(i)(I) a for-profit business entity, academic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for such grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board to—

(i) monitor the method by which grants are awarded under this subsection; and

(ii) provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of three members, to be appointed by the Secretary, of whom—

(i) one shall be a representative of the Federal Government;

(ii) one shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) one shall be selected from a list of nominees provided by the Israel-United States Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding any other provision of law, the Secretary may accept or retain funds contributed by any person, government entity, or organization for purposes of carrying out this subsection. Such funds shall be available, subject to appropriation, without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of how the grant funds were used by the recipient; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(b) TERMINATION.—The grant program and the advisory board established under this section shall terminate on the date that is 7 years after the date of the enactment of this Act.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise appropriated.

(d) DEFINITIONS.—In this section—

(1) the term ''cybersecurity research'' means research, including social science research, into ways to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(2) the term ''cybersecurity technology'' means technology intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(3) the term ''cybersecurity threat'' has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

(4) the term ''Department'' means the Department of Homeland Security; and

(5) the term ''Secretary'' means the Secretary of Homeland Security.

SA 526. Mr. WHITEHOUSE (for himself, Mr. PETERS, Mr. TESTER, Ms. WARREN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAKING PERMANENT EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended by striking paragraphs (1) and (3).

SA 527. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PLAN ON IMPROVEMENT OF ABILITY OF FOREIGN GOVERNMENTS PARTICIPATING IN UNITED STATES INSTITUTIONAL CAPACITY BUILDING PROGRAMS TO PROTECT CIVILIANS.

(a) REPORT ON PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report setting forth a plan, to be implemented as part of each institutional capacity building program required by section 333(c)(4) of title 10, United States Code, to improve the ability of foreign governments to protect civilians.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Efforts to develop and integrate civilian harm mitigation principles and techniques in all relevant partner force standard operating procedures.

(2) Efforts to build partner capacity to collect, track, and analyze civilian casualty data and apply lessons learned to future operations, and to provide amends to civilians harmed by partner force operations.

(3) Efforts to support enhanced investigatory and accountability standards in partner forces to ensure compliance with the laws of armed conflict and appropriate human rights and civilian protection standards.

(4) Support for increased partner transparency, including support for the establishment of civil affairs units within partner militaries to improve communication with the public.

(5) An estimate of the resources required to implement the efforts and support described in paragraphs (1) through (4).

(6) A description of the appropriate roles of the Department of Defense and the Department of State in such efforts and support.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 528. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 603, after line 25, add the following:

(e) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—Not later than May 1, 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that sets forth the following:

(A) A description of the mechanisms and authorities used by the Department of Defense and the Department of State to conduct training of foreign security forces on human rights and international humanitarian law.

(B) A description of the funding used to support the training described in paragraph (1).

(C) A description and assessment of the methodology used by each of the Department of Defense and the Department of State to assess the effectiveness of such training.

(D) Such recommendations for improvements to such training as the Comptroller General considers appropriate.

(E) Such other matters relating to such training as the Comptroller General considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

SA 529. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. HUMAN RIGHTS VETTING OF AFGHAN NATIONAL DEFENSE AND SECURITY FORCES.

The Secretary of Defense may establish within the Department of Defense one or more permanent positions to oversee and support, in coordination with the Department of State, the implementation of section 362 of title 10, United States Code, with respect to the Afghan National Defense and Security Forces.

SA 530. Mrs. MCCASKILL (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 447, between lines 18 and 19, insert the following:

(k) CONTINGENT EFFECTIVENESS.—

(1) IN GENERAL.—This section shall not go into effect unless the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives each of the following:

(A) That a cost-benefit analysis, included with the certifications, demonstrates the transfer of functions of background investigations to Department of Defense will not increase costs to the Department or other agencies.

(B) That the backlog of background investigations at the National Background Investigations Bureau have been eliminated.

(C) That the background investigation program of the Department of Defense adheres to investigative standards established by the Security Executive Agent, the Suitability

Executive Agent, and the Credentialing Executive Agent.

(D) That common components of technology systems between the Defense Security Service and National Background Investigations Bureau have been tested and are operational.

(E) That the background investigation program of the Department will adhere to reciprocity, timeliness, and quality standards and metrics established by law and by the Security Executive Agent, the Suitability Executive Agent, and the Credentialing Executive Agent.

(2) WORKFORCE ANALYSIS.—The Secretary shall include with the certifications described in paragraph (1) a workforce analysis of the appropriate mix of contractor and Federal employees to conduct the background investigation work for the Department.

SA 531. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LETHALITY AND RESILIENCY OF THE FUTURE GUIDED MISSILE FRIGATE (FFG(X)).

It is the sense of Congress that—

(1) the Navy should evaluate all United States and Allied naval gun, missile, and warfare system solutions capable of being integrated on the Future Guided Missile Frigate (FFG(X)); and

(2) should not limit or designate the integration of a specific naval gun or warfare system on the FFG(X) at any time during the development and acquisition process of the FFG(X) program, beginning with the market assessment period, in order to ensure a transparent, open, and comprehensive evaluation of future required combat lethality and self-defense resiliency capabilities.

SA 532. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 37, insert the following after line 13:

''(5) ADJUSTMENTS TO STATE EXPENDITURES TARGETS TO PROMOTE PROGRAM EQUITY ACROSS STATES.—

''(A) IN GENERAL.—Beginning with fiscal year 2020, the target per capita medical assistance expenditures for a 1903A enrollee category, State, and fiscal year, as determined under paragraph (2), shall be adjusted (subject to subparagraph (C)(i)) in accordance with this paragraph.

''(B) ADJUSTMENT BASED ON LEVEL OF PER CAPITA SPENDING FOR 1903A ENROLLEE CATEGORIES.—Subject to subparagraph (C), with respect to a State, fiscal year, and 1903A enrollee category, if the State's per capita categorical medical assistance expenditures (as defined in subparagraph (D)) for the State and category in the preceding fiscal year—

''(i) exceed the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be reduced by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 3 percent; or

''(ii) are less than the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be increased by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 3 percent.

''(C) RULES OF APPLICATION.—

''(i) BUDGET NEUTRALITY REQUIREMENT.—In determining the appropriate percentages by which to adjust States' target per capita medical assistance expenditures for a category and fiscal year under this paragraph, the Secretary shall make such adjustments in a manner that does not result in a net increase in Federal payments under this section for such fiscal year, and if the Secretary cannot adjust such expenditures in such a manner there shall be no adjustment under this paragraph for such fiscal year.

''(ii) ASSUMPTION REGARDING STATE EXPENDITURES.—For purposes of clause (i), in the case of a State that has its target per capita medical assistance expenditures for a 1903A enrollee category and fiscal year increased under this paragraph, the Secretary shall assume that the categorical medical assistance expenditures (as defined in subparagraph (D)(ii)) for such State, category, and fiscal year will equal such increased target medical assistance expenditures.

''(iii) NONAPPLICATION TO LOW-DENSITY STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile, based on the most recent data available from the Bureau of the Census.

''(iv) DISREGARD OF ADJUSTMENT.—Any adjustment under this paragraph to target medical assistance expenditures for a State, 1903A enrollee category, and fiscal year shall be disregarded when determining the target medical assistance expenditures for such State and category for a succeeding year under paragraph (2).

''(v) APPLICATION FOR FISCAL YEARS 2020 AND 2021.—In fiscal years 2020 and 2021, the Secretary shall apply this paragraph by deeming all categories of 1903A enrollees to be a single category.

''(D) PER CAPITA CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—

''(i) IN GENERAL.—In this paragraph, the term 'per capita categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to—

''(I) the categorical medical expenditures (as defined in clause (ii)) for the State, category, and year; divided by

''(II) the number of 1903A enrollees for the State, category, and year.

''(ii) CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—The term 'categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to the total medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that are attributable to 1903A enrollees in the category, excluding any excluded expenditures (as defined in paragraph (3)) for the State and fiscal year that are attributable to 1903A enrollees in the category.

SA 533. Mrs. CAPITO (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 710. ELIGIBILITY FOR CERTAIN HEALTH CARE BENEFITS OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.—Section 1074(d)(2) of title 10, United States Code, is amended by striking ''in support of a contingency operation under'' and inserting ''under section 12304b of this title or''.

(b) TRANSITIONAL HEALTH CARE.—Section 1145(a)(2)(B) of such title is amended by striking ''in support of a contingency operation'' and inserting ''under section 12304b of this title or a provision of law referred to in section 101(a)(13)(B) of this title''.

SA 534. Mrs. CAPITO (for herself, Mr. CORNYN, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 639. REDUCED AGE FOR ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE FOR SERVICE ON ACTIVE DUTY OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

Section 12731(f)(2)(B)(i) of title 10, United States Code, is amended by striking ''under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d)'' and inserting ''under section 12301(d) or 12304b of this title or a provision of law referred to in section 101(a)(13)(B)''.

SA 535. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 498, beginning on line 1, strike ''12.6 percent'' and insert ''10 percent''.

SA 536. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. 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 to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled ''Army Senior Reserve Officers Training Corps (SROTC) Program Review and Criteria'' and dated January 27, 2014, or any successor information paper or policy of the Department of the Army.

SA 537. Mr. CRUZ (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

(A) the Government of Iran;

(B) Iran's Islamic Revolutionary Guard Corps;

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

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

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

(1) An act of international terrorism.

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

(3) Illicit arms sales.

(4) Significant activities undermining cybersecurity.

(5) Violations of export controls.

(6) Financial crimes.

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

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

(d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

(A) significant efforts to—

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

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

(B) significant destructive malware attacks;

(C) significant denial or service activities; and

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

SA 538. Mr. CRUZ (for himself, Mr. GARDNER, Mr. SULLIVAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1270E. REPORT ON DESIGNATION OF GOVERNMENT OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Government designated the Government of North Korea a state sponsor of terrorism on January 20, 1988.

(2) On October 11, 2008, North Korea's designation as a state sponsor of terrorism was rescinded, following commitments by the Government of North Korea to dismantle its nuclear weapons program. However, North Korea has failed to live up to these commitments.

(3) On October 22, 2015, the U.S. Special Representative for North Korea Policy with the Department of State testified before the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade that North Korea's ''conduct poses a growing threat to the United States, our friends in the region, and the global nonproliferation regime'' and the Deputy Coordinator for Homeland Security, Screening, and Designations with the Department of State noted that ''weapons transfers that violate nonproliferation or missile control regimes could be a relevant factor for consideration, depending on the circumstances, consistent with the statutory criteria for designation as a state sponsor of terrorism''.

(4) The Government of North Korea has harbored members of the Japanese Red Army since a 1970 hijacking and continues to harbor the surviving hijackers to this day.

(5) On July 16, 2010, in the case of *Calderon-Cardona v. Democratic People's Republic of Korea* (case number 08–01367), the United States District Court for the District of Puerto Rico found that the Government of North Korea provided material support to the Japanese Red Army, designated as a foreign terrorist organization between 1997 and 2001, in furtherance of a 1972 terrorist attack at Lod Airport, Israel that killed 26 people, including 17 Americans.

(6) In the case of *Chaim Kaplan v. Hezbollah* (case number 09–646), a United States district court found in 2014 that North Korea materially supported terrorist attacks by Hezbollah, a designated foreign terrorist organization, against Israel in 2006.

(7) In June 2010, Major Kim Myong-ho and Major Dong Myong-gwan of North Korea's Reconnaissance General Bureau pled guilty in a South Korean court to attempting to assassinate Hwang Jang-yop, a North Korean dissident in exile, on the orders of Lieutenant General Kim Yong-chol, the head of North Korea's Reconnaissance General Bureau. The court sentenced each defendant to 10 years in prison.

(8) In March 2015, the South Korean government concluded that North Korea was responsible for a December 2014 cyber attack against multiple nuclear power plants in South Korea. The South Korean government stated that the attacks were intended to cause a malfunction at the plants' reactors, and described the attacks as acts of ''cyber-terror targeting our country''.

(9) On December 19, 2015, the Federal Bureau of Investigation (FBI) concluded that North Korea was responsible for a cyber attack on Sony Pictures Entertainment and a subsequent threat of violence against theaters that showed the film ''The Interview''. The FBI concluded that the ''Guardians of Peace,'' which sent the threat to Sony Pictures, was a unit of North Korea's Reconnaissance General Bureau, its foreign intelligence service.

(10) South Korean and Malaysian authorities have alleged that officials from North Korea's secret police and Foreign Ministry were involved in the poisoning and killing of the estranged half-brother of the country's leader, Kim Jong-nam, using the chemical weapon VX nerve agent, a substance banned for use as a weapon by the United Nations Chemical Weapons Convention, on February 13, 2017, in Kuala Lumpur.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Government of North Korea should be designated as a state sponsor of terrorism.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a determination as to whether North Korea meets the criteria for designation as a state sponsor of terrorism.

(d) FORM.—The report required by subsection (c) shall be submitted in unclassified form, but may include a classified annex, if appropriate.

(e) DEFINITIONS.—In this section:

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

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

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

(2) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(3) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(4) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)) (as in effect pursuant to the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SA 539. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

(b) DEFINITIONS.—In this section:

(1) COVERED STATE PARTY.—The term ''covered state party'' means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

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

(3) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SA 540. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT RESIDENT STATUS FOR LIU XIA.

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

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

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

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

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

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

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

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

SA 541. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

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

SA 542. Mr. TILLIS (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ENHANCED MULTI MISSION PARACHUTE SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 for the Enhanced Multi Mission Parachute System may be used to enter into or prepare to enter into a contract for the procurement of the Enhanced Multi Mission Parachute System unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the Secretary of the Navy that—

(1) neither the Marine Corps' currently field enhanced multi mission parachute system nor the Army's RA–1 parachute system meet the Marine Corps requirements;

(2) that the Marine Corps' PARIS, Special Application Parachute does not meet the Marine Corps requirement;

(3) the testing plan for the enhanced multi mission parachute system meets all regulatory requirements; and

(4) the Department of the Navy has performed the analysis and determined that a

high glide canopy is not more prone to malfunctions than the currently fielded free fall parachute systems.

(c) REPORT.—The report referred to in subsection (a) is a report that includes—

(1) an explanation of the rationale for using the Parachute Industry Association specification normally used for sports parachutes that are employed from relatively slow flying civilian aircraft at altitudes below 10,000 feet for a military parachute;

(2) an inventory and cost estimate for any new equipment and training that the Marine Corps will have to be acquire in order to employ a high glide parachute;

(3) an explanation of why the Department of the Navy is conducting a paper down select and not conducting any testing until first article testing; and

(4) a discussion of the risk assessment for high glide canopies, and specifically how the Department of the Navy is mitigating the risk for malfunctions experienced in other high glide canopy programs.

SA 543. Mr. SULLIVAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 27, strike lines 17 through 18 and insert the following:

''(ii) participates in education directly related to employment; or

''(E) an individual eligible to receive health services from the Indian Health Service or from an Indian Tribe, a Tribal Organization, or an Urban Indian Organization.

SA 544. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

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

SA 545. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2814.

SA 546. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act.

SA 547. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act.

SA 548. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike sections 204 and 205 and insert the following:

SEC. 204. ENHANCEMENTS FOR REDUCED COST SHARING.

(a) MODIFICATION OF AMOUNT.—

(1) IN GENERAL.—Section 1402(c)(2) of the Patient Protection and Affordable Care Act is amended to read as follows:

''(2) ADDITIONAL REDUCTION.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall further reduce cost-sharing under the plan in a manner sufficient to—

''(A) in the case of an eligible insured whose household income is not less than 100 percent but not more than 200 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 95 percent of such costs;

''(B) in the case of an eligible insured whose household income is more than 200 percent but not more than 300 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 90 percent of such costs; and

''(C) in the case of an eligible insured whose household income is more than 300 percent but not more than 400 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of bene- fits provided under the plan to 85 percent of such costs.''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 1402(c)(1)(B) of such Act is amended to read as follows:

''(i) IN GENERAL.—The Secretary shall ensure the reduction under this paragraph shall not result in an increase in the plan's share of the total allowed costs of benefits provided under the plan above—

''(I) 95 percent in the case of an eligible insured described in paragraph (2)(A);

''(II) 90 percent in the case of an eligible insured described in paragraph (2)(B); and

''(III) 85 percent in the case of an eligible insured described in paragraph (2)(C).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2017.

(b) FUNDING.—Section 1402 of the Patient Protection and Affordable Care Act is amended by adding at the end the following new subsection:

''(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary such sums as may be necessary for payments under this section.''.

(c) REINSTATEMENT OF PREMIUM TAX CREDIT.—The amendments made by section 102 shall be null and void.

SA 549. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN CHIP ELIGIBILITY AGE.

(a) IN GENERAL.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by striking ''19'' and inserting ''26''.

(b) CONFORMING AMENDMENT.—Section 2112(b)(1)(B) of such Act (42 U.S.C. 1397ll(b)(1)(B)) is amended by striking ''19 years of age under this title (or title XIX)'' and inserting ''26 years of age under this title (or, in the case of title XIX, under 19 years of age or such higher age as the State has elected for purposes of the eligibility of a child under the State plan under that title or under a waiver of that plan)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to eligibility determinations made after the date that is 180 days after the date of the enactment of this section.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by amendments made by this section, the respective plan shall not be regarded as failing to comply with the requirements of

such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SA 550. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE THAT HEALTH CARE IS A RIGHT.

It is the sense of the Senate that—

(1) the United States should join every other major country on Earth and guarantee health care to all as a right, not a privilege; and

(2) it is time to end the absurdity that the United States spends far more per capita on health care and pays the highest prices in the world for prescription drugs.

SA 551. Mr. HOEVEN (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. SUPPORT FOR STATE AND INDIAN HEALTH PROGRAM RESPONSE TO SUBSTANCE ABUSE PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $750,000,000 for each of fiscal years 2018 and 2019, to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') to award grants to States and Indian health programs to address the substance abuse public health crisis or to respond to urgent mental health needs within the State or community served by the Indian health program. In awarding grants under this section, the Secretary may give preference to States, and Indian health programs that serve Indian tribes, with an incidence or prevalence of substance use disorders that is substantial relative to other States or to States and Indian health programs that identify mental health needs within their communities that are urgent relative to such needs of other States. Funds appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State or Indian health program under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance abuse.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State or Indian health program determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State or community served by the Indian health program.

(c) DEFINITIONS.—In this section, the terms ''Indian health program'' and ''Indian tribe'' have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SA 552. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1049. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF DEPARTMENT OF DEFENSE FUNDS.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2777 the following new section:

''§ 2778. Disclosure requirements for recipients of Department of Defense funds

''An individual or entity (including a State or local government and a recipient of a Department of Defense research grant) carrying out a program, project, or activity that is, in whole or in part, carried out using funds provided by the Department of Defense shall clearly state in any statement, press release, requests for proposal, bid solicitation, or other document describing the program, project, or activity—

''(1) the percentage of the total costs of the program, project, or activity which will be financed with funds provided by the Department;

''(2) the dollar amount of the funds provided by the Department that were made available for the program, project, or activity; and

''(3) the percentage of the total costs of, and dollar amount for, the program, project, or activity that will be financed by nongovernmental sources.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2777 the following new item:

''2778. Disclosure requirements for recipients of Department of Defense funds.''.

SA 553. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____8. INVESTMENT OF ASSETS OF JAMES MADISON MEMORIAL FELLOWSHIP TRUST FUND.

Subsection (b) of section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended to read as follows:

''(b)(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund.

''(2) Subject to paragraph (3), investments of amounts appropriated to the fund shall be made in public debt securities of the United States with maturities suitable to the fund. For such purpose, such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

''(3)(A) Notwithstanding paragraph (2), upon receiving a determination of the Board described in subparagraph (B), the Secretary shall invest up to 40 percent of the fund's assets in securities other than public debt securities of the United States, provided that the securities are traded in established United States markets.

''(B) A determination described in this subparagraph is a determination by the Board that investments as described in subparagraph (A) are necessary to enable the Foundation to carry out the purposes of this title without any diminution of the number of fellowships provided under section 804.

''(C) Nothing in this paragraph shall be construed to limit the authority of the Board to increase the number of fellowships provided under section 804, or to increase the amount of the fellowship authorized by section 809, as the Board considers appropriate and is otherwise consistent with the requirements of this title.''.

SA 554. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 513. REPORT ON COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ON TIMING OF CESSATION OF VETERANS BENEFITS FOR MEMBERS OF THE RESERVE COMPONENTS WHOSE ACTIVE DUTY INTERRUPTS RECEIPT OF BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth a description of a mechanism through which the Department of Defense may provide timely notice to the Department of Veterans Affairs of the commencement and period of active duty of members of the reserve components of the Armed Forces described in subsection (b) in order to ensure the following:

(1) That such members, while on active duty in the Armed Forces, do not receive veterans' benefits which they are not eligible to receive while on active duty.

(2) That such members recommence receipt of such benefits as soon as practicable after cessation of active duty.

(b) COVERED MEMBERS.—The members of the reserve components of the Armed Forces described in this subsection are members who, while on active duty in the Armed Forces, are not eligible to receive veterans' benefits to which such members are otherwise entitled during other periods.

(c) VETERANS' BENEFITS DEFINED.—In this section, the term ''veterans' benefits'' means benefits for veterans under the laws administered by the Secretary of Veterans Affairs.

SA 555. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. INVESTMENT OF ASSETS OF BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FUND.

Subsection (b) of section 1408 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4707) is amended to read as follows:

''(b) INVESTMENT OF FUND ASSETS.—(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund.

''(2) Subject to paragraph (3), investments of amounts appropriated to the fund shall be made in public debt securities of the United States with maturities suitable to the fund. For such purpose, such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

''(3)(A) Notwithstanding paragraph (2), upon receiving a determination of the Board described in subparagraph (B), the Secretary may invest up to 40 percent of the fund's assets in securities other than public debt securities of the United States, provided that the securities are traded in established United States markets.

''(B) A determination described in this subparagraph is a determination by the Board that investments as described in subparagraph (A) are necessary to enable the Foundation to carry out the purposes of this title without any diminution of the number of scholarships provided under section 1405, or of the stipend authorized by section 1406.

''(C) Nothing in this paragraph shall be construed to limit the authority of the Board to increase the number of scholarships provided under section 1405, or to increase the amount of the stipend authorized by section 1406, as the Board considers appropriate and is otherwise consistent with the requirements of this title.''.

SA 556. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. INVESTIGATION OF MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may contract with a nonprofit organization that accredits health care organizations and programs in the United States to investigate a medical center of the Department of Veterans Affairs to assess and report deficiencies of the facilities at such medical center.

(b) AUTHORITY OF DIRECTORS.—

(1) IN GENERAL.—Subject to coordination under paragraph (2), the Secretary shall delegate the authority under subsection (a) to contract for an investigation at a medical center of the Department to the Director of the Veterans Integrated Service Network in which the medical center is located or the director of such medical center.

(2) COORDINATION.—Before entering into a contract under paragraph (1), the Director of a Veterans Integrated Service Network or the director of a medical center, as the case may be, shall notify the Secretary of Veterans Affairs, the Inspector General of the Department of Veterans Affairs, and the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with any other investigations that may be ongoing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which an investigation is conducted under this section; or

(2) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection conducted by the Office of the Inspector General of the Department.

SA 557. Mr. GARDNER (for himself, Mr. WARNER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. MANDATORY SANCTIONS WITH RESPECT TO IRAN RELATING TO SIGNIFICANT ACTIVITIES UNDERMINING UNITED STATES CYBERSECURITY.

(a) INVESTIGATION.—The President shall initiate an investigation into the possible designation of an Iranian person under subsection (b) upon receipt by the President of credible information indicating that the person has engaged in conduct described in subsection (b).

(b) DESIGNATION.—The President shall designate under this subsection any Iranian person that the President determines has knowingly—

(1) engaged in significant activities undermining United States cybersecurity conducted by the Government of Iran; or

(2) acted for or on behalf of the Government of Iran in connection with such activities.

(c) SANCTIONS.—The President shall block and prohibit all transactions in all property and interests in property of any Iranian person designated under 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.

(d) SUSPENSION OF SANCTIONS.—

(1) IN GENERAL.—The President may suspend the application of sanctions under subsection (c) with respect to an Iranian person only if the President submits to the appropriate congressional committees in writing a certification described in paragraph (2) and a detailed justification for the certification.

(2) CERTIFICATION DESCRIBED.—

(A) IN GENERAL.—A certification described in this paragraph with respect to an Iranian person is a certification by the President that—

(i) the person has not, during the 12-month period immediately preceding the date of the certification, knowingly engaged in activities that would qualify the person for designation under subsection (b); and

(ii) the person is not expected to resume any such activities.

(B) FORM OF CERTIFICATION.—The certification described in subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

(e) REIMPOSITION OF SANCTIONS.—If sanctions are suspended with respect to an Iranian person under subsection (d), such sanctions shall be reinstated if the President determines that the person has resumed the activity that resulted in the initial imposition of sanctions or has engaged in any other activity subject to sanctions relating to the involvement of the person in significant activities undermining United States cybersecurity on behalf of the Government of Iran.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), or any other provision of law.

(g) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that describes significant activities undermining United States cybersecurity conducted by the Government of Iran, a person owned or controlled, directly or indirectly, by that Government, or any person acting for or on behalf of that Government.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) An assessment of the extent to which a foreign government has provided material support to the Government of Iran, to any person owned or controlled, directly or indirectly, by that Government, or to any person acting for or on behalf of that Government, in connection with the conduct of significant activities undermining United States cybersecurity.

(B) A strategy to counter efforts by Iran to conduct significant activities undermining United States cybersecurity that includes a description of efforts to engage foreign governments in preventing the Government of Iran, persons owned or controlled, directly or indirectly, by that Government, and persons acting for or on behalf of that Government from conducting significant activities undermining United States cybersecurity.

(3) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in an unclassified form but may include a classified annex.

(h) DEFINITIONS.—In this section:

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

(2) CYBERSECURITY.—The term ''cybersecurity'' means the activity or process, ability or capability, or state whereby information and communications systems and the information contained therein are protected from or defended against damage, unauthorized use or modification, or exploitation.

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

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

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

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

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

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

SEC. ___. REPORT ON THE CAPABILITIES AND ACTIVITIES OF THE ISLAMIC STATE OF IRAQ AND SYRIA AND OTHER VIOLENT EXTREMIST GROUPS IN SOUTHEAST ASIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth an assessment of the current and future capabilities and activities of the Islamic State of Iraq and Syria (ISIS) and other violent extremist groups in Southeast Asia.

(b) ELEMENTS.—The report shall include the following:

(1) The current number of Islamic State of Iraq and Syria fighters in Southeast Asia.

(2) The estimated number of Islamic State of Iraq and Syria fighters expected to return to Southeast Asia from fighting in the Middle East.

(3) The current resources available to combat the threat of the Islamic State of Iraq and Syria in Southeast Asia, and the additional resources required to combat that threat.

(4) A detailed assessment of the capabilities of the Islamic State of Iraq and Syria to operate effectively in countries such as the Philippines, Indonesia, and Malaysia.

(5) A description of the capabilities and resources of governments of countries in Southeast Asia to counter violent extremist groups.

(6) A list of additional United States resources and capabilities that the Department of Defense recommends providing governments in Southeast Asia to combat violent extremist groups.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

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

SA 559. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE CRITICAL TELECOMMUNICATIONS EQUIPMENT OR SERVICES OBTAINED FROM SUPPLIERS CLOSELY LINKED TO A LEADING CYBER-THREAT ACTOR.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on any critical telecommunications equipment, technologies, or services obtained or used by the Department of Defense or its contractors or subcontrators that is—

(1) manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor; or

(2) from an entity that incorporates or utilizes information technology manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor.

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

(c) DEFINITIONS.—In this section:

(1) The term ''leading cyber-threat actor'' means a country identified as a leading threat actor in cyberspace in the report entitled ''Worldwide Threat Assessment of the US Intelligence Community'', dated May 11, 2017, and includes the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, and the Russian Federation.

(2) The term ''closely linked'', with respect to a foreign supplier, contractor, or subcontrator and a leading cyber-threat actor, means the foreign supplier, contractor, or subcontractor—

(A) has ties to the military forces of such actor;

(B) has ties to the intelligence services of such actor;

(C) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor; or

(D) is incorporated or headquartered in the territory of such actor.

SA 560. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON PLANS RELATED TO DIVESTMENT OR TRANSFER OF C–21 AIRCRAFT.

(a) IN GENERAL.—Not later than 30 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 that includes the elements described in subsection (b).

(b) ELEMENTS.—The report under subsection (a) shall include the following elements, reported by total cost and cost by fiscal year, with a detailed description and a justification:

(1) Whether the Air Force plans to modernize and recapitalize the operational support airlift fleet, including the C–21 fleet.

(2) Whether the Air Force has a C–21 consolidation plan, and if so, what cost savings the Air Force hopes to achieve, if any.

(3) Whether the Air Force has a C–21 divestment plan, and if so, what cost savings the Air Force hopes to achieve, if any.

(4) How the Air Force plans to continue to meet operational support airlift requirements, including support of United States Central Command and United States Transportation Command Joint Operational Airlift Center requirements.

(5) How the Air Force plans to fully utilize the reserve components to meet operational support and executive airlift requirements, especially given the pilot shortage.

(6) How the Air Force incorporates pilot training costs into its budget analysis for the transfer or divestment of reserve component aircraft and pilots.

(7) Whether any analysis has been conducted to identify geographical areas that have an underutilized reserve component pilot population.

(8) How the Air Force plans to maintain quality of life and predictability for reserve component pilots, including if consideration

has been given to the location of commercial airline domiciles in relation to reserve component basing decisions.

SA 561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ROBOTIC SERVICING OF GEOSYNCHRONOUS SATELLITES DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.

(a) SUBMISSION OF MATRICES.—Concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the Robotic Servicing of Geosynchronous Satellites program.

(b) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(1) DEVELOPMENT GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the Robotic Servicing of Geosynchronous Satellites program, which shall be subdivided, at a minimum, according to the following:

(A) Technology readiness levels of major components and key demonstration events.

(B) Design maturity.

(C) Software maturity.

(D) Manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(E) Manufacturing operations.

(F) System verification and key flight test events.

(G) Reliability.

(2) TOTAL COST.—A matrix expressing, in six-month increments, the total cost to the Department of Defense and all relevant United States Government agencies cost position for the payload, operations software, payload integration, and launch for the Robotic Servicing of Geosynchronous Satellites program.

(3) SPACECRAFT COTS.—A matrix expressing, in six-month increments, the total cost for Robotic Servicing of Geosynchronous Satellites program spacecraft and relevant subsystem completion, which shall be phased over the entire development period and subdivided according to the costs of the following:

(A) Spacecraft.

(B) Payload.

(C) Mission systems.

(D) Vehicle software.

(E) Systems engineering.

(F) Program management.

(G) System test and evaluation.

(H) Support and training systems.

(I) Contract fee.

(J) Engineering changes.

(K) Direct mission support.

(L) Launch.

(M) Government testing.

(c) SEMIANNUAL UPDATE OF MATRICES.—

(1) IN GENERAL.—The Director shall submit to the congressional defense committees and the Comptroller General of the United States updates to the matrices described in subsection (b)—

(A) not later than 180 days after the date on which the Director submits the matrices required by subsection (a);

(B) concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2020 and each fiscal year thereafter; and

(C) not later than 180 days after each such submission.

(2) ELEMENTS.—Each update submitted under paragraph (1) shall detail progress made toward the goals identified in the matrix described in subsection (b)(1) and provide updated cost estimates.

(3) TREATMENT OF INITIAL MATRICES AS BASELINE.—The matrices submitted pursuant to subsection (a) shall be treated as the baseline for the full research, development, test, and evaluation of the Robotic Servicing of Geosynchronous Satellites program and through its launch and demonstration for purposes of the updates submitted pursuant to paragraph (1).

(d) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than the date that is 45 days after the date on which the Comptroller General of the United States receives an update to a matrix under subsection (c)(1), the Comptroller General shall review the sufficiency of the matrix and submit to the congressional defense committees an assessment of the matrix and an identification of cost, schedule, or performance trends in the matrix.

(e) SECRETARY OF DEFENSE APPROVAL.—Following the demonstration of the Robotic Servicing of Geosynchronous Satellites spacecraft and its transition to a commercial partner of the Defense Advanced Research Projects Agency, the Secretary of Defense shall approve each commercial operation of the spacecraft after—

(1) taking into account—

(A) available fuel for possible national security mission requirements;

(B) orbitology relative to possible national security mission requirements; and

(C) compliance with the Presidential Decision Directive on National Space Policy; and

(2) certifying to the congressional defense committees that—

(A) any commercial use does not conflict with possible national security requirements; and

(B) the requirements of this subsection have been met.

(f) SECRETARY OF DEFENSE STUDY.—Concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Secretary of Defense shall submit to the congressional defense committees a report on the technology transfer of the robotic payload, operations software, and corresponding systems of the Robotic Servicing of Geosynchronous Satellites program to qualified satellite manufacturers and satellite operators to increase the on-orbit highly advanced space robotics capabilities of entities organized under the laws of the United States and available to the Department of Defense.

SA 562. Mr. UDALL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3201, add the following:

(b) ANNUAL REPORT ON UNFUNDED PRIORITIES.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Chairman of the Defense Nuclear Facilities Safety Board shall submit to the congressional defense committees a report on the unfunded priorities of the Board.

(c) PROHIBITION ON TERMINATION.—No action may be taken to terminate the Board.

SA 563. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) for each of 6 days in connection with the taking by the member of a period of maternity leave.''.

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) Points at the rate of 12 a year for the taking of maternity leave.''.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

SA 564. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 447, strike lines 16 through 18 and insert the following:

(4) EXPEDITING SECURITY CLEARANCES FOR CERTAIN SMALL BUSINESS EMPLOYEES.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense and the Administrator of the Small Business Administration shall submit to Congress a plan for a process to expedite the approval of security clearances for employees of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) participating in the SBIR or STTR program (as defined in section 9(e) of such Act (15 U.S.C. 638(e)).

(5) TERMINATION.—No briefing or report is required pursuant to paragraph (2) or (3) after December 31, 2020.

SA 565. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF INDEPENDENT RESEARCH AND DEVELOPMENT EXPENSES FROM ANNUAL RECEIPTS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(10) EXCLUSION OF INDEPENDENT RESEARCH AND DEVELOPMENT EXPENSES FROM RECEIPTS.—In determining the average annual gross receipts of a small business concern, the Administrator, at the request of the concern, may exclude from consideration any expenses or expenditures for independent research and development.''.

SA 566. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISPOSAL OF REAL PROPERTY FOR VETERANS SUPPORT SERVICES.

Section 550 of title 40, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) the Secretary of Veterans Affairs, for property transferred under subsection (i) for veterans support services.''; and

(2) by adding at the end the following:

''(i) PROPERTY FOR VETERANS SUPPORT SERVICES.—

''(1) ASSIGNMENT.—The Administrator, in the discretion of the Administrator and under regulations that the Administrator may prescribe, may assign to the Secretary of Veterans Affairs for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for veterans support services.

''(2) SALE OR LEASE.—Subject to disapproval by the Administrator by not later than 30 days after notice to the Administrator by the Secretary of Veterans Affairs of a proposed transfer, the Secretary may sell or lease property assigned to the Secretary under paragraph (1) for use for veterans support services.

''(3) FIXING VALUE.—In fixing the sale or lease value of the property disposed of under paragraph (2), the Secretary of Veterans Affairs shall take into consideration any benefit that has accrued or may accrue to the Federal Government from the use of the property by the entity receiving the property.''.

SA 567. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SIZE STANDARDS FOR SMALL BUSINESS CONCERNS.

(a) CALCULATION ON THE BASIS OF ANNUAL AVERAGE GROSS RECEIPTS.—Section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II)) is amended by striking ''over a period of not less than 3 years'' and inserting '', which shall be calculated by using the 3 lowest annual average gross receipts of the business concern during the preceding 5-year period''.

(b) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate regulations as necessary to implement the amendment made by subsection (a).

SA 568. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. AWARD OF MEDALS OR OTHER COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS AND MILITARY WORKING DOGS.

(a) PROGRAM OF AWARD REQUIRED.—Each Secretary of a military department shall carry out a program to provide for the award of one or more medals or other commendations to handlers of military working dogs, and to military working dogs, under the jurisdiction of such Secretary to recognize valor or meritorious achievement by such handlers and dogs.

(b) MEDAL AND COMMENDATIONS.—Any medal or commendation awarded pursuant to a program under subsection (a) shall be of such design, and include such elements, as the Secretary of the military department concerned shall specify.

(c) REGULATIONS.—Medals and commendations shall be awarded under programs under subsection (a) in accordance with regulations prescribed by the Secretary of Defense for purposes of this section.

SA 569. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON USE OF SECOND-DESTINATION TRANSPORTATION TO TRANSPORT FRESH FRUIT AND VEGETABLES TO COMMISSARIES IN THE ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—In accordance with the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) and recommendations in the report of the Inspector General of the Department of Defense dated February 28, 2017, regarding Pacific Fresh Fruits and Vegetables (FFV), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the costs of using second-destination transportation (SDT) to transport fresh fruit and vegetables to commissaries in Asia and the Pacific in each of fiscal years 2015 through 2017.

(2) Recommendations for innovative, locally-sourced alternatives to use of second-destination transportation in order to supply fresh fruit and vegetables to commissaries in Asia and the Pacific.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act.

SA 570. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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—

''(A) 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

''(B) 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, with a frequency, in a manner, and according to a timeline 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 with the consumer 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 with respect to a consumer should, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, take that 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 conducting the investigation described in that subparagraph, 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 571. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) IN GENERAL.—For purposes of section 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note), the Secretary of Defense is deemed to have determined that qualified service of an individual constituted active military service.

(b) DETERMINATION OF DISCHARGE STATUS.—

(1) IN GENERAL.—The Secretary of Defense shall issue an honorable discharge under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 to each person whose qualified service warrants an honorable discharge.

(2) TIMING.—A discharge under paragraph (1) shall be issued before the end of the one-year period beginning on the date of the enactment of this Act.

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

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

SA 572. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES PUERTO RICO AND THE MUNICIPALITY OF VIEQUES.

(a) IN GENERAL.—An individual shall be awarded monetary compensation for a claim made under this section if such individual—

(1) can demonstrate that he or she was a resident on the island of Vieques, Puerto Rico, during or after the use by the United States Government of the island for military readiness;

(2) files a claim not later than 30 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and

(3) submits to the court written medical documentation that the individual contracted a chronic, life threatening, or heavy metal disease or illness, including cancer, hypertension, cirrhosis, and diabetes while the United States Government used the island of Vieques, Puerto Rico for military readiness.

(b) APPOINTMENT OF SPECIAL MASTER.—

(1) IN GENERAL.—The Secretary of the Treasury shall appoint a Special Master to consider claims described in paragraph (2).

(2) AMOUNTS OF AWARD.—The amounts described in this paragraph are as follows:

(A) $50,000 for 1 disease described in paragraph (1)(B);

(B) $80,000 for 2 diseases described in paragraph (1)(B); and

(C) $110,000 for 3 or more diseases described in paragraph (1)(B).

(c) AWARD AMOUNTS RELATED TO CLAIMS BY THE MUNICIPALITY OF VIEQUES.—

(1) AWARD.—The Special Master shall provide to the Municipality of Vieques the following for a claim described in subsection (b)(2):

(A) An academic partner, with appropriate experience and an established relationship with the Municipality of Vieques, which shall—

(i) lead a research and outreach endeavor on behalf of the Municipality of Vieques;

(ii) select the appropriate scientific expertise and administer defined studies, conducting testing and evaluation of the soils, seas, plant and animal food sources and human health situation;

(iii) determine the most efficient and effective way to reduce the environmental toxins to a level sufficient to return the soils, seas, food sources and health circumstances to a

level that reduces the diseases on Vieques to the average in the United States.

(B) The past research from universities, colleges, scientists, and doctors who have tested and evaluated the prevalence of toxic substances in the soil, food sources, and human populations.

(C) A medical coordinator and staff to upgrade the medical facility and its equipment to a level to treat life threatening, chronic, and heavy metal diseases, including cancer, hypertension, cirrhosis, diabetes.

(D) Compensation to create and fund a medical home to provide medical care for pediatric and adult patients, allowing the patients to be referred for tertiary and quaternary health care facilities when necessary, and providing the transportation and medical costs when traveling off the island of Vieques, until such time as the disease levels are reduced to the average in the United States.

(E) Amounts necessary for the academic partner and medical coordinator to carry out the duties described in subparagraphs (A) through (D).

(F) Amounts necessary to compensate the Municipality of Vieques for—

(i) contractual procurement obligations and additional expenses incurred by the Municipality as a result of the enactment of this section; and

(ii) any other damages and costs to be incurred by the Municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(2) SOURCE.—Amounts awarded under this subsection shall be made from amounts appropriated under section 1304 of title 31, United States Code.

(3) DETERMINATION AND PAYMENT OF CLAIMS.—

(A) ESTABLISHMENT OF FILING PROCEDURES.—The Secretary of the Treasury shall establish procedures whereby individuals may submit claims for payments under this section to the Special Master.

(B) DETERMINATION OF CLAIMS.—The Special Master shall, in accordance with this subsection, determine whether each claim meets the requirements of this section. Claims already disposed of by a court under chapter 171 of title 28, United States Code, shall be treated as if they are currently filed.

(d) ACTION ON CLAIMS.—The Special Master shall complete a determination on any claim filed under the procedures established under this section not later than 150 days after the date on which the claim is filed.

(e) PAYMENT IN FULL SETTLEMENT OF CLAIMS BY INDIVIDUALS AND THE MUNICIPALITY OF VIEQUES AGAINST THE UNITED STATES.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(1) be final and conclusive;

(2) be deemed to be in full satisfaction of the claim described in subsection (a)(2); and

(3) constitute a complete release by the individual of such claim against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(f) ADMINISTRATIVE COSTS.—No costs incurred by the Secretary of the Treasury, or a designee of the Secretary, not including attorney's fees, in carrying out this section shall be paid from amounts appropriated under section 1304 of title 31, United States Code, or set off against, or otherwise deducted from, any payment under this section to any individual.

(g) CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(h) NONASSIGNABILITY OF CLAIMS.—No claim cognizable under this section shall be assignable or transferable.

(i) LIMITATION.—A claim to which this section applies shall be barred unless the claim is filed within 20 years after the date of the enactment of this Act.

(j) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury may promulgated regulations to carry out this section.

(k) USE OF EXISTING RESOURCES.—The Secretary of the Treasury should use funds or resources available to the Secretary to carry out the functions under this section.

SA 573. Mr. DONNELLY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. INTERAGENCY REPORT ON MENTAL HEALTH PRACTICES AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to Congress, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, a report on mental health practices and services of the Department of Defense and the Department of Veterans Affairs that could be adopted by Federal, State, local, and tribal law enforcement agencies.

(b) PUBLIC AVAILABILITY.—The Attorney General shall make the report submitted under subsection (a) available to the public.

SA 574. Ms. HEITKAMP (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXPANSION OF SKILLBRIDGE INITIATIVE TO INCLUDE PARTICIPATION BY FEDERAL AGENCIES.

(a) MODIFICATION OF INITIATIVE BY SECRETARY OF DEFENSE.—The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall make such modifications to the SkillBridge initiative of the Department of Defense as the Secretary considers appropriate to enable Federal agencies to participate in the initiative as employers and trainers, including the provision of training by Federal agencies under the initiative to transitioning members of the Armed Forces.

(b) PARTICIPATION BY FEDERAL AGENCIES.—The Director, in consultation with the Secretary, shall take such actions as may be necessary to ensure that each Federal agency participates in the SkillBridge initiative of the Department of Defense as described in subsection (a).

(c) TRANSITIONING MEMBERS OF THE ARMED FORCES DEFINED.—In this section, the term ''transitioning member of the Armed Forces'' means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces not more than 180 days after the member commences training under the SkillBridge initiative.

SA 575. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. _____. PROTECTING CRITICAL INFRASTRUCTURE AGAINST CYBER ATTACKS FROM FOREIGN GOVERNMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Authoritative evidence and testimony to Congress indicate that the United States Government cannot prevent cyber attacks by determined and capable adversaries from reaching critical infrastructure in the United States and that, absent major efforts to identify and eliminate vulnerabilities in the most critical nodes of the most critical infrastructure, such attacks would succeed in causing unacceptable damage to the United States.

(2) To secure the United States against cyber attacks, it is necessary to develop deterrence capabilities through a combination of offensive cyber attack means and greater survivability, resilience, and recovery capabilities in the critical infrastructure of the United States.

(3) Defense of the United States against cyber attacks from foreign adversaries, including foreign governments, is a responsibility of the Federal Government.

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

(1) the Federal Government should provide funding in a collaborative effort with the owners of the most critical infrastructure to identify vulnerabilities to cyber attacks in the most critical nodes and develop solutions either through alternative equipment and practices, or by assured redundancy and recovery capabilities; and

(2) Government funding should also help cover the cost of any inefficiencies caused by changes in equipment, practices, or recovery capabilities to protect critical infrastructure against cyber attacks from foreign governments.

(c) ANALYSIS AND SOLUTION DESIGNS.—The President shall—

(1) conduct an analysis of cyber vulnerabilities in the most critical nodes of the most critical infrastructure; and

(2) design solutions to eliminate such vulnerabilities.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report on the vulnerabilities identified under paragraph (1) of subsection (c) and the solutions designed under paragraph (2) of such subsection.

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

(A) A description of the vulnerabilities identified under paragraph (1) of subsection (c).

(B) A description of the solutions designed under paragraph (2) of such subsection.

(C) A strategy for working with owners of relevant critical infrastructure to eliminate vulnerabilities identified under subsection (c)(1).

(D) An estimate of the cost of carrying out the strategy included under subparagraph (C) and a schedule to implement such strategy.

(e) CONSIDERATION OF INVESTMENTS REQUIRED.—The President shall consider the investments required to correct the vulnerabilities identified under subsection (c)(1) whenever developing plans and proposals for national infrastructure investment that the President submits to Congress.

SA 576. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF THE COORDINATOR FOR CYBER ISSUES.

(a) OFFICE OF THE COORDINATOR FOR CYBER ISSUES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(h) OFFICE OF THE COORDINATOR FOR CYBER ISSUES.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Cyber Issues.

''(2) COORDINATOR FOR CYBER ISSUES.—The head of the Office shall be the Coordinator for Cyber Issues, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary of State.

''(3) DUTIES.—The Coordinator shall perform the following duties:

''(A) Coordinating the Department of State's global diplomatic engagement on cyber issues.

''(B) Serving as the Department's liaison to the President and Federal departments and agencies on these issues.

''(C) Advising the Secretary of State and Deputy Secretaries of State on cyber issues and engagements.

''(D) Acting as liaison to public and private sector entities on cyber issues.

''(E) Coordinating the work of regional and functional bureaus within the Department engaged in these areas.

''(4) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.''.

(b) REPORT ON DEVELOPMENT OF FRAMEWORK ON VOLUNTARY NORMS AND CONFIDENCE BUILDING MEASURES RELATED TO CYBER ISSUES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on efforts to establish a coalition of states in support of a framework on voluntary norms and confidence building measures related to cyber issues, including a description of any alternative frameworks by other countries or international organizations.

SA 577. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

''(F) Such points as the Secretary concerned determines to be appropriate for successful completion of a course of instruction using electronically delivered methodologies to accomplish military education or training, unless the education or training is performed while in a status for which credit is provided under another subparagraph of this paragraph.''; and

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

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

SA 578. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. PLAN TO ENHANCE THE EXTENDED DETERRENCE AND ASSURANCE CAPABILITIES OF THE UNITED STATES IN THE ASIA-PACIFIC REGION.

(a) FINDING.—Congress recognizes that North Korea's first successful test of an intercontinental ballistic missile (ICBM) constitutes a grave and imminent threat to United States security and to the security of United States allies and partners in the Asia-Pacific region.

(b) PLAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of the United States Pacific Command and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a plan to enhance the extended deterrence and assurance capabilities of the United States in the Asia-Pacific region.

(c) MATTERS TO BE INCLUDED.—Such plan shall include consideration of actions that will enhance United States security by strengthening deterrence of North Korean aggression and providing increased assurance to United States allies in the Asia-Pacific region, including the following:

(1) Increased visible presence of key United States military assets, such as missile defenses, long-range strike assets, and intermediate-range strike assets to the region.

(2) Increased military cooperation, exercises, and integration of defenses with allies in the region.

(3) Development and deployment of ground-based intermediate-range missiles, whether by allies or by the United States, if the United States were no longer bound by the limitations of the INF Treaty.

(4) Increased foreign military sales to allies in the region.

(5) Planning for, exercising, or deploying dual-capable aircraft to the region.

(6) Any necessary modifications to the United States nuclear force posture, including re-deployment of submarine-launched nuclear cruise missiles to the region.

(7) Such other actions the Secretary considers appropriate to strengthen extended deterrence and assurance in the region.

(d) FORM.—Such plan shall be submitted in unclassified form, but may contain a classified annex.

(e) INF TREATY DEFINED.—In this section, the term ''INF Treaty'' means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

SA 579. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ANNUAL REPORT ON NAVY ACTIVITIES TO IMPLEMENT THE REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII.

(a) ANNUAL REPORT REQUIRED.—The Secretary of the Navy shall submit to the Committees on Appropriations of the Senate and the House of Representatives each year, at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a report on the activities of the Department of the Navy to implement the Regional Biosecurity Plan for Micronesia and Hawaii (RBP).

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A description of Department of the Navy activities to implement the Regional Biosecurity Plan for Micronesia and Hawaii during the previous fiscal year.

(2) A description of the activities planned to be undertaken by the Department during the fiscal year beginning in the year of such report to implement the Regional Biosecurity Plan for Micronesia and Hawaii, including the funding required during such fiscal year for such activities.

(c) REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII DEFINED.—In this section, the term ''Regional Biosecurity Plan for Micronesia and Hawaii'' means the strategic plan developed jointly by the Department of Navy and other Federal and non-Federal entities to prevent the introduction of invasive species to the United States Pacific region and to control such species in that region.

SA 580. Ms. HIRONO submitted an amendment intended to be proposed by

her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON APPLICATION OF HIRING FREEZES AT DEPARTMENT OF DEFENSE INDUSTRIAL BASE FACILITIES.

(a) DEFINITION.—In this section, the term ''depot-level maintenance and repair'' has the meaning given the term in section 2460 of title 10, United States Code.

(b) PROHIBITION.—No memorandum, Executive order, or other action by the President to prevent a Federal department or agency from appointing an individual to a vacant Federal civilian employee position, or creating a new Federal civilian employee position, shall have any force or effect with respect to any civilian employee position in the Department of Defense at, or in support of, any facility—

(1) at which depot-level maintenance and repair is carried out; or

(2) that is designated under section 2474 of title 10, United States Code, as a Center of Industrial and Technical Excellence.

SA 581. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. _____. ISSUANCE OF CONSOLIDATED PREGNANCY AND PARENTHOOD INSTRUCTION FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall ensure that each military department issues a single, consolidated instruction that addresses the decisions, actions, and requirements for members of the Armed Forces relating to pregnancy, the postpartum period, and parenthood.

SA 582. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON IMPLEMENTATION OF GAO RECOMMENDATIONS RELATING TO CONSIDERATION OF POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY IN MISCONDUCT SEPARATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation by the Department of Defense of the recommendations from the Government Accountability Office report entitled ''Actions Needed to Ensure Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations'' and published on May 16, 2017.

SA 583. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. SENSE OF CONGRESS REGARDING PACIFIC WAR MEMORIAL.

(a) FINDING.—Congress recognizes that, as of the date of the enactment of this Act, there is no memorial that specifically honors the members of the Armed Forces of the United States who served in the Pacific Theater of World War II, also known as the Pacific War.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Pacific War memorial should be established at a suitable location at or near the Pearl Harbor site of the World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

SA 584. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ENHANCEMENT OF CYBER CAPABILITIES OF UNITED STATES ALLIES AND PARTNERS IN THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The North Atlantic Treaty Organization (commonly known as ''NATO'') remains a critical alliance for the United States and a cost-effective, flexible means of providing security to the most important allies of the United States.

(2) The regime of Russian President Vladimir Putin is actively working to erode democratic systems of NATO member states, including the United States.

(3) According to the report of the Office of the Director of National Intelligence dated January 6, 2017, on the Russian Federation's hack of the United States presidential election: ''Russian efforts to influence the 2016 presidential election represent the most recent expression of Moscow's longstanding desire to undermine the US-led liberal democratic order.''.

(4) As recently as May 4, 2017, the press reported a massive cyber hack of French President Emmanuel Macron's campaign, likely attributable to Russian actors.

(5) It is in the core interests of the United States to enhance the offensive and defensive cyber capabilities of NATO member states to deter and defend against Russian cyber and influence operations.

(6) Enhanced offensive cyber capabilities would enable the United States to demonstrate strength and deter the Russian Federation from threatening NATO, while reassuring allies, without a provocative buildup of conventional military forces.

(b) SENSE OF CONGRESS ON CYBER STRATEGY OF THE DEPARTMENT OF DEFENSE.—It is the sense of Congress that—

(1) the Secretary of Defense should update the cyber strategy of the Department of Defense (as that strategy is described in the Department of Defense document titled ''The Department of Defense Cyber Strategy'' dated April 15, 2015); and

(2) in updating the cyber strategy of the Department, the Secretary should—

(A) specifically develop an offensive cyber strategy that includes plans for the offensive use of cyber capabilities, including computer network exploitation and computer network attacks, to thwart air, land, or sea attacks by the regime of Russia President Vladimir Putin and other adversaries;

(B) provide guidance on integrating offensive tools into the cyber arsenal of the Department; and

(C) assist North Atlantic Treaty Organization partners, through the North Atlantic Treaty Organization Cooperative Cyber Center of Excellence and other entities, in developing offensive cyber capabilities.

(c) STRATEGY FOR OFFENSIVE USE OF CYBER CAPABILITIES.—

(1) STRATEGY REQUIRED.—The President shall develop a written strategy for the offensive use of cyber capabilities by departments and agencies of the United States Government.

(2) ELEMENTS.—The strategy developed under paragraph (1) shall include, at minimum—

(A) a description of enhancements that are needed to improve the offensive cyber capabilities of the United States and partner nations, including North Atlantic Treaty Organization member states; and

(B) a statement of principles concerning the appropriate deployment of offensive cyber capabilities.

(3) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees the strategy developed under paragraph (1).

(4) FORM OF SUBMITTAL.—The strategy submitted under paragraph (1) may be submitted in classified form.

(d) INTERNATIONAL COOPERATION.—

(1) AUTHORITY TO PROVIDE TECHNICAL ASSISTANCE.—The President, acting through the Secretary of Defense and with the concurrence of the Secretary of State, is authorized to provide technical assistance to North Atlantic Treaty Organization member states to assist such states in developing and enhancing offensive cyber capabilities.

(2) TECHNICAL EXPERTS.—In providing technical assistance under paragraph (1), the President, acting through the North Atlantic Treaty Organization Cooperative Cyber Center of Excellence, may detail technical experts in the field of cyber operations to North Atlantic Treaty Organization member states.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude or limit the authorities of the President or the Secretary of Defense to provide cyber-related assistance to foreign countries, including the authority of the Secretary to provide such assistance under section 333 of title 10, United States Code.

SA 585. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department

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

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

SEC. _____. LIMITATION ON SALE OR LICENSE FOR EXPORT OF DEFENSE ARTICLES TO SAUDI ARABIA.

(a) IN GENERAL.—The United States Government may not enter into an agreement to sell or lease any defense article to the Government of Saudi Arabia, and may not issue any license for the export of a defense article to the Government of Saudi Arabia pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.), during fiscal year 2018 until 14 days after the date on which the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, submits to the appropriate committees of Congress and the Comptroller General of the United States a certification described in subsection (b), together with a detailed justification for the certification.

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification as follows:

(1) That the Government of Saudi Arabia is complying fully with its obligations in Yemen under each of the following:

(A) Customary international law rule 55.

(B) Articles 14 and 18 of the Additional Protocol (II) to the Geneva Conventions of August 12, 1949.

(2) That the Government of Saudi Arabia is facilitating the delivery and installation of cranes to the port of Hodeidah that will expedite the delivery of humanitarian assistance.

(c) COMPTROLLER GENERAL REPORT.—Not later than 60 days after the submittal of the certification described in subsection (b), the Comptroller General shall submit to the appropriate committees of Congress a report assessing whether the conclusions in the certification are fully supported, and the justification for the certification pursuant to subsection (a) is sufficiently detailed, and identifying whether any shortcomings, limitations, or other reportable matters exist that affect the quality of the certification.

(d) DEFINITIONS.—In this section:

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

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

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

(2) The term ''defense article'' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SA 586. Mr. GRAHAM (for himself, Mr. CASSIDY, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

TITLE I

SEC. 101. ELIMINATION OF LIMITATION ON RECAPTURE OF EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

Subparagraph (B) of section 36B(f)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iii) NONAPPLICABILITY OF LIMITATION.—This subparagraph shall not apply to taxable years ending after December 31, 2017.''.

SEC. 102. PREMIUM TAX CREDIT.

(a) PREMIUM TAX CREDIT.—

(1) MODIFICATION OF DEFINITION OF QUALIFIED HEALTH PLAN.—

(A) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: ''or a plan that includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest)''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2017.

(2) REPEAL.—

(A) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking section 36B.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2019.

(b) REPEAL OF ELIGIBILITY DETERMINATIONS.—

(1) IN GENERAL.—The following sections of the Patient Protection and Affordable Care Act are repealed:

(A) Section 1411 (other than subsection (i), the last sentence of subsection (e)(4)(A)(ii), and such provisions of such section solely to the extent related to the application of the last sentence of subsection (e)(4)(A)(ii)).

(B) Section 1412.

(2) EFFECTIVE DATE.—The repeals in paragraph (1) shall take effect on January 1, 2020.

(c) PROTECTING AMERICANS BY REPEAL OF DISCLOSURE AUTHORITY TO CARRY OUT ELIGIBILITY REQUIREMENTS FOR CERTAIN PROGRAMS.—

(1) IN GENERAL.—Paragraph (21) of section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2019.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2020.

SEC. 103. MODIFICATIONS TO SMALL BUSINESS TAX CREDIT.

(a) SUNSET.—

(1) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) SHALL NOT APPLY.—This section shall not apply with respect to amounts paid or incurred in taxable years beginning after December 31, 2019.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2019.

(b) DISALLOWANCE OF SMALL EMPLOYER HEALTH INSURANCE EXPENSE CREDIT FOR PLAN WHICH INCLUDES COVERAGE FOR ABORTION.—

(1) IN GENERAL.—Subsection (h) of section 45R of the Internal Revenue Code of 1986 is amended—

(A) by striking ''Any term'' and inserting the following:

''(1) IN GENERAL.—Any term'', and

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

''(2) EXCLUSION OF HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.—The term 'qualified health plan' does not include any health plan that includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2017.

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking ''2.5 percent'' and inserting ''Zero percent'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'', and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 105. EMPLOYER MANDATE.

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015)'' after ''$2,000''.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015)'' after ''$3,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 106. SHORT TERM ASSISTANCE FOR STATES AND MARKET-BASED HEALTH CARE GRANT PROGRAM.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following new subsections:

''(h) SHORT-TERM ASSISTANCE TO ADDRESS COVERAGE AND ACCESS DISRUPTION AND PROVIDE SUPPORT FOR STATES.—

''(1) APPROPRIATION.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $20,000,000,000 for each of calendar years 2018 and 2019, and $15,000,000,000 for calendar year 2020, to the Administrator of the Centers for Medicare & Medicaid Services (in this subsection and subsection (i) referred to as the 'Administrator') to fund arrangements with health insurance issuers to assist in the purchase of health benefits coverage by addressing coverage and access disruption and responding to urgent health care needs within States. Funds appropriated under this paragraph shall remain available until expended.

''(2) PARTICIPATION REQUIREMENTS.—

''(A) GUIDANCE.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall issue guidance to health insurance issuers regarding how to submit a notice of intent to participate in the program established under this subsection.

''(B) NOTICE OF INTENT TO PARTICIPATE.—To be eligible for funding under this subsection, a health insurance issuer shall submit to the Administrator a notice of intent to participate at such time (but, in the case of funding for calendar year 2018, not later than 35 days after the date of enactment of this subsection and, in the case of funding for calendar year 2019, 2020, or 2021, not later than March 31 of the previous year) and in such form and manner as specified by the Administrator and containing—

''(i) a certification that the health insurance issuer will use the funds in accordance with the requirements of paragraph (5); and

''(ii) such information as the Administrator may require to carry out this subsection.

''(3) PROCEDURE FOR DISTRIBUTION OF FUNDS.—The Administrator shall determine

an appropriate procedure for providing and distributing funds under this subsection.

''(4) USE OF FUNDS.—Funds provided to a health insurance issuer under paragraph (1) shall be subject to the requirements of paragraphs (1)(D) and (7) of subsection (i) in the same manner as such requirements apply to States receiving payments under subsection (i) and shall be used only for the activities specified in paragraph (1)(A)(ii) of subsection (i).

''(i) MARKET-BASED HEALTH CARE GRANT PROGRAM.—

''(1) APPLICATION AND CERTIFICATION REQUIREMENTS.—To be eligible for an allotment of funds under this subsection, a State shall submit to the Administrator an application, not later than March 31, 2019, in the case of allotments for calendar year 2020, and not later than March 31 of the previous year, in the case of allotments for any subsequent calendar year) and in such form and manner as specified by the Administrator, that contains the following:

''(A) A description of how the funds will be used to do 1 or more of the following:

''(i) To establish or maintain a program or mechanism to help high-risk individuals in the purchase of health benefits coverage, including by reducing premium costs for such individuals, who have or are projected to have a high rate of utilization of health services, as measured by cost, and who do not have access to health insurance coverage offered through an employer, enroll in health insurance coverage under a plan offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

''(ii) To establish or maintain a program to enter into arrangements with health insurance issuers to assist in the purchase of health benefits coverage by stabilizing premiums and promoting State health insurance market participation and choice in plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

''(iii) To provide payments for health care providers for the provision of health care services, as specified by the Administrator.

''(iv) To provide health insurance coverage by funding assistance to reduce out-of-pocket costs, such as copayments, coinsurance, and deductibles, of individuals enrolled in plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

''(v) To establish or maintain a program or mechanism to help individuals purchase health benefits coverage, including by reducing premium costs for plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986) for individuals who do not have access to health insurance coverage offered through an employer.

''(vi) Subject to paragraph (4)(B)(iii), to provide health insurance coverage for individuals who are eligible for medical assistance under a State plan under title XIX (but are not described in section 1902(a)(10)(A)(ii)(XXIII)) by establishing or maintaining relationships with health insurance issuers to provide such coverage.

''(B) A certification that the State shall make, from non-Federal funds, expenditures for 1 or more of the activities specified in subparagraph (A) in an amount that is not less than the State percentage required for the year under paragraph (5)(B)(ii).

''(C) A certification that the funds provided under this subsection shall only be used for the activities specified in subparagraph (A).

''(D) A certification that none of the funds provided under this subsection shall be used by the State for an expenditure that is attributable to an intergovernmental transfer, certified public expenditure, or any other expenditure to finance the non-Federal share of expenditures required under any provision of law, including under the State plans established under this title and title XIX or under a waiver of such plans.

''(E) Such other information as necessary for the Administrator to carry out this subsection.

''(2) ELIGIBILITY.—Only the 50 States and the District of Columbia shall be eligible for an allotment and payments under this subsection and all references in this subsection to a State shall be treated as only referring to the 50 States and the District of Columbia.

''(3) ONE-TIME APPLICATION.—If an application of a State submitted under this subsection is approved by the Administrator for a year, the application shall be deemed to be approved by the Administrator for that year and each subsequent year through December 31, 2026.

''(4) MARKET-BASED HEALTH CARE GRANT ALLOTMENTS.—

''(A) APPROPRIATION.—For the purpose of providing allotments to States under this subsection, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(i) for calendar year 2020, [$140,000,000,000];

''(ii) for calendar year 2021, [$143,000,000,000];

''(iii) for calendar year 2022, [$146,000,000,000];

''(iv) for calendar year 2023, [$149,000,000,000];

''(v) for calendar year 2024, [$152,000,000,000];

''(vi) for calendar year 2025, [$155,000,000,000]; and

''(vii) for calendar year 2026, [$158,000,000,000].

''(B) ALLOTMENTS; AVAILABILITY OF ALLOTMENTS.—

''(i) IN GENERAL.—In the case of a State with an application approved under this subsection with respect to a year, the Administrator shall allot to the State for the year, from amounts appropriated for such year under subparagraph (A), the amount determined for the State and year under paragraph (5).

''(ii) AVAILABILITY OF ALLOTMENTS; UNUSED AMOUNTS.—

''(I) IN GENERAL.—Amounts allotted to a State for a calendar year under this subparagraph shall remain available for obligation by the State through December 31 of the second calendar year following the year for which the allotment is made.

''(II) UNUSED AMOUNTS TO BE USED FOR DEFICIT REDUCTION.—Amounts allotted to a State for a calendar year that remain unobligated on April 1 of the following year shall be deposited into the general fund of the Treasury and shall be used for deficit reduction.

''(iii) LIMITATION.—In no case may a State use more than 10 percent of the amount allotted to the State for a year under this subparagraph for the purpose described in clause (vi) of paragraph (1)(A).

''(5) DETERMINATION OF ALLOTMENT AMOUNTS.—

''(A) CALENDAR YEAR 2020.—Subject to subparagraph (B), the amount determined under this paragraph for a State for calendar year 2020 shall be equal to the sum of each of the following component amounts which is applicable to the State:

''(i) With respect to each State, an amount equal to 10 percent of the amount appropriated for calendar year 2020 under paragraph (4)(A) multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(ii) With respect to each State, an amount equal to 20 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State who are not less than 45 and not more than 64 years old; over

''(II) the number of individuals in all States who are not less than 45 and not more than 64 years old.

''(iii) With respect to each State that, for calendar year 2016, had a State average per capita income that did not exceed $52,500, an amount equal to 25 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States that, for calendar year 2016, had a State average per capita income that did not exceed $52,500, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(iv) With respect to each State that, for calendar year 2016, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1 percent of the amount so appropriated divided by the number of such States.

''(v) With respect to each State that, for calendar year 2016, had an average population density that was greater than 14 individuals per square mile but fewer than 80 individuals per square mile, an amount equal to 3.5 percent of the amount so appropriated, divided by the number of such States.

''(vi) With respect to each State that, for calendar year 2016, had an average population density that was greater than 79 individuals per square mile but fewer than 115 individuals per square mile, an amount equal to 5.5 percent of the amount so appropriated, divided by the number of such States.

''(vii) With respect to each State that was an expansion State for calendar year 2017, an amount equal to 35 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2016 was not less than 100 percent, and not greater than 138 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States that were expansion States for calendar year 2017 whose income for calendar year 2016 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(B) CALENDAR YEAR 2020 ALLOTMENT PARAMETERS.—The Secretary shall adjust the amounts of allotments determined under this paragraph for States for calendar year 2020 under subparagraph (A) as necessary to ensure that a State's allotment for calendar year 2026 (prior to any redistribution of unallotted funds under subparagraph (G)) shall in no case be—

''(i) greater than 3 times the sum of—

''(I) the amount of Federal payments made to the State for calendar year 2016 for medical assistance provided to individuals under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (including medical assistance provided to individuals who are not newly eligible (as defined in section 1905(y)(2)) individuals described in subclause (VIII) of section 1902(a)(10)(A)(i));

''(II) the amount of Federal payments made to the State for calendar year 2016 for operating a Basic Health Program under section 1331 of the Patient Protection and Affordable Care Act for such year;

''(III) the amount of advance payments of premium assistance credits allowable under section 36B of the Internal Revenue Code of 1986 made under section 1412(a) of the Patient Protection and Affordable Care Act in calendar year 2016 on behalf of individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; and

''(IV) the amount of Federal payments for cost-sharing reductions provided for calendar year 2016 under section 1402 of such Act to individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; or

''(ii) less than 75 percent of the sum of the amounts described in subclauses (I) through (IV) of clause (i).

''(C) CALENDAR YEARS AFTER 2020 AND BEFORE 2026.—Subject to subparagraph (F), For calendar years after 2020 and before 2026, the amount determined under this paragraph for a State and year shall be equal to—

''(i) for calendar years before 2025—

''(I) the amount determined for the State under subparagraph (A) (after adjustment under subparagraph (B), if applicable) or this subparagraph for the previous year; increased by

''(II) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from October 1 of the previous calendar year to October 1 of the calendar year involved;

''(ii) for calendar year 2025—

''(I) the amount determined for the State under this subparagraph for the previous year; increased by

''(II) the percentage increase in the consumer price index for all urban consumers (U.S. city average) from October 1 of the previous calendar year to October 1 of the calendar year involved.

''(D) CALENDAR YEAR 2026.—Subject to subparagraph (E), the amount determined under this paragraph for a State for calendar year 2026 shall be equal to the sum of each of the following component amounts which is applicable to the State:

''(i) With respect to each State, an amount equal to 15.5 percent of the amount appropriated for calendar year 2026 under paragraph (4)(A) multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(ii) With respect to each State, an amount equal to 30 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State who are not less than 45 and not more than 64 years old; over

''(II) the number of individuals in all States who are not less than 45 and not more than 64 years old.

''(iii) With respect to each State that, for calendar year 2025, had a State average per capita income that did not exceed $52,500, an amount equal to 39 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States that, for calendar year 2025, had a State average per capita income that did not exceed $52,500, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(iv) With respect to each State that, for calendar year 2025, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1.5 percent of the amount so appropriated divided by the number of such States.

''(v) With respect to each State that, for calendar year 2025, had an average population density that was greater than 14 individuals per square mile but fewer than 80 individuals per square mile, an amount equal to 5.5 percent of the amount so appropriated, divided by the number of such States.

''(vi) With respect to each State that, for calendar year 2025, had an average population density that was greater than 79 individuals per square mile but fewer than 115 individuals per square mile, an amount equal to 8.5 percent of the amount so appropriated, divided by the number of such States.

''(E) CALENDAR YEAR 2026 ALLOTMENT PARAMETERS.—The Secretary shall adjust the amounts of allotments determined under this paragraph for States for calendar year 2026 as necessary to ensure that a State's allotment for calendar year 2026 (prior to any adjustment which may be applicable under subparagraph (F) or distribution under subparagraph (G)) shall in no case be—

''(i) greater than 3.5 times the sum of—

''(I) the amount of Federal payments made to the State for calendar year 2016 for medical assistance provided to individuals under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (including medical assistance provided to individuals who are not newly eligible (as defined in section 1905(y)(2)) individuals described in subclause (VIII) of section 1902(a)(10)(A)(i));

''(II) the amount of Federal payments made to the State for calendar year 2016 for operating a Basic Health Program under section 1331 of the Patient Protection and Affordable Care Act for such year;

''(III) the amount of advance payments of premium assistance credits allowable under section 36B of the Internal Revenue Code of 1986 made under section 1412(a) of the Patient Protection and Affordable Care Act in calendar year 2016 on behalf of individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; and

''(IV) the amount of Federal payments for cost-sharing reductions provided for calendar year 2016 under section 1402 of such Act to individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; or

''(ii) less than 75 percent of the sum of the amounts described in subclauses (I) through (IV) of clause (i).

''(F) LOW INCOME POPULATION ADJUSTMENT.—

''(i) FOR CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021, 2022, 2023, 2024, and 2025 if a State's low income per capita allotment amount for the year (as defined in clause (iii))—

''(I) exceeds the mean low income per capita allotment amount for all States for the year by not less than 15 percent, the State's allotment for the year (as determined under subparagraph (C)) shall be reduced by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 5 percent; or

''(II) is not less than 15 percent below the mean low income per capita allotment amount for all States for the year, the State's allotment for the year (as so determined) shall be increased by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 5 percent.

''(ii) FOR CALENDAR YEAR 2026.—For calendar year 2026, Secretary shall adjust the allotment for the year for each State with a low income per capita allotment amount (as defined in clause (iii)) that exceeds the mean low income per capita allotment amount for all States for the year by more than 10 percent or is below such mean amount by not less than 10 percent in such a manner that the low income per capita allotment for each such State (after the adjustment under this clause) is within 10 percent of such mean amount.

''(iii) LOW INCOME PER CAPITA ALLOTMENT AMOUNT.—

''(I) IN GENERAL.—The term 'low income per capita allotment amount' means, with respect to a State and year and subject to adjustment under subclause (II), an amount equal to—

''(aa) the State's allotment for the year, as determined under subparagraph (C); divided by

''(bb) the number of individuals in the State—

''(AA) whose income for the previous calendar year did not exceed 138 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; and

''(BB) who, during the previous calendar year, were not enrolled under the State plan under title XIX (except that, in the case of an individual who is enrolled under the State plan under clause (i)(VIII), (ii)(XX), or (ii)(XXIII) of section 1902(a)(10)(A) or is described in any such clause and is enrolled under a waiver of such plan, shall not be considered to be enrolled under such State plan for purposes of this clause).

''(II) ADJUSTMENT FOR ADDITIONAL SIGNIFICANT FACTORS.—The Secretary may adjust the amount determined for a State and year under subclause (I) if the Secretary determines an adjustment to be appropriate based on statistically and actuarially significant factors, which may include—

''(aa) the population of older individuals in the State, relative to other States;

''(bb) disease burdens for the State, relative to other States; and

''(cc) variations in regional costs of care.

''(iv) RULES OF APPLICATION.—

''(I) BUDGET NEUTRALITY REQUIREMENT.—In determining the appropriate percentages by which to adjust States' allotments for a calendar year under this subparagraph, the Secretary shall make such adjustments in a manner that does not result in a net increase in Federal payments under this section for such year, and if the Secretary cannot adjust such expenditures in such a manner there shall be no adjustment under this paragraph for such year.

''(II) NONAPPLICATION TO LOW-DENSITY STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile,

based on the most recent data available from the Bureau of the Census.

''(G) REDUCTION FOR EXPENDITURES ON EXPANSION POPULATION.—In the case of an expansion State, the amount of the allotment determined for the State for a calendar year under this paragraph shall be reduced by the amount of Federal payments received by the State for medical assistance provided to individuals under section 1902(a)(10)(A)(ii)(XXIII) for the year.

''(H) DISTRIBUTION OF UNALLOTTED FUNDS.—To the extent that any funds appropriated for a calendar year under paragraph (4)(A) remain unallotted after the determinations, adjustments, and reductions made under the preceding subparagraphs of this paragraph, the Secretary shall increase the allotments so determined and adjusted for States that have a low income per capita allotment amount that is below the mean low income per capita allotment amount for all States in a manner to be determined by the Secretary.

''(I) EXPANSION STATE DEFINED.—In this paragraph, the term 'expansion State' means, with respect to a State and year, a State that provided for eligibility for medical assistance under the State plan established under title XIX on the basis of clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (or provided eligibility for individuals described in either such clause under a waiver approved under section 1115) during calendar year 2017.

''(6) PAYMENTS.—

''(A) ANNUAL PAYMENT OF ALLOTMENTS.—Subject to subparagraph (B), the Administrator shall pay to each State that has an application approved under this subsection for a year, from the amount allotted to the State under paragraph (4)(B) for the year, an amount equal to the Federal percentage of the State's expenditures for the year.

''(B) STATE EXPENDITURES REQUIRED BEGINNING 2022.—For purposes of subparagraph (A), the Federal percentage is equal to 100 percent reduced by the State percentage for that year, and the State percentage is equal to—

''(i) in the case of calendar year 2020, 3 percent;

''(ii) in the case of calendar year 2021, 3 percent;

''(iii) in the case of calendar year 2022, 4 percent;

''(iv) in the case of calendar year 2023, 4 percent;

''(v) in the case of calendar year 2024, 5 percent;

''(vi) in the case of calendar year 2025, 5 percent; and

''(vii) in the case of calendar year 2026, 5 percent.

''(C) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—

''(i) IN GENERAL.—If the Administrator deems it appropriate, the Administrator shall make payments under this subsection for each year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Administrator shall find necessary, and shall reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior years.

''(ii) MISUSE OF FUNDS.—If the Administrator determines that a State is not using funds paid to the State under this subsection in a manner consistent with the description provided by the State in its application approved under paragraph (1), the Administrator may withhold payments, reduce payments, or recover previous payments to the State under this subsection as the Administrator deems appropriate.

''(D) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this subsection shall be construed as preventing a State from claiming as expenditures in the year expenditures that were incurred in a previous year.

''(7) EXEMPTIONS.—Paragraphs (2), (3), (5), (6), (8), (10), and (11) of subsection (c) do not apply to payments under this subsection.''.

(b) OTHER TITLE XXI AMENDMENTS.—

(1) Section 2101 of such Act (42 U.S.C. 1397aa) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''The purpose'' and inserting ''Except with respect to short-term assistance activities under section 2105(h) and the Market-Based Health Care Grant Program established in section 2105(i), the purpose''; and

(B) in subsection (b), in the matter preceding paragraph (1), by inserting ''subsection (a) or (g) of'' before ''section 2105''.

(2) Section 2105(c)(1) of such Act (42 U.S.C. 1397ee(c)(1)) is amended by striking ''and may not include'' and inserting ''or to carry out short-term assistance activities under subsection (h) or the Market-Based Health Care Grant Program established in subsection (i) and, except in the case of funds made available under subsection (h) or (i), may not include''.

(3) Section 2106(a)(1) of such Act (42 U.S.C. 1397ff(a)(1)) is amended by inserting ''subsection (a) or (g) of'' before ''section 2105''.

SEC. 107. BETTER CARE RECONCILIATION IMPLEMENTATION FUND.

(a) IN GENERAL.—There is hereby established a Better Care Reconciliation Implementation Fund (referred to in this section as the ''Fund'') within the Department of Health and Human Services to provide for Federal administrative expenses in carrying out this Act.

(b) FUNDING.—There is appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000.

SEC. 108. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2019.

(c) SUBSEQUENT EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply to taxable years beginning after December 31, 2025, and chapter 43 of the Internal Revenue Code of 1986 is amended to read as such chapter would read if such subsection had never been enacted.

SEC. 109. REPEAL OF TAX ON OVER-THE-COUNTER MEDICATIONS.

(a) HSAS.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''Such term'' and all that follows through the period.

(b) ARCHER MSAS.—Subparagraph (A) of section 220(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''Such term'' and all that follows through the period.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of the Internal Revenue Code of 1986 is amended by striking subsection (f).

(d) EFFECTIVE DATES.—

(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by subsections (a) and (b) shall apply to amounts paid with respect to taxable years beginning after December 31, 2016.

(2) REIMBURSEMENTS.—The amendment made by subsection (c) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2016.

SEC. 110. REPEAL OF TAX ON HEALTH SAVINGS ACCOUNTS.

(a) HSAS.—Section 223(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''20 percent'' and inserting ''10 percent''.

(b) ARCHER MSAS.—Section 220(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''20 percent'' and inserting ''15 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2016.

SEC. 111. REPEAL OF MEDICAL DEVICE EXCISE TAX.

Section 4191 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) APPLICABILITY.—The tax imposed under subsection (a) shall not apply to sales after December 31, 2017.''.

SEC. 112. REPEAL OF ELIMINATION OF DEDUCTION FOR EXPENSES ALLOCABLE TO MEDICARE PART D SUBSIDY.

(a) IN GENERAL.—Section 139A of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This section shall not be taken into account for purposes of determining whether any deduction is allowable with respect to any cost taken into account in determining such payment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 113. PURCHASE OF INSURANCE FROM HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual'' in subparagraph (A) and inserting ''any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual, and any child (as defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the end of such individual's taxable year'',

(2) by striking subparagraph (B) and inserting the following:

''(B) HEALTH INSURANCE MAY NOT BE PURCHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.'', and

(3) by striking ''or'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (C)(iv) and inserting '', or'', and by adding at the end the following:

''(v) a high deductible health plan but only to the extent of the portion of such expense in excess of—

''(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage,

''(II) any amount allowable as a deduction under section 162(l) with respect to such coverage, or

''(III) any amount excludable from gross income with respect to such coverage under section 106 (including by reason of section 125) or 402(l).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 114. PRIMARY CARE ENHANCEMENT.

(a) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—Section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—An arrangement under which an individual is provided coverage restricted to primary care services in

exchange for a fixed periodic fee or payment for such services—

''(A) shall not be treated as a health plan for purposes of paragraph (1)(A)(ii), and

''(B) shall not be treated as insurance for purposes of subsection (d)(2)(B).''.

(b) CERTAIN PROVIDER FEES TO BE TREATED AS MEDICAL CARE.—Section 213(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) PERIODIC PROVIDER FEES.—The term 'medical care' shall include periodic fees paid for a defined set of primary care medical services provided on an as-needed basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 115. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''$2,250'' and inserting ''the amount in effect under subsection (c)(2)(A)(ii)(I)''.

(b) FAMILY COVERAGE.—Section 223(b)(2)(B) of such Code is amended by striking ''$4,500'' and inserting ''the amount in effect under subsection (c)(2)(A)(ii)(II)''.

(c) COST-OF-LIVING ADJUSTMENT.—Section 223(g)(1) of such Code is amended—

(1) by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'', and

(2) in subparagraph (B), by striking ''determined by'' and all that follows through '' 'calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 116. ALLOW BOTH SPOUSES TO MAKE CATCH-UP CONTRIBUTIONS TO THE SAME HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(b)(5) of the Internal Revenue Code of 1986 is amended to read as follows:

''(5) SPECIAL RULE FOR MARRIED INDIVIDUALS WITH FAMILY COVERAGE.—

''(A) IN GENERAL.—In the case of individuals who are married to each other, if both spouses are eligible individuals and either spouse has family coverage under a high deductible health plan as of the first day of any month—

''(i) the limitation under paragraph (1) shall be applied by not taking into account any other high deductible health plan coverage of either spouse (and if such spouses both have family coverage under separate high deductible health plans, only one such coverage shall be taken into account),

''(ii) such limitation (after application of clause (i)) shall be reduced by the aggregate amount paid to Archer MSAs of such spouses for the taxable year, and

''(iii) such limitation (after application of clauses (i) and (ii)) shall be divided equally between such spouses unless they agree on a different division.

''(B) TREATMENT OF ADDITIONAL CONTRIBUTION AMOUNTS.—If both spouses referred to in subparagraph (A) have attained age 55 before the close of the taxable year, the limitation referred to in subparagraph (A)(iii) which is subject to division between the spouses shall include the additional contribution amounts determined under paragraph (3) for both spouses. In any other case, any additional contribution amount determined under paragraph (3) shall not be taken into account under subparagraph (A)(iii) and shall not be subject to division between the spouses.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 117. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 118. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

''A high deductible health plan shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 119. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. 120. MEDICAID.

The Social Security Act (42 U.S.C. 301 et seq.) is amended—

(1) in section 1902—

(A) in subsection (a)(10)(A), in each of clauses (i)(VIII) and (ii)(XX), by inserting ''and ending December 31, 2019,'' after ''January 1, 2014,''; and

(B) in subsection (a)(47)(B), by inserting ''and provided that any such election shall cease to be effective on January 1, 2020, and no such election shall be made after that date'' before the semicolon at the end;

(2) in section 1905—

(A) in the first sentence of subsection (b), by inserting ''(50 percent on or after January 1, 2020)'' after ''55 percent'';

(B) in subsection (y)(1), by striking the semicolon at the end of subparagraph (D) and all that follows through ''thereafter''; and

(C) in subsection (z)(2)—

(i) in subparagraph (A), by inserting ''through 2019'' after ''each year thereafter''; and

(ii) in subparagraph (B)(ii)(VI), by striking ''and each subsequent year'';

(3) in section 1915(k)(2), by striking ''during the period described in paragraph (1)'' and inserting ''on or after the date referred to in paragraph (1) and before January 1, 2020'';

(4) in section 1920(e), by adding at the end the following: ''This subsection shall not apply after December 31, 2019.'';

(5) in section 1937(b)(5), by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''; and

(6) in section 1943(a), by inserting ''and before January 1, 2020,'' after ''January 1, 2014,''.

SEC. 121. REPEAL OF MEDICAID EXPANSION.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2019,'' after ''2014,'';

(ii) in clause (ii)(XX), by inserting ''and ending December 31, 2017,'' after ''2014,''; and

(iii) in clause (ii), by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) EXPANSION ENROLLEES.—In this title:

''(1) IN GENERAL.—The term 'expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i); and

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.

''(2) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1), by striking ''; and'' at the end of subparagraph (D) and all that follows through ''thereafter''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A), by striking ''each year thereafter'' and inserting ''through 2019''; and

(ii) in subparagraph (B)(ii), by striking ''is 80 percent'' in subclause (IV) and all that follows through ''100 percent'' and inserting ''and subsequent years is 80 percent''.

SEC. 122. REDUCING STATE MEDICAID COSTS.

(a) IN GENERAL.—

(1) STATE PLAN REQUIREMENTS.—Section 1902(a)(34) of the Social Security Act (42 U.S.C. 1396a(a)(34)) is amended by striking ''in or after the third month'' and all that follows through ''individual)'' and inserting ''in or after the month in which the individual (or, in the case of a deceased individual, another individual acting on the individual's behalf) made application (or, in the case of an individual who is 65 years of age or older or who is eligible for medical assistance under the plan on the basis of being blind or disabled, in or after the third month before such month)''.

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by striking ''in or after the third month before the month in which the recipient makes application for assistance'' and inserting ''in or after the month in which the recipient makes application for assistance, or, in the case of a recipient who is 65 years of age or older or who is eligible for medical assistance on the basis of being blind or disabled at the time application is made, in or after the third month before the month in which the recipient makes application for assistance,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance with respect to individuals whose eligibility for such assistance is based on an application for such assistance made (or deemed to be made) on or after October 1, 2017.

SEC. 123. ELIGIBILITY REDETERMINATIONS.

(a) IN GENERAL.—Section 1902(e)(14) of the Social Security Act (42 U.S.C. 1396a(e)(14)) (relating to modified adjusted gross income) is amended by adding at the end the following:

''(J) FREQUENCY OF ELIGIBILITY REDETERMINATIONS.—Beginning on October 1, 2017, and notwithstanding subparagraph (H), in the case of an individual whose eligibility for medical assistance under the State plan under this title (or a waiver of such plan) is determined based on the application of modified adjusted gross income under subparagraph (A) and who is so eligible on the basis of clause (i)(VIII), (ii)(XX), or (ii)(XXIII) of subsection (a)(10)(A), at the option of the State, the State plan may provide that the individual's eligibility shall be redetermined every 6 months (or such shorter number of months as the State may elect).''.

(b) INCREASED ADMINISTRATIVE MATCHING PERCENTAGE.—For each calendar quarter during the period beginning on October 1, 2017, and ending on December 31, 2019, the Federal matching percentage otherwise applicable under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) with respect to State expenditures during such quarter that are attributable to meeting the requirement of section 1902(e)(14) (relating to determinations of eligibility using modified adjusted gross income) of such Act shall be increased by 5 percentage points with respect to State expenditures attributable to activities carried out by the State (and approved by the Secretary) to exercise the option described in subparagraph (J) of such section (relating to eligibility redeterminations made on a 6-month or shorter basis) (as added by subsection (a)) to increase the frequency of eligibility redeterminations.

SEC. 124. OPTIONAL WORK REQUIREMENT FOR NONDISABLED, NONELDERLY, NONPREGNANT INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as previously amended, is further amended by adding at the end the following new subsection:

''(oo) OPTIONAL WORK REQUIREMENT FOR NONDISABLED, NONELDERLY, NONPREGNANT INDIVIDUALS.—

''(1) IN GENERAL.—Beginning October 1, 2017, subject to paragraph (3), a State may elect to condition medical assistance to a nondisabled, nonelderly, nonpregnant individual under this title upon such an individual's satisfaction of a work requirement (as defined in paragraph (2)).

''(2) WORK REQUIREMENT DEFINED.—In this section, the term 'work requirement' means, with respect to an individual, the individual's participation in work activities (as defined in section 407(d)) for such period of time as determined by the State, and as directed and administered by the State.

''(3) REQUIRED EXCEPTIONS.—States administering a work requirement under this subsection may not apply such requirement to—

''(A) a woman during pregnancy through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) an individual who is under 19 years of age;

''(C) an individual who is the only parent or caretaker relative in the family of a child who has not attained 6 years of age or who is the only parent or caretaker of a child with disabilities; or

''(D) an individual who is married or a head of household and has not attained 20 years of age and who—

''(i) maintains satisfactory attendance at secondary school or the equivalent; or

''(ii) participates in education directly related to employment.''.

(b) INCREASE IN MATCHING RATE FOR IMPLEMENTATION.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:

''(aa) The Federal matching percentage otherwise applicable under subsection (a) with respect to State administrative expenditures during a calendar quarter for which the State receives payment under such subsection shall, in addition to any other increase to such Federal matching percentage, be increased for such calendar quarter by 5 percentage points with respect to State expenditures attributable to activities carried out by the State (and approved by the Secretary) to implement subsection (oo) of section 1902.''.

SEC. 125. PROVIDER TAXES.

Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396b(w)(4)(C)) is amended by adding at the end the following new clause:

''(iii) For purposes of clause (i), a determination of the existence of an indirect guarantee shall be made under paragraph (3)(i) of section 433.68(f) of title 42, Code of Federal Regulations, as in effect on June 1, 2017, except that—

''(I) for fiscal year 2021, '5.8 percent' shall be substituted for '6 percent' each place it appears;

''(II) for fiscal year 2022, '5.6 percent' shall be substituted for '6 percent' each place it appears;

''(III) for fiscal year 2023, '5.4 percent' shall be substituted for '6 percent' each place it appears;

''(IV) for fiscal year 2024, '5.2 percent' shall be substituted for '6 percent' each place it appears; and

''(V) for fiscal year 2025 and each subsequent fiscal year, '5 percent' shall be substituted for '6 percent' each place it appears.''.

SEC. 126. PER CAPITA ALLOTMENT FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended—

(1) in section 1903 (42 U.S.C. 1396b)—

(A) in subsection (a), in the matter before paragraph (1), by inserting ''and section 1903A(a)'' after ''except as otherwise provided in this section''; and

(B) in subsection (d)(1), by striking ''to which'' and inserting ''to which, subject to section 1903A(a),''; and

(2) by inserting after such section 1903 the following new section:

''SEC. 1903A. PER CAPITA-BASED CAP ON PAYMENTS FOR MEDICAL ASSISTANCE.

''(a) APPLICATION OF PER CAPITA CAP ON PAYMENTS FOR MEDICAL ASSISTANCE EXPENDITURES.—

''(1) IN GENERAL.—If a State which is one of the 50 States or the District of Columbia has excess aggregate medical assistance expenditures (as defined in paragraph (2)) for a fiscal year (beginning with fiscal year 2020), the amount of payment to the State under section 1903(a)(1) for each quarter in the following fiscal year shall be reduced by ¼ of the excess aggregate medical assistance payments (as defined in paragraph (3)) for that previous fiscal year. In this section, the term 'State' means only the 50 States and the District of Columbia.

''(2) EXCESS AGGREGATE MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term 'excess aggregate medical assistance expenditures' means, for a State for a fiscal year, the amount (if any) by which—

''(A) the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State and fiscal year; exceeds

''(B) the amount of the target total medical assistance expenditures (as defined in subsection (c)) for the State and fiscal year.

''(3) EXCESS AGGREGATE MEDICAL ASSISTANCE PAYMENTS.—In this subsection, the term 'excess aggregate medical assistance payments' means, for a State for a fiscal year, the product of—

''(A) the excess aggregate medical assistance expenditures (as defined in paragraph (2)) for the State for the fiscal year; and

''(B) the Federal average medical assistance matching percentage (as defined in paragraph (4)) for the State for the fiscal year.

''(4) FEDERAL AVERAGE MEDICAL ASSISTANCE MATCHING PERCENTAGE.—In this subsection, the term 'Federal average medical assistance matching percentage' means, for a State for a fiscal year, the ratio (expressed as a percentage) of—

''(A) the amount of the Federal payments that would be made to the State under section 1903(a)(1) for medical assistance expenditures for calendar quarters in the fiscal year if paragraph (1) did not apply; to

''(B) the amount of the medical assistance expenditures for the State and fiscal year.

''(5) PER CAPITA BASE PERIOD.—

''(A) IN GENERAL.—In this section, the term 'per capita base period' means, with respect

to a State, a period of 8 (or, in the case of a State selecting a period under subparagraph (D), not less than 4) consecutive fiscal quarters selected by the State.

''(B) TIMELINE.—Each State shall submit its selection of a per capita base period to the Secretary not later than January 1, 2018.

''(C) PARAMETERS.—In selecting a per capita base period under this paragraph, a State shall—

''(i) only select a period of 8 (or, in the case of a State selecting a base period under subparagraph (D), not less than 4) consecutive fiscal quarters for which all the data necessary to make determinations required under this section is available, as determined by the Secretary; and

''(ii) shall not select any period of 8 (or, in the case of a State selecting a base period under subparagraph (D), not less than 4) consecutive fiscal quarters that begins with a fiscal quarter earlier than the first quarter of fiscal year 2014 or ends with a fiscal quarter later than the third fiscal quarter of 2017.

''(D) BASE PERIOD FOR LATE-EXPANDING STATES.—

''(i) IN GENERAL.—In the case of a State that did not provide for medical assistance for the 1903A enrollee category described in subsection (e)(2)(D) as of the first day of the fourth fiscal quarter of fiscal year 2015 but which provided for such assistance for such category in a subsequent fiscal quarter that is not later than the fourth quarter of fiscal year 2016, the State may select a per capita base period that is less than 8 consecutive fiscal quarters, but in no case shall the period selected be less than 4 consecutive fiscal quarters.

''(ii) APPLICATION OF OTHER REQUIREMENTS.—Except for the requirement that a per capita base period be a period of 8 consecutive fiscal quarters, all other requirements of this paragraph shall apply to a per capita base period selected under this subparagraph.

''(iii) APPLICATION OF BASE PERIOD ADJUSTMENTS.—The adjustments to amounts for per capita base periods required under subsections (b)(5) and (d)(4)(E) shall be applied to amounts for per capita base periods selected under this subparagraph by substituting 'divided by the ratio that the number of quarters in the base period bears to 4' for 'divided by 2'.

''(E) ADJUSTMENT BY THE SECRETARY.—If the Secretary determines that a State took actions after the date of enactment of this section (including making retroactive adjustments to supplemental payment data in a manner that affects a fiscal quarter in the per capita base period) to diminish the quality of the data from the per capita base period used to make determinations under this section, the Secretary may adjust the data as the Secretary deems appropriate.

''(b) ADJUSTED TOTAL MEDICAL ASSISTANCE EXPENDITURES.—Subject to subsection (g), the following shall apply:

''(1) IN GENERAL.—In this section, the term 'adjusted total medical assistance expenditures' means, for a State—

''(A) for the State's per capita base period (as defined in subsection (a)(5)), the product of—

''(i) the amount of the medical assistance expenditures (as defined in paragraph (2) and adjusted under paragraph (5)) for the State and period, reduced by the amount of any excluded expenditures (as defined in paragraph (3) and adjusted under paragraph (5)) for the State and period otherwise included in such medical assistance expenditures; and

''(ii) the 1903A base period population percentage (as defined in paragraph (4)) for the State; or

''(B) for fiscal year 2019 or a subsequent fiscal year, the amount of the medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that is attributable to 1903A enrollees, reduced by the amount of any excluded expenditures (as defined in paragraph (3)) for the State and fiscal year otherwise included in such medical assistance expenditures and includes non-DSH supplemental payments (as defined in subsection (d)(4)(A)(ii)) and payments described in subsection (d)(4)(A)(iii) but shall not be construed as including any expenditures attributable to the program under section 1928 (relating to State pediatric vaccine distribution programs). In applying subparagraph (B), non-DSH supplemental payments (as defined in subsection (d)(4)(A)(ii)) and payments described in subsection (d)(4)(A)(iii) shall be treated as fully attributable to 1903A enrollees.

''(2) MEDICAL ASSISTANCE EXPENDITURES.—In this section, the term 'medical assistance expenditures' means, for a State and fiscal year or per capita base period, the medical assistance payments as reported by medical service category on the Form CMS-64 quarterly expense report (or successor to such a report form, and including enrollment data and subsequent adjustments to any such report, in this section referred to collectively as a 'CMS-64 report') for quarters in the year or base period for which payment is (or may otherwise be) made pursuant to section 1903(a)(1), adjusted, in the case of a per capita base period, under paragraph (5).

''(3) EXCLUDED EXPENDITURES.—In this section, the term 'excluded expenditures' means, for a State and fiscal year or per capita base period, expenditures under the State plan (or under a waiver of such plan) that are attributable to any of the following:

''(A) DSH.—Payment adjustments made for disproportionate share hospitals under section 1923.

''(B) MEDICARE COST-SHARING.—Payments made for medicare cost-sharing (as defined in section 1905(p)(3)).

''(C) SAFETY NET PROVIDER PAYMENT ADJUSTMENTS IN NON-EXPANSION STATES.—Payment adjustments under subsection (a) of section 1923A for which payment is permitted under subsection (c) of such section.

''(D) EXPENDITURES FOR PUBLIC HEALTH EMERGENCIES.—Any expenditures that are subject to a public health emergency exclusion under paragraph (6).

''(4) 1903A BASE PERIOD POPULATION PERCENTAGE.—In this subsection, the term '1903A base period population percentage' means, for a State, the Secretary's calculation of the percentage of the actual medical assistance expenditures, as reported by the State on the CMS–64 reports for calendar quarters in the State's per capita base period, that are attributable to 1903A enrollees (as defined in subsection (e)(1)).

''(5) ADJUSTMENTS FOR PER CAPITA BASE PERIOD.—In calculating medical assistance expenditures under paragraph (2) and excluded expenditures under paragraph (3) for a State for the State's per capita base period, the total amount of each type of expenditure for the State and base period shall be divided by 2.

''(6) AUTHORITY TO EXCLUDE STATE EXPENDITURES FROM CAPS DURING PUBLIC HEALTH EMERGENCY.—

''(A) IN GENERAL.—During the period that begins on January 1, 2020, and ends on December 31, 2024, the Secretary may exclude, from a State's medical assistance expenditures for a fiscal year or portion of a fiscal year that occurs during such period, an amount that shall not exceed the amount determined under subparagraph (B) for the State and year or portion of a year if—

''(i) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act existed within the State during such year or portion of a year; and

''(ii) the Secretary determines that such an exemption would be appropriate.

''(B) MAXIMUM AMOUNT OF ADJUSTMENT.—The amount excluded for a State and fiscal year or portion of a fiscal year under this paragraph shall not exceed the amount by which—

''(i) the amount of State expenditures for medical assistance for 1903A enrollees in areas of the State which are subject to a declaration described in subparagraph (A)(i) for the fiscal year or portion of a fiscal year; exceeds

''(ii) the amount of such expenditures for such enrollees in such areas during the most recent fiscal year or portion of a fiscal year of equal length to the portion of a fiscal year involved during which no such declaration was in effect.

''(C) AGGREGATE LIMITATION ON EXCLUSIONS AND ADDITIONAL BLOCK GRANT PAYMENTS.—The aggregate amount of expenditures excluded under this paragraph and additional payments made under section 1903B(c)(3)(E) for the period described in subparagraph (A) shall not exceed $5,000,000,000.

''(D) REVIEW.—If the Secretary exercises the authority under this paragraph with respect to a State for a fiscal year or portion of a fiscal year, the Secretary shall, not later than 6 months after the declaration described in subparagraph (A)(i) ceases to be in effect, conduct an audit of the State's medical assistance expenditures for 1903A enrollees during the year or portion of a year to ensure that all of the expenditures so excluded were made for the purpose of ensuring that the health care needs of 1903A enrollees in areas affected by a public health emergency are met.

''(c) TARGET TOTAL MEDICAL ASSISTANCE EXPENDITURES.—

''(1) CALCULATION.—In this section, the term 'target total medical assistance expenditures' means, for a State for a fiscal year, the sum of the products, for each of the 1903A enrollee categories (as defined in subsection (e)(2)), of—

''(A) the target per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year; and

''(B) the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4).

''(2) TARGET PER CAPITA MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term 'target per capita medical assistance expenditures' means, for a 1903A enrollee category and State—

''(A) for fiscal year 2020, an amount equal to—

''(i) the provisional FY19 target per capita amount for such enrollee category (as calculated under subsection (d)(5)) for the State; increased by

''(ii) the applicable annual inflation factor (as defined in paragraph (3)) for fiscal year 2020; and

''(B) for each succeeding fiscal year, an amount equal to—

''(i) the target per capita medical assistance expenditures (under subparagraph (A) or this subparagraph) for the 1903A enrollee category and State for the preceding fiscal year; increased by

''(ii) the applicable annual inflation factor for that succeeding fiscal year.

''(3) APPLICABLE ANNUAL INFLATION FACTOR.—In paragraph (2), the term 'applicable annual inflation factor' means—

''(A) for fiscal years before 2025—

''(i) for each of the 1903A enrollee categories described in subparagraphs (C), (D), and (E) of subsection (e)(2), the percentage increase in the medical care component of

the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved; and

''(ii) for each of the 1903A enrollee categories described in subparagraphs (A) and (B) of subsection (e)(2), the percentage increase described in clause (i) plus 1 percentage point; and

''(B) for fiscal years after 2024, for all 1903A enrollee categories, the percentage increase in the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved.

''(4) ADJUSTMENTS TO STATE EXPENDITURES TARGETS TO PROMOTE PROGRAM EQUITY ACROSS STATES.—

''(A) IN GENERAL.—Beginning with fiscal year 2020, the target per capita medical assistance expenditures for a 1903A enrollee category, State, and fiscal year, as determined under paragraph (2), shall be adjusted (subject to subparagraph (C)(i)) in accordance with this paragraph.

''(B) ADJUSTMENT BASED ON LEVEL OF PER CAPITA SPENDING FOR 1903A ENROLLEE CATEGORIES.—Subject to subparagraph (C), with respect to a State, fiscal year, and 1903A enrollee category, if the State's per capita categorical medical assistance expenditures (as defined in subparagraph (D)) for the State and category in the preceding fiscal year—

''(i) exceed the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be reduced by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 2 percent; or

''(ii) are less than the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be increased by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 2 percent.

''(C) RULES OF APPLICATION.—

''(i) BUDGET NEUTRALITY REQUIREMENT.—In determining the appropriate percentages by which to adjust States' target per capita medical assistance expenditures for a category and fiscal year under this paragraph, the Secretary shall make such adjustments in a manner that does not result in a net increase in Federal payments under this section for such fiscal year, and if the Secretary cannot adjust such expenditures in such a manner there shall be no adjustment under this paragraph for such fiscal year.

''(ii) ASSUMPTION REGARDING STATE EXPENDITURES.—For purposes of clause (i), in the case of a State that has its target per capita medical assistance expenditures for a 1903A enrollee category and fiscal year increased under this paragraph, the Secretary shall assume that the categorical medical assistance expenditures (as defined in subparagraph (D)(ii)) for such State, category, and fiscal year will equal such increased target medical assistance expenditures.

''(iii) NONAPPLICATION TO LOW-DENSITY STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile, based on the most recent data available from the Bureau of the Census.

''(iv) DISREGARD OF ADJUSTMENT.—Any adjustment under this paragraph to target medical assistance expenditures for a State, 1903A enrollee category, and fiscal year shall be disregarded when determining the target medical assistance expenditures for such State and category for a succeeding year under paragraph (2).

''(v) APPLICATION FOR FISCAL YEARS 2020 AND 2021.—In fiscal years 2020 and 2021, the Secretary shall apply this paragraph by deeming all categories of 1903A enrollees to be a single category.

''(D) PER CAPITA CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—

''(i) IN GENERAL.—In this paragraph, the term 'per capita categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to—

''(I) the categorical medical expenditures (as defined in clause (ii)) for the State, category, and year; divided by

''(II) the number of 1903A enrollees for the State, category, and year.

''(ii) CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—The term 'categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to the total medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that are attributable to 1903A enrollees in the category, excluding any excluded expenditures (as defined in paragraph (3)) for the State and fiscal year that are attributable to 1903A enrollees in the category.

''(d) CALCULATION OF FY19 PROVISIONAL TARGET AMOUNT FOR EACH 1903A ENROLLEE CATEGORY.—Subject to subsection (g), the following shall apply:

''(1) CALCULATION OF BASE AMOUNTS FOR PER CAPITA BASE PERIOD.—For each State the Secretary shall calculate (and provide notice to the State not later than April 1, 2018, of) the following:

''(A) The amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for the State's per capita base period.

''(B) The number of 1903A enrollees for the State in the State's per capita base period (as determined under subsection (e)(4)).

''(C) The average per capita medical assistance expenditures for the State for the State's per capita base period equal to—

''(i) the amount calculated under subparagraph (A); divided by

''(ii) the number calculated under subparagraph (B).

''(2) FISCAL YEAR 2019 AVERAGE PER CAPITA AMOUNT BASED ON INFLATING THE PER CAPITA BASE PERIOD AMOUNT TO FISCAL YEAR 2019 BY CPI-MEDICAL.—The Secretary shall calculate a fiscal year 2019 average per capita amount for each State equal to—

''(A) the average per capita medical assistance expenditures for the State for the State's per capita base period (calculated under paragraph (1)(C)); increased by

''(B) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from the last month of the State's per capita base period to September of fiscal year 2019.

''(3) AGGREGATE AND AVERAGE EXPENDITURES PER CAPITA FOR FISCAL YEAR 2019.—The Secretary shall calculate for each State the following:

''(A) The amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019.

''(B) The number of 1903A enrollees for the State in fiscal year 2019 (as determined under subsection (e)(4)).

''(4) PER CAPITA EXPENDITURES FOR FISCAL YEAR 2019 FOR EACH 1903A ENROLLEE CATEGORY.—The Secretary shall calculate (and provide notice to each State not later than January 1, 2020, of) the following:

''(A)(i) For each 1903A enrollee category, the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019 for individuals in the enrollee category, calculated by excluding from medical assistance expenditures those expenditures attributable to expenditures described in clause (iii) or non-DSH supplemental expenditures (as defined in clause (ii)).

''(ii) In this paragraph, the term 'non-DSH supplemental expenditure' means a payment to a provider under the State plan (or under a waiver of the plan) that—

''(I) is not made under section 1923;

''(II) is not made with respect to a specific item or service for an individual;

''(III) is in addition to any payments made to the provider under the plan (or waiver) for any such item or service; and

''(IV) complies with the limits for additional payments to providers under the plan (or waiver) imposed pursuant to section 1902(a)(30)(A), including the regulations specifying upper payment limits under the State plan in part 447 of title 42, Code of Federal Regulations (or any successor regulations).

''(iii) An expenditure described in this clause is an expenditure that meets the criteria specified in subclauses (I), (II), and (III) of clause (ii) and is authorized under section 1115 for the purposes of funding a delivery system reform pool, uncompensated care pool, a designated State health program, or any other similar expenditure (as defined by the Secretary).

''(B) For each 1903A enrollee category, the number of 1903A enrollees for the State in fiscal year 2019 in the enrollee category (as determined under subsection (e)(4)).

''(C) For the State's per capita base period, the State's non-DSH supplemental and pool payment percentage is equal to the ratio (expressed as a percentage) of—

''(i) the total amount of non-DSH supplemental expenditures (as defined in subparagraph (A)(ii) and adjusted under subparagraph (E)) and payments described in subparagraph (A)(iii) (and adjusted under subparagraph (E)) for the State for the period; to

''(ii) the amount described in subsection (b)(1)(A) for the State for the State's per capita base period.

''(D) For each 1903A enrollee category an average medical assistance expenditures per capita for the State for fiscal year 2019 for the enrollee category equal to—

''(i) the amount calculated under subparagraph (A) for the State, increased by the non-DSH supplemental and pool payment percentage for the State (as calculated under subparagraph (C)); divided by

''(ii) the number calculated under subparagraph (B) for the State for the enrollee category.

''(E) For purposes of subparagraph (C)(i), in calculating the total amount of non-DSH supplemental expenditures and payments described in subparagraph (A)(iii) for a State for the per capita base period, the total amount of such expenditures and the total amount of such payments for the State and base period shall each be divided by 2.

''(5) PROVISIONAL FY19 PER CAPITA TARGET AMOUNT FOR EACH 1903A ENROLLEE CATEGORY.—Subject to subsection (f)(2), the Secretary shall calculate for each State a provisional FY19 per capita target amount for each 1903A enrollee category equal to the average medical assistance expenditures per capita for the State for fiscal year 2019 (as calculated under paragraph (4)(D)) for such enrollee category multiplied by the ratio of—

''(A) the product of—

''(i) the fiscal year 2019 average per capita amount for the State, as calculated under paragraph (2); and

''(ii) the number of 1903A enrollees for the State in fiscal year 2019, as calculated under paragraph (3)(B); to

''(B) the amount of the adjusted total medical assistance expenditures for the State for fiscal year 2019, as calculated under paragraph (3)(A).

''(e) 1903A ENROLLEE; 1903A ENROLLEE CATEGORY.—Subject to subsection (g), for purposes of this section, the following shall apply:

''(1) 1903A ENROLLEE.—The term '1903A enrollee' means, with respect to a State and a month and subject to subsection (i)(1)(B), any Medicaid enrollee (as defined in paragraph (3)) for the month, other than such an enrollee who for such month is in any of the following categories of excluded individuals:

''(A) CHIP.—An individual who is provided, under this title in the manner described in section 2101(a)(2), child health assistance under title XXI.

''(B) IHS.—An individual who receives any medical assistance under this title for services for which payment is made under the third sentence of section 1905(b).

''(C) BREAST AND CERVICAL CANCER SERVICES ELIGIBLE INDIVIDUAL.—An individual who is eligible for medical assistance under this title only on the basis of section 1902(a)(10)(A)(ii)(XVIII).

''(D) PARTIAL-BENEFIT ENROLLEES.—An individual who—

''(i) is an alien who is eligible for medical assistance under this title only on the basis of section 1903(v)(2);

''(ii) is eligible for medical assistance under this title only on the basis of subclause (XII) or (XXI) of section 1902(a)(10)(A)(ii) (or on the basis of a waiver that provides only comparable benefits);

''(iii) is a dual eligible individual (as defined in section 1915(h)(2)(B)) and is eligible for medical assistance under this title (or under a waiver) only for some or all of medicare cost-sharing (as defined in section 1905(p)(3)); or

''(iv) is eligible for medical assistance under this title and for whom the State is providing a payment or subsidy to an employer for coverage of the individual under a group health plan pursuant to section 1906 or section 1906A (or pursuant to a waiver that provides only comparable benefits).

''(E) BLIND AND DISABLED CHILDREN.—An individual who—

''(i) is a child under 19 years of age; and

''(ii) is eligible for medical assistance under this title on the basis of being blind or disabled.

''(2) 1903A ENROLLEE CATEGORY.—The term '1903A enrollee category' means each of the following:

''(A) ELDERLY.—A category of 1903A enrollees who are 65 years of age or older.

''(B) BLIND AND DISABLED.—A category of 1903A enrollees (not described in the previous subparagraph) who—

''(i) are 19 years of age or older; and

''(ii) are eligible for medical assistance under this title on the basis of being blind or disabled.

''(C) CHILDREN.—A category of 1903A enrollees (not described in a previous subparagraph) who are children under 19 years of age.

''(D) EXPANSION ENROLLEES.—A category of 1903A enrollees (not described in a previous subparagraph) who are eligible for medical assistance under this title only on the basis of clause (i)(VIII), (ii)(XX), or (ii)(XXIII) of section 1902(a)(10)(A).

''(E) OTHER NONELDERLY, NONDISABLED, NON-EXPANSION ADULTS.—A category of 1903A enrollees who are not described in any previous subparagraph.

''(3) MEDICAID ENROLLEE.—The term 'Medicaid enrollee' means, with respect to a State for a month, an individual who is eligible for medical assistance for items or services under this title and enrolled under the State plan (or a waiver of such plan) under this title for the month.

''(4) DETERMINATION OF NUMBER OF 1903A ENROLLEES.—The number of 1903A enrollees for a State and fiscal year or the State's per capita base period, and, if applicable, for a 1903A enrollee category, is the average monthly number of Medicaid enrollees for such State and fiscal year or base period (and, if applicable, in such category) that are reported through the CMS–64 report under (and subject to audit under) subsection (h).

''(f) SPECIAL PAYMENT RULES.—

''(1) APPLICATION IN CASE OF RESEARCH AND DEMONSTRATION PROJECTS AND OTHER WAIVERS.—In the case of a State with a waiver of the State plan approved under section 1115, section 1915, or another provision of this title, this section shall apply to medical assistance expenditures and medical assistance payments under the waiver, in the same manner as if such expenditures and payments had been made under a State plan under this title and the limitations on expenditures under this section shall supersede any other payment limitations or provisions (including limitations based on a per capita limitation) otherwise applicable under such a waiver.

''(2) TREATMENT OF STATES EXPANDING COVERAGE AFTER JULY 1, 2016.—In the case of a State that did not provide for medical assistance for the 1903A enrollee category described in subsection (e)(2)(D) as of July 1, 2016, but which subsequently provides for such assistance for such category, the provisional FY19 per capita target amount for such enrollee category under subsection (d)(5) shall be equal to the provisional FY19 per capita target amount for the 1903A enrollee category described in subsection (e)(2)(E).

''(3) IN CASE OF STATE FAILURE TO REPORT NECESSARY DATA.—If a State for any quarter in a fiscal year (beginning with fiscal year 2019) fails to satisfactorily submit data on expenditures and enrollees in accordance with subsection (h)(1), for such fiscal year and any succeeding fiscal year for which such data are not satisfactorily submitted—

''(A) the Secretary shall calculate and apply subsections (a) through (e) with respect to the State as if all 1903A enrollee categories for which such expenditure and enrollee data were not satisfactorily submitted were a single 1903A enrollee category; and

''(B) the growth factor otherwise applied under subsection (c)(2)(B) shall be decreased by 1 percentage point.

''(g) RECALCULATION OF CERTAIN AMOUNTS FOR DATA ERRORS.—The amounts and percentage calculated under paragraphs (1) and (4)(C) of subsection (d) for a State for the State's per capita base period, and the amounts of the adjusted total medical assistance expenditures calculated under subsection (b) and the number of Medicaid enrollees and 1903A enrollees determined under subsection (e)(4) for a State for the State's per capita base period, fiscal year 2019, and any subsequent fiscal year, may be adjusted by the Secretary based upon an appeal (filed by the State in such a form, manner, and time, and containing such information relating to data errors that support such appeal, as the Secretary specifies) that the Secretary determines to be valid, except that any adjustment by the Secretary under this subsection for a State may not result in an increase of the target total medical assistance expenditures exceeding 2 percent.

''(h) REQUIRED REPORTING AND AUDITING; TRANSITIONAL INCREASE IN FEDERAL MATCHING PERCENTAGE FOR CERTAIN ADMINISTRATIVE EXPENSES.—

''(1) AUDITING OF CMS–64 DATA.—The Secretary shall conduct for each State an audit of the number of individuals and expenditures reported through the CMS–64 report for the State's per capita base period, fiscal year 2019, and each subsequent fiscal year, which audit may be conducted on a representative sample (as determined by the Secretary).

''(2) AUDITING OF STATE SPENDING.—The Inspector General of the Department of Health and Human Services shall conduct an audit (which shall be conducted using random sampling, as determined by the Inspector General) of each State's spending under this section not less than once every 3 years.

''(3) TEMPORARY INCREASE IN FEDERAL MATCHING PERCENTAGE TO SUPPORT IMPROVED DATA REPORTING SYSTEMS FOR FISCAL YEARS 2018 AND 2019.—In the case of any State that selects as its per capita base period the most recent 8 consecutive quarter period for which the data necessary to make the determinations required under this section is available, for amounts expended during calendar quarters beginning on or after October 1, 2017, and before October 1, 2019—

''(A) the Federal matching percentage applied under section 1903(a)(3)(A)(i) shall be increased by 10 percentage points to 100 percent; and

''(B) the Federal matching percentage applied under section 1903(a)(3)(B) shall be increased by 25 percentage points to 100 percent.

''(4) HHS REPORT ON ADOPTION OF T–MSIS DATA.—Not later than January 1, 2025, the Secretary shall submit to Congress a report making recommendations as to whether data from the Transformed Medicaid Statistical Information System would be preferable to CMS–64 report data for purposes of making the determinations necessary under this section.''.

(b) ENSURING ACCESS TO HOME AND COMMUNITY BASED SERVICES.—Section 1915 of the Social Security Act (42 U.S.C. 1396n) is amended by adding at the end the following new subsection:

''(1) INCENTIVE PAYMENTS FOR HOME AND COMMUNITY-BASED SERVICES.—

''(1) IN GENERAL.—The Secretary shall establish a demonstration project (referred to in this subsection as the 'demonstration project') under which eligible States may make HCBS payment adjustments for the purpose of continuing to provide and improving the quality of home and community-based services provided under a waiver under subsection (c) or (d) or a State plan amendment under subsection (i).

''(2) SELECTION OF ELIGIBLE STATES.—

''(A) APPLICATION.—A State seeking to participate in the demonstration project shall submit to the Secretary, at such time and in such manner as the Secretary shall require, an application that includes—

''(i) an assurance that any HCBS payment adjustment made by the State under this subsection will comply with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A); and

''(ii) such other information and assurances as the Secretary shall require.

''(B) SELECTION.—The Secretary shall select States to participate in the demonstration project on a competitive basis except that, in making selections under this paragraph, the Secretary shall give priority to any State that is one of the 15 States in the United States with the lowest population density, as determined by the Secretary based on data from the Bureau of the Census.

''(3) TERM OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted for the 4-year period beginning on January 1, 2020, and ending on December 31, 2023.

''(4) STATE ALLOTMENTS AND INCREASED FMAP FOR PAYMENT ADJUSTMENTS.—

''(A) IN GENERAL.—

''(i) ANNUAL ALLOTMENT.—Subject to clause (ii), for each year of the demonstration project, the Secretary shall allot an amount to each State that is an eligible State for the year.

''(ii) LIMITATION ON FEDERAL SPENDING.—The aggregate amount that may be allotted to eligible States under clause (i) for all years of the demonstration project shall not exceed $8,000,000,000.

''(B) FMAP APPLICABLE TO HCBS PAYMENT ADJUSTMENTS.—For each year of the demonstration project, notwithstanding section 1905(b) but subject to the limitations described in subparagraph (C), the Federal medical assistance percentage applicable with respect to expenditures by an eligible State that are attributable to HCBS payment adjustments shall be equal to (and shall in no case exceed) 100 percent.

''(C) INDIVIDUAL PROVIDER AND ALLOTMENT LIMITATIONS.—Payment under section 1903(a) shall not be made to an eligible State for expenditures for a year that are attributable to an HCBS payment adjustment—

''(i) that is paid to a single provider and exceeds a percentage which shall be established by the Secretary of the payment otherwise made to the provider; or

''(ii) to the extent that the aggregate amount of HCBS payment adjustments made by the State in the year exceeds the amount allotted to the State for the year under clause (i).

''(5) REPORTING AND EVALUATION.—

''(A) IN GENERAL.—As a condition of receiving the increased Federal medical assistance percentage described in paragraph (4)(B), each eligible State shall collect and report information, as determined necessary by the Secretary, for the purposes of providing Federal oversight and evaluating the State's compliance with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A).

''(B) FORMS.—Expenditures by eligible States on HCBS payment adjustments shall be separately reported on the CMS-64 Form and in T-MSIS.

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

''(A) ELIGIBLE STATE.—The term 'eligible State' means a State that—

''(i) is one of the 50 States or the District of Columbia;

''(ii) has in effect—

''(I) a waiver under subsection (c) or (d); or

''(II) a State plan amendment under subsection (i);

''(iii) submits an application under paragraph (2)(A); and

''(iv) is selected by the Secretary to participate in the demonstration project.

''(B) HCBS PAYMENT ADJUSTMENT.—The term 'HCBS payment adjustment' means a payment adjustment made by an eligible State to the amount of payment otherwise provided under a waiver under subsection (c) or (d) or a State plan amendment under subsection (i) for a home and community-based service which is provided to a 1903A enrollee (as defined in section 1903A(e)(1)) who is in the enrollee category described in subparagraph (A) or (B) of section 1903A(e)(2).''.

SEC. 127. FLEXIBLE BLOCK GRANT OPTION FOR STATES.

Title XIX of the Social Security Act, as previously amended, is further amended by inserting after section 1903A the following new section:

''SEC. 1903B. MEDICAID FLEXIBILITY PROGRAM.

''(a) IN GENERAL.—Beginning with fiscal year 2020, any State (as defined in subsection (e)) that has an application approved by the Secretary under subsection (b) may conduct a Medicaid Flexibility Program to provide targeted health assistance to program enrollees.

''(b) STATE APPLICATION.—

''(1) IN GENERAL.—To be eligible to conduct a Medicaid Flexibility Program, a State shall submit an application to the Secretary that meets the requirements of this subsection.

''(2) CONTENTS OF APPLICATION.—An application under this subsection shall include the following:

''(A) A description of the proposed Medicaid Flexibility Program and how the State will satisfy the requirements described in subsection (d).

''(B) The proposed conditions for eligibility of program enrollees.

''(C) The applicable program enrollee category (as defined in subsection (e)(1)).

''(D) A description of the types, amount, duration, and scope of services which will be offered as targeted health assistance under the program, including a description of the proposed package of services which will be provided to program enrollees to whom the State would otherwise be required to make medical assistance available under section 1902(a)(10)(A)(i).

''(E) A description of how the State will notify individuals currently enrolled in the State plan for medical assistance under this title of the transition to such program.

''(F) Statements certifying that the State agrees to—

''(i) submit regular enrollment data with respect to the program to the Centers for Medicare & Medicaid Services at such time and in such manner as the Secretary may require;

''(ii) submit timely and accurate data to the Transformed Medicaid Statistical Information System (T–MSIS);

''(iii) report annually to the Secretary on adult health quality measures implemented under the program and information on the quality of health care furnished to program enrollees under the program as part of the annual report required under section 1139B(d)(1);

''(iv) submit such additional data and information not described in any of the preceding clauses of this subparagraph but which the Secretary determines is necessary for monitoring, evaluation, or program integrity purposes, including—

''(I) survey data, such as the data from Consumer Assessment of Healthcare Providers and Systems (CAHPS) surveys;

''(II) birth certificate data; and

''(III) clinical patient data for quality measurements which may not be present in a claim, such as laboratory data, body mass index, and blood pressure; and

''(v) on an annual basis, conduct a report evaluating the program and make such report available to the public.

''(G) An information technology systems plan demonstrating that the State has the capability to support the technological administration of the program and comply with reporting requirements under this section.

''(H) A statement of the goals of the proposed program, which shall include—

''(i) goals related to quality, access, rate of growth targets, consumer satisfaction, and outcomes;

''(ii) a plan for monitoring and evaluating the program to determine whether such goals are being met; and

''(iii) a proposed process for the State, in consultation with the Centers for Medicare & Medicaid Services, to take remedial action to make progress on unmet goals.

''(I) Such other information as the Secretary may require.

''(3) STATE NOTICE AND COMMENT PERIOD.—

''(A) IN GENERAL.—Before submitting an application under this subsection, a State shall make the application publicly available for a 30 day notice and comment period.

''(B) NOTICE AND COMMENT PROCESS.—During the notice and comment period described in subparagraph (A), the State shall provide opportunities for a meaningful level of public input, which shall include public hearings on the proposed Medicaid Flexibility Program.

''(4) FEDERAL NOTICE AND COMMENT PERIOD.—The Secretary shall not approve of any application to conduct a Medicaid Flexibility Program without making such application publicly available for a 30 day notice and comment period.

''(5) TIMELINE FOR SUBMISSION.—

''(A) IN GENERAL.—A State may submit an application under this subsection to conduct a Medicaid Flexibility Program that would begin in the next fiscal year at any time, subject to subparagraph (B).

''(B) DEADLINES.—Each year beginning with 2019, the Secretary shall specify a deadline for submitting an application under this subsection to conduct a Medicaid Flexibility Program that would begin in the next fiscal year, but such deadline shall not be earlier than 60 days after the date that the Secretary publishes the amounts of State block grants as required under subsection (c)(4).

''(c) FINANCING.—

''(1) IN GENERAL.—For each fiscal year during which a State is conducting a Medicaid Flexibility Program, the State shall receive, instead of amounts otherwise payable to the State under this title for medical assistance for program enrollees, the amount specified in paragraph (3)(A).

''(2) AMOUNT OF BLOCK GRANT FUNDS.—

''(A) IN GENERAL.—The block grant amount under this paragraph for a State and year shall be equal to the sum of the amounts determined under subparagraph (B) for each 1903A enrollee category within the applicable program enrollee category for the State and year.

''(B) ENROLLEE CATEGORY AMOUNTS.—

''(i) FOR INITIAL YEAR.—Subject to subparagraph (C), for the first fiscal year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State, the amount determined under this subparagraph for the State, year, and category shall be equal to the Federal average medical assistance matching percentage (as defined in section 1903A(a)(4)) for the State and year multiplied by the product of—

''(I) the target per capita medical assistance expenditures (as defined in section 1903A(c)(2)) for the State, year, and category; and

''(II) the number of 1903A enrollees in such category for the State for the second fiscal year preceding such first fiscal year, increased by the percentage increase in State population from such second preceding fiscal year to such first fiscal year, based on the best available estimates of the Bureau of the Census.

''(ii) FOR ANY SUBSEQUENT YEAR.—For any fiscal year that is not the first fiscal year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State, the block grant amount under this paragraph for the State, year, and category shall be equal to the amount determined for the State and category for the most recent previous fiscal year in which the

State conducted a Medicaid Flexibility Program that included such category, except that such amount shall be increased by the percentage increase in the consumer price index for all urban consumers (U.S. city average) from April of the second fiscal year preceding the fiscal year involved to April of the fiscal year preceding the fiscal year involved.

''(C) CAP ON TOTAL POPULATION OF 1903A ENROLLEES FOR PURPOSES OF BLOCK GRANT CALCULATION.—

''(i) IN GENERAL.—In calculating the amount of a block grant for the first year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State under subparagraph (B)(i), the total number of 1903A enrollees in such 1903A enrollee category for the State and year shall not exceed the adjusted number of base period enrollees for the State (as defined in clause (ii)).

''(ii) ADJUSTED NUMBER OF BASE PERIOD ENROLLEES.—The term 'adjusted number of base period enrollees' means, with respect to a State and 1903A enrollee category, the number of 1903A enrollees in the enrollee category for the State for the State's per capita base period (as determined under section 1903A(e)(4)), increased by the percentage increase, if any, in the total State population from the last April in the State's per capita base period to April of the fiscal year preceding the fiscal year involved (determined using the best available data from the Bureau of the Census) plus 3 percentage points.

''(3) FEDERAL PAYMENT AND STATE MAINTENANCE OF EFFORT.—

''(A) FEDERAL PAYMENT.—Subject to subparagraphs (D) and (E), the Secretary shall pay to each State conducting a Medicaid Flexibility Program under this section for a fiscal year, from its block grant amount under paragraph (2) for such year, an amount for each quarter of such year equal to the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) of the total amount expended under the program during such quarter as targeted health assistance, and the State is responsible for the balance of the funds to carry out such program.

''(B) STATE MAINTENANCE OF EFFORT EXPENDITURES.—For each year during which a State is conducting a Medicaid Flexibility Program, the State shall make expenditures for targeted health assistance under the program in an amount equal to the product of—

''(i) the block grant amount determined for the State and year under paragraph (2); and

''(ii) the enhanced FMAP described in the first sentence of section 2105(b) for the State and year.

''(C) REDUCTION IN BLOCK GRANT AMOUNT FOR STATES FAILING TO MEET MOE REQUIREMENT.—

''(i) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program that makes expenditures for targeted health assistance under the program for a fiscal year in an amount that is less than the required amount for the fiscal year under subparagraph (B), the amount of the block grant determined for the State under paragraph (2) for the succeeding fiscal year shall be reduced by the amount by which such expenditures are less than such required amount.

''(ii) DISREGARD OF REDUCTION.—For purposes of determining the amount of a State block grant under paragraph (2), any reduction made under this subparagraph to a State's block grant amount in a previous fiscal year shall be disregarded.

''(iii) APPLICATION TO STATES THAT TERMINATE PROGRAM.—In the case of a State described in clause (i) that terminates the State Medicaid Flexibility Program under subsection (d)(2)(B) and such termination is effective with the end of the fiscal year in which the State fails to make the required amount of expenditures under subparagraph (B), the reduction amount determined for the State and succeeding fiscal year under clause (i) shall be treated as an overpayment under this title.

''(D) REDUCTION FOR NONCOMPLIANCE.—If the Secretary determines that a State conducting a Medicaid Flexibility Program is not complying with the requirements of this section, the Secretary may withhold payments, reduce payments, or recover previous payments to the State under this section as the Secretary deems appropriate.

''(E) ADDITIONAL FEDERAL PAYMENTS DURING PUBLIC HEALTH EMERGENCY.—

''(i) IN GENERAL.—In the case of a State and fiscal year or portion of a fiscal year for which the Secretary has excluded expenditures under section 1903A(b)(6), if the State has uncompensated targeted health assistance expenditures for the year or portion of a year, the Secretary may make an additional payment to such State equal to the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) for the year or portion of a year of the amount of such uncompensated targeted health assistance expenditures, except that the amount of such payment shall not exceed the amount determined for the State and year or portion of a year under clause (ii).

''(ii) MAXIMUM AMOUNT OF ADDITIONAL PAYMENT.—The amount determined for a State and fiscal year or portion of a fiscal year under this subparagraph shall not exceed the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) for such year or portion of a year of the amount by which—

''(I) the amount of State expenditures for targeted health assistance for program enrollees in areas of the State which are subject to a declaration described in section 1903A(b)(6)(A)(i) for the year or portion of a year; exceeds

''(II) the amount of such expenditures for such enrollees in such areas during the most recent fiscal year involved (or portion of a fiscal year of equal length to the portion of a fiscal year involved) during which no such declaration was in effect.

''(iii) UNCOMPENSATED TARGETED HEALTH ASSISTANCE.—In this subparagraph, the term 'uncompensated targeted health assistance expenditures' means, with respect to a State and fiscal year or portion of a fiscal year, an amount equal to the amount (if any) by which—

''(I) the total amount expended by the State under the program for targeted health assistance for the year or portion of a year; exceeds

''(II) the amount equal to the amount of the block grant (reduced, in the case of a portion of a year, to the same proportion of the full block grant amount that the portion of the year bears to the whole year) divided by the Federal average medical assistance percentage for the year or portion of a year.

''(iv) REVIEW.—If the Secretary makes a payment to a State for a fiscal year or portion of a fiscal year, the Secretary shall, not later than 6 months after the declaration described in section 1903A(b)(6)(A)(i) ceases to be in effect, conduct an audit of the State's targeted health assistance expenditures for program enrollees during the year or portion of a year to ensure that all of the expenditures for which the additional payment was made were made for the purpose of ensuring that the health care needs of program enrollees in areas affected by a public health emergency are met.

''(4) DETERMINATION AND PUBLICATION OF BLOCK GRANT AMOUNT.—Beginning in 2019 and each year thereafter, the Secretary shall determine for each State, regardless of whether the State is conducting a Medicaid Flexibility Program or has submitted an application to conduct such a program, the amount of the block grant for the State under paragraph (2) which would apply for the upcoming fiscal year if the State were to conduct such a program in such fiscal year, and shall publish such determinations not later than June 1 of each year.

''(d) PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—No payment shall be made under this section to a State conducting a Medicaid Flexibility Program unless such program meets the requirements of this subsection.

''(2) TERM OF PROGRAM.—

''(A) IN GENERAL.—A State Medicaid Flexibility Program approved under subsection (b)—

''(i) shall be conducted for not less than 1 program period;

''(ii) at the option of the State, may be continued for succeeding program periods without resubmitting an application under subsection (b), provided that—

''(I) the State provides notice to the Secretary of its decision to continue the program; and

''(II) no significant changes are made to the program; and

''(iii) shall be subject to termination only by the State, which may terminate the program by making an election under subparagraph (B).

''(B) ELECTION TO TERMINATE PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), a State conducting a Medicaid Flexibility Program may elect to terminate the program effective with the first day after the end of the program period in which the State makes the election.

''(ii) TRANSITION PLAN REQUIREMENT.—A State may not elect to terminate a Medicaid Flexibility Program unless the State has in place an appropriate transition plan approved by the Secretary.

''(iii) EFFECT OF TERMINATION.—If a State elects to terminate a Medicaid Flexibility Program, the per capita cap limitations under section 1903A shall apply effective with the day described in clause (i), and such limitations shall be applied as if the State had never conducted a Medicaid Flexibility Program.

''(3) PROVISION OF TARGETED HEALTH ASSISTANCE.—

''(A) IN GENERAL.—A State Medicaid Flexibility Program shall provide targeted health assistance to program enrollees and such assistance shall be instead of medical assistance which would otherwise be provided to the enrollees under this title.

''(B) CONDITIONS FOR ELIGIBILITY.—

''(i) IN GENERAL.—A State conducting a Medicaid Flexibility Program shall establish conditions for eligibility of program enrollees, which shall be instead of other conditions for eligibility under this title, except that the program must provide for eligibility for program enrollees to whom the State would otherwise be required to make medical assistance available under section 1902(a)(10)(A)(i).

''(ii) MAGI.—Any determination of income necessary to establish the eligibility of a program enrollee for purposes of a State Medicaid Flexibility Program shall be made using modified adjusted gross income in accordance with section 1902(e)(14).

''(4) BENEFITS AND SERVICES.—

''(A) REQUIRED SERVICES.—In the case of program enrollees to whom the State would otherwise be required to make medical assistance available under section

1902(a)(10)(A)(i), a State conducting a Medicaid Flexibility Program shall provide as targeted health assistance the following types of services:

''(i) Inpatient and outpatient hospital services.

''(ii) Laboratory and X-ray services.

''(iii) Nursing facility services for individuals aged 21 and older.

''(iv) Physician services.

''(v) Home health care services (including home nursing services, medical supplies, equipment, and appliances).

''(vi) Rural health clinic services (as defined in section 1905(l)(1)).

''(vii) Federally-qualified health center services (as defined in section 1905(l)(2)).

''(viii) Family planning services and supplies.

''(ix) Nurse midwife services.

''(x) Certified pediatric and family nurse practitioner services.

''(xi) Freestanding birth center services (as defined in section 1905(l)(3)).

''(xii) Emergency medical transportation.

''(xiii) Non-cosmetic dental services.

''(xiv) Pregnancy-related services, including postpartum services for the 12-week period beginning on the last day of a pregnancy.

''(B) OPTIONAL BENEFITS.—A State may, at its option, provide services in addition to the services described in subparagraph (A) as targeted health assistance under a Medicaid Flexibility Program.

''(C) BENEFIT PACKAGES.—

''(i) IN GENERAL.—The targeted health assistance provided by a State to any group of program enrollees under a Medicaid Flexibility Program shall have an aggregate actuarial value that is equal to at least 95 percent of the aggregate actuarial value of the benchmark coverage described in subsection (b)(1) of section 1937 or benchmark-equivalent coverage described in subsection (b)(2) of such section, as such subsections were in effect prior to the enactment of the Patient Protection and Affordable Care Act.

''(ii) AMOUNT, DURATION, AND SCOPE OF BENEFITS.—Subject to clause (i), the State shall determine the amount, duration, and scope with respect to services provided as targeted health assistance under a Medicaid Flexibility Program, including with respect to services that are required to be provided to certain program enrollees under subparagraph (A) except as otherwise provided under such subparagraph.

''(iii) MENTAL HEALTH AND SUBSTANCE USE DISORDER COVERAGE AND PARITY.—The targeted health assistance provided by a State to program enrollees under a Medicaid Flexibility Program shall include mental health services and substance use disorder services and the financial requirements and treatment limitations applicable to such services under the program shall comply with the requirements of section 2726 of the Public Health Service Act in the same manner as such requirements apply to a group health plan.

''(iv) PRESCRIPTION DRUGS.—If the targeted health assistance provided by a State to program enrollees under a Medicaid Flexibility Program includes assistance for covered outpatient drugs, such drugs shall be subject to a rebate agreement that complies with the requirements of section 1927, and any requirements applicable to medical assistance for covered outpatient drugs under a State plan (including the requirement that the State provide information to a manufacturer) shall apply in the same manner to targeted health assistance for covered outpatient drugs under a Medicaid Flexibility Program.

''(D) COST SHARING.—A State conducting a Medicaid Flexibility Program may impose premiums, deductibles, cost-sharing, or other similar charges, except that the total annual aggregate amount of all such charges imposed with respect to all program enrollees in a family shall not exceed 5 percent of the family's income for the year involved.

''(5) ADMINISTRATION OF PROGRAM.—Each State conducting a Medicaid Flexibility Program shall do the following:

''(A) SINGLE AGENCY.—Designate a single State agency responsible for administering the program.

''(B) ENROLLMENT SIMPLIFICATION AND COORDINATION WITH STATE HEALTH INSURANCE EXCHANGES.—Provide for simplified enrollment processes (such as online enrollment and reenrollment and electronic verification) and coordination with State health insurance exchanges.

''(C) BENEFICIARY PROTECTIONS.—Establish a fair process (which the State shall describe in the application required under subsection (b)) for individuals to appeal adverse eligibility determinations with respect to the program.

''(6) APPLICATION OF REST OF TITLE XIX.—

''(A) IN GENERAL.—To the extent that a provision of this section is inconsistent with another provision of this title, the provision of this section shall apply.

''(B) APPLICATION OF SECTION 1903A.—With respect to a State that is conducting a Medicaid Flexibility Program, section 1903A shall be applied as if program enrollees were not 1903A enrollees for each program period during which the State conducts the program.

''(C) WAIVERS AND STATE PLAN AMENDMENTS.—

''(i) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program that has in effect a waiver or State plan amendment, such waiver or amendment shall not apply with respect to the program, targeted health assistance provided under the program, or program enrollees.

''(ii) REPLICATION OF WAIVER OR AMENDMENT.—In designing a Medicaid Flexibility Program, a State may mirror provisions of a waiver or State plan amendment described in clause (i) in the program to the extent that such provisions are otherwise consistent with the requirements of this section.

''(iii) EFFECT OF TERMINATION.—In the case of a State described in clause (i) that terminates its program under subsection (d)(2)(B), any waiver or amendment which was limited pursuant to subparagraph (A) shall cease to be so limited effective with the effective date of such termination.

''(D) NONAPPLICATION OF PROVISIONS.—With respect to the design and implementation of Medicaid Flexibility Programs conducted under this section, paragraphs (1), (10)(B), (17), and (23) of section 1902(a), as well as any other provision of this title (except for this section and as otherwise provided by this section) that the Secretary deems appropriate, shall not apply.

''(e) DEFINITIONS.—For purposes of this section:

''(1) APPLICABLE PROGRAM ENROLLEE CATEGORY.—The term 'applicable program enrollee category' means, with respect to a State Medicaid Flexibility Program for a program period, any of the following as specified by the State for the period in its application under subsection (b):

''(A) 2 ENROLLEE CATEGORIES.—Both of the 1903A enrollee categories described in subparagraphs (D) and (E) of section 1903A(e)(2).

''(B) EXPANSION ENROLLEES.—The 1903A enrollee category described in subparagraph (D) of section 1903A(e)(2).

''(C) NONELDERLY, NONDISABLED, NONEXPANSION ADULTS.—The 1903A enrollee category described in subparagraph (E) of section 1903A(e)(2).

''(2) MEDICAID FLEXIBILITY PROGRAM.—The term 'Medicaid Flexibility Program' means a State program for providing targeted health assistance to program enrollees funded by a block grant under this section.

''(3) PROGRAM ENROLLEE.—

''(A) IN GENERAL.—The term 'program enrollee' means, with respect to a State that is conducting a Medicaid Flexibility Program for a program period, an individual who is a 1903A enrollee (as defined in section 1903A(e)(1)) who is in the applicable program enrollee category specified by the State for the period.

''(B) RULE OF CONSTRUCTION.—For purposes of section 1903A(e)(3), eligibility and enrollment of an individual under a Medicaid Flexibility Program shall be deemed to be eligibility and enrollment under a State plan (or waiver of such plan) under this title.

''(4) PROGRAM PERIOD.—The term 'program period' means, with respect to a State Medicaid Flexibility Program, a period of 5 consecutive fiscal years that begins with either—

''(A) the first fiscal year in which the State conducts the program; or

''(B) the next fiscal year in which the State conducts such a program that begins after the end of a previous program period.

''(5) STATE.—The term 'State' means one of the 50 States or the District of Columbia.

''(6) TARGETED HEALTH ASSISTANCE.—The term 'targeted health assistance' means assistance for health-care-related items and medical services for program enrollees.''.

SEC. 128. MEDICAID AND CHIP QUALITY PERFORMANCE BONUS PAYMENTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b), as previously amended, is further amended by adding at the end the following new subsection:

''(bb) QUALITY PERFORMANCE BONUS PAYMENTS.—

''(1) INCREASED FEDERAL SHARE.—With respect to each of fiscal years 2023 through 2026, in the case of one of the 50 States or the District of Columbia (each referred to in this subsection as a 'State') that—

''(A) equals or exceeds the qualifying amount (as established by the Secretary) of lower than expected aggregate medical assistance expenditures (as defined in paragraph (4)) for that fiscal year; and

''(B) submits to the Secretary, in accordance with such manner and format as specified by the Secretary and for the performance period (as defined by the Secretary) for such fiscal year—

''(i) information on the applicable quality measures identified under paragraph (3) with respect to each category of Medicaid eligible individuals under the State plan or a waiver of such plan; and

''(ii) a plan for spending a portion of additional funds resulting from application of this subsection on quality improvement within the State plan under this title or under a waiver of such plan,

the Federal matching percentage otherwise applied under subsection (a)(7) for such fiscal year shall be increased by such percentage (as determined by the Secretary) so that the aggregate amount of the resulting increase pursuant to this subsection for the State and fiscal year does not exceed the State allotment established under paragraph (2) for the State and fiscal year.

''(2) ALLOTMENT DETERMINATION.—The Secretary shall establish a formula for computing State allotments under this paragraph for each fiscal year described in paragraph (1) such that—

''(A) such an allotment to a State is determined based on the performance, including improvement, of such State under this title and title XXI with respect to the quality measures submitted under paragraph (3) by

such State for the performance period (as defined by the Secretary) for such fiscal year; and

''(B) the total of the allotments under this paragraph for all States for the period of the fiscal years described in paragraph (1) is equal to $8,000,000,000.

''(3) QUALITY MEASURES REQUIRED FOR BONUS PAYMENTS.—For purposes of this subsection, the Secretary shall, pursuant to rulemaking and after consultation with State agencies administering State plans under this title, identify and publish (and update as necessary) peer-reviewed quality measures (which shall include health care and long-term care outcome measures and may include the quality measures that are overseen or developed by the National Committee for Quality Assurance or the Agency for Healthcare Research and Quality or that are identified under section 1139A or 1139B) that are quantifiable, objective measures that take into account the clinically appropriate measures of quality for different types of patient populations receiving benefits or services under this title or title XXI.

''(4) LOWER THAN EXPECTED AGGREGATE MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term 'lower than expected aggregate medical assistance expenditures' means, with respect to a State the amount (if any) by which—

''(A) the amount of the adjusted total medical assistance expenditures for the State and fiscal year determined in section 1903A(b)(1) without regard to the 1903A enrollee category described in section 1903A(e)(2)(E); is less than

''(B) the amount of the target total medical assistance expenditures for the State and fiscal year determined in section 1903A(c) without regard to the 1903A enrollee category described in section 1903A(e)(2)(E).''.

SEC. 129. OPTIONAL ASSISTANCE FOR CERTAIN INPATIENT PSYCHIATRIC SERVICES.

(a) STATE OPTION.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (16)—

(i) by striking ''and, (B)'' and inserting ''(B)''; and

(ii) by inserting before the semicolon at the end the following: '', and (C) subject to subsection (h)(4), qualified inpatient psychiatric hospital services (as defined in subsection (h)(3)) for individuals who are over 21 years of age and under 65 years of age''; and

(B) in the subdivision (B) that follows paragraph (29), by inserting ''(other than services described in subparagraph (C) of paragraph (16) for individuals described in such subparagraph)'' after ''patient in an institution for mental diseases''; and

(2) in subsection (h), by adding at the end the following new paragraphs:

''(3) For purposes of subsection (a)(16)(C), the term 'qualified inpatient psychiatric hospital services' means, with respect to individuals described in such subsection, services described in subparagraph (B) of paragraph (1) that are not otherwise covered under subsection (a)(16)(A) and are furnished—

''(A) in an institution (or distinct part thereof) which is a psychiatric hospital (as defined in section 1861(f)); and

''(B) with respect to such an individual, for a period not to exceed 30 consecutive days in any month and not to exceed 90 days in any calendar year.

''(4) As a condition for a State including qualified inpatient psychiatric hospital services as medical assistance under subsection (a)(16)(C), the State must (during the period in which it furnishes medical assistance under this title for services and individuals described in such subsection)—

''(A) maintain at least the number of licensed beds at psychiatric hospitals owned, operated, or contracted for by the State that were being maintained as of the date of the enactment of this paragraph or, if higher, as of the date the State applies to the Secretary to include medical assistance under such subsection; and

''(B) maintain on an annual basis a level of funding expended by the State (and political subdivisions thereof) other than under this title from non-Federal funds for inpatient services in an institution described in paragraph (3)(A), and for active psychiatric care and treatment provided on an outpatient basis, that is not less than the level of such funding for such services and care as of the date of the enactment of this paragraph or, if higher, as of the date the State applies to the Secretary to include medical assistance under such subsection.''.

(b) SPECIAL MATCHING RATE.—Section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) is amended by adding at the end the following: ''Notwithstanding the previous provisions of this subsection, the Federal medical assistance percentage shall be 50 percent with respect to medical assistance for services and individuals described in subsection (a)(16)(C).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified inpatient psychiatric hospital services furnished on or after October 1, 2018.

SEC. 130. ENHANCED FMAP FOR MEDICAL ASSISTANCE TO ELIGIBLE INDIANS.

Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended, in the third sentence, by inserting ''and with respect to amounts expended by a State as medical assistance for services provided by any other provider under the State plan to an individual who is a member of an Indian tribe who is eligible for assistance under the State plan'' before the period.

SEC. 131. SMALL BUSINESS HEALTH PLANS.

(a) TAX TREATMENT OF SMALL BUSINESS HEALTH PLANS.—A small business health plan (as defined in section 801(a) of the Employee Retirement Income Security Act of 1974) shall be treated—

(1) as a group health plan (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) for purposes of applying title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) and title XXII of such Act (42 U.S.C. 300bb-1);

(2) as a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for purposes of applying sections 4980B and 5000 and chapter 100 of the Internal Revenue Code of 1986; and

(3) as a group health plan (as defined in section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1))) for purposes of applying parts 6 and 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.).

(b) RULES.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

''PART 8—RULES GOVERNING SMALL BUSINESS RISK SHARING POOLS

''SEC. 801. SMALL BUSINESS HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan, offered by a health insurance issuer in the large group market, whose sponsor is described in subsection (b).

''(b) SPONSOR.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is a qualified sponsor and receives certification by the Secretary;

''(2) is organized and maintained in good faith, with a constitution or bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis;

''(3) is established as a permanent entity;

''(4) is established for a purpose other than providing health benefits to its members, such as an organization established as a bona fide trade association, franchise, or section 7705 organization; and

''(5) does not condition membership on the basis of a minimum group size.

''SEC. 802. FILING FEE AND CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

''(a) FILING FEE.—A small business health plan shall pay to the Secretary at the time of filing an application for certification under subsection (b) a filing fee in the amount of $5,000, which shall be available to the Secretary for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule a procedure under which the Secretary—

''(A) will certify a qualified sponsor of a small business health plan, upon receipt of an application that includes the information described in paragraph (2);

''(B) may provide for continued certification of small business health plans under this part;

''(C) shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved fails to comply with the requirements of this part;

''(D) shall conduct oversight of certified plan sponsors, including periodic review, and consistent with section 504, applying the requirements of sections 518, 519, and 520; and

''(E) will consult with a State with respect to a small business health plan domiciled in such State regarding the Secretary's authority under this part and other enforcement authority under sections 502 and 504.

''(2) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(A) Identifying information.

''(B) States in which the plan intends to do business.

''(C) Bonding requirements.

''(D) Plan documents.

''(E) Agreements with service providers.

''(3) REQUIREMENTS FOR CERTIFIED PLAN SPONSORS.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule requirements for certified plan sponsors that include requirements regarding—

''(A) structure and requirements for boards of trustees or plan administrators;

''(B) notification of material changes; and

''(C) notification for voluntary termination.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed by the plan sponsor with the applicable State authority of each State in which the small business health plan operates.

''(d) EXPEDITED AND DEEMED CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary fails to act on a complete application for certification under this section within 90 days of receipt of such complete application, the applying small business health plan sponsor shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

''(2) PENALTY.—The Secretary may assess a penalty against the board of trustees, plan administrator, and plan sponsor (jointly and severally) of a small business health plan sponsor that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan sponsor was willfully or with gross negligence incomplete or inaccurate.

''SEC. 803. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor;

''(B) the sponsor; or

''(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals with or without employees), officers, directors, or employees of, or partners in, participating employers; or

''(B) the dependents of individuals described in subparagraph (A).

''(b) PARTICIPATING EMPLOYERS.—In applying requirements relating to coverage renewal, a participating employer shall not be deemed to be a plan sponsor.

''(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

''(1) under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan; and

''(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate.

''SEC. 804. DEFINITIONS; RENEWAL.

''For purposes of this part:

''(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

''(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

''(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(3) FRANCHISOR; FRANCHISEE.—The terms 'franchisor' and 'franchisee' have the meanings given such terms for purposes of sections 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this part) and, for purposes of this part, franchisor or franchisee employers participating in such a group health plan shall not be treated as the employer, co-employer, or joint employer of the employees of another participating franchisor or franchisee employer for any purpose.

''(4) HEALTH PLAN TERMS.—The terms 'group health plan', 'health insurance coverage', and 'health insurance issuer' have the meanings given such terms in section 733.

''(5) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(6) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer with or without employees (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(7) SECTION 7705 ORGANIZATION.—The term 'section 7705 organization' means an organization providing services for a customer pursuant to a contract meeting the conditions of subparagraphs (A), (B), (C), (D), and (E) (but not (F)) of section 7705(e)(2) of the Internal Revenue Code of 1986, including an entity that is part of a section 7705 organization control group . For purposes of this part, any reference to 'member' shall include a customer of a section 7705 organization except with respect to references to a 'member' or 'members' in paragraph (1).''.

(c) PREEMPTION RULES.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following:

''(f) The provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.''.

(d) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of a small business health plan under part 8.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this section within 6 months after the date of the enactment of this Act.

TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (3), by striking ''each of fiscal years 2018 and 2019'' and inserting ''fiscal year 2018''; and

(2) by striking paragraphs (4) through (8).

SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting '', and an additional $422,000,000 for fiscal year 2017'' after ''2017''.

SEC. 203. CHANGE IN PERMISSIBLE AGE VARIATION IN HEALTH INSURANCE PREMIUM RATES.

Section 2701(a)(1)(A)(iii) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)(A)(iii)) is amended by inserting after ''(consistent with section 2707(c))'' the following: ''or, for plan years beginning on or after January 1, 2019, 5 to 1 for adults (consistent with section 2707(c)) or such other ratio for adults (consistent with section 2707(c)) as the State may determine''.

SEC. 204. WAIVERS FOR STATE INNOVATION.

(a) IN GENERAL.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

''(i) a description of how the State plan meeting the requirements of a waiver under this section would, with respect to health insurance coverage within the State—

''(I) take the place of the requirements described in paragraph (2) that are waived; and

''(II) provide for alternative means of, and requirements for, increasing access to comprehensive coverage, reducing average premiums, providing consumers the freedom to purchase the health insurance of their choice, and increasing enrollment in private health insurance; and''; and

(II) in clause (ii), by striking ''that is budget neutral for the Federal Government'' and inserting '', demonstrating that the State plan does not increase the Federal deficit''; and

(ii) in subparagraph (C), by striking ''the law'' and inserting ''a law or has in effect a certification'';

(B) in paragraph (3)—

(i) in the first sentence, by inserting ''or would qualify for a reduction in'' after ''would not qualify for'';

(ii) by adding after the second sentence the following: ''A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.'';

(iii) in the paragraph heading, by striking ''PASS THROUGH OF FUNDING'' and inserting ''FUNDING'';

(iv) by striking ''With respect'' and inserting the following:

''(A) PASS THROUGH OF FUNDING.—With respect''; and

(v) by adding at the end the following:

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000 for fiscal year 2017, to remain available until the end of fiscal year 2019, to provide grants to States for purposes of submitting an application for a waiver granted under this section and implementing the State plan under such waiver.

''(C) AUTHORITY TO USE MARKET-BASED HEALTH CARE GRANT ALLOTMENT.—If the State has an application for an allotment under section 2105(i) of the Social Security Act for the plan year, the State may use the funds available under the State's allotment for the plan year to carry out the State plan under this section, so long as such use is consistent with the requirements of paragraphs (1) and (7) of section 2105(i) of such Act (other than paragraph (1)(B) of such section). Any funds used to carry out a State plan under this subparagraph shall not be considered in determining whether the State plan increases the Federal deficit.''; and

(C) in paragraph (4), by adding at the end the following:

''(D) EXPEDITED PROCESS.—The Secretary shall establish an expedited application and approval process that may be used if the Secretary determines that such expedited process is necessary to respond to an urgent or emergency situation with respect to health insurance coverage within a State.'';

(2) in subsection (b)—

(A) in paragraph (1)—

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

(I) by striking ''may'' and inserting ''shall''; and

(II) by striking ''only if'' and inserting ''unless''; and

(ii) by striking ''plan—'' and all that follows through the period at the end of subparagraph (D) and inserting ''application is missing a required element under subsection (a)(1) or that the State plan will increase the Federal deficit, not taking into account any amounts received through a grant under subsection (a)(3)(B).'';

(B) in paragraph (2)—

(i) in the paragraph heading, by inserting ''OR CERTIFY'' after ''LAW'';

(ii) in subparagraph (A), by inserting before the period '', and a certification described in this paragraph is a document, signed by the Governor, and the State insurance commissioner, of the State, that provides authority for State actions under a waiver under this section, including the implementation of the State plan under subsection (a)(1)(B)''; and

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''OF OPT OUT''; and

(II) by striking '' may repeal a law'' and all that follows through the period at the end and inserting the following: ''may terminate the authority provided under the waiver with respect to the State by—

''(i) repealing a law described in subparagraph (A); or

''(ii) terminating a certification described in subparagraph (A), through a certification for such termination signed by the Governor, and the State insurance commissioner, of the State.'';

(3) in subsection (d)(2)(B), by striking ''and the reasons therefore'' and inserting ''and the reasons therefore, and provide the data on which such determination was made''; and

(4) in subsection (e), by striking ''No waiver'' and all that follows through the period at the end and inserting the following: ''A waiver under this section—

''(1) shall be in effect for a period of 8 years unless the State requests a shorter duration;

''(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

''(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).''.

(b) APPLICABILITY.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall apply as follows:

(1) In the case of a State for which a waiver under such section was granted prior to the date of enactment of this Act, such section 1332, as in effect on the day before the date of enactment of this Act shall apply to the waiver and State plan.

(2) In the case of a State that submitted an application for a waiver under such section prior to the date of enactment of this Act, and which application the Secretary of Health and Human Services has not approved prior to such date, the State may elect to have such section 1332, as in effect on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

(3) In the case of a State that submits an application for a waiver under such section on or after the date of enactment of this Act, such section 1332, as amended by subsection (a), shall apply to such application and State plan.

SEC. 205. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE A LOWER PREMIUM CATASTROPHIC PLAN.

(a) IN GENERAL.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

''(4) CONSUMER FREEDOM.—For plan years beginning on or after January 1, 2019, paragraph (1)(A) shall not apply with respect to any plan offered in the State.''.

(b) RISK POOLS.—Section 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)) is amended—

(1) in paragraph (1), by inserting ''and including, with respect to plan years beginning on or after January 1, 2019, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''; and

(2) in paragraph (2), by inserting ''and including, with respect to plan years beginning on or after January 1, 2019, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''.

SEC. 206. APPLICATION OF ENFORCEMENT PENALTIES.

(a) IN GENERAL.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg–22) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''and of section 1303 of the Patient Protection and Affordable Care Act'' after ''this part''; and

(B) in paragraph (2), by inserting ''or in such section 1303'' after ''this part''; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2)(A), by inserting ''or section 1303 of the Patient Protection and Affordable Care Act'' after ''this part'' each place such term appears;

(B) in paragraph (2)(C)(ii), by inserting ''and section 1303 of the Patient Protection and Affordable Care Act'' after ''this part''.

(b) EFFECT OF WAIVER.—A State waiver pursuant to section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall not affect the authority of the Secretary to impose penalties under section 2723 of the Public Health Service Act (42 U.S.C. 300gg–22).

SEC. 207. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act and ending on December 31, 2019. Notwithstanding any other provision of this Act, payments and other actions for adjustments to any obligations incurred for plan years 2018 and 2019 may be made through December 31, 2020.

SEC. 208. REPEAL OF COST-SHARING SUBSIDY PROGRAM.

(a) IN GENERAL.—Section 1402 of the Patient Protection and Affordable Care Act is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to cost-sharing reductions (and payments to issuers for such reductions) for plan years beginning after December 31, 2019.

SA 587. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE ON REPEALING THE 1993 TAX HIKE ON SOCIAL SECURITY BENEFITS SECTION.

(a) FINDINGS.—

(1) The 1993 tax on Social Security benefits was imposed as part of the President Clinton's agenda to raise taxes;

(2) The original 1993 tax hike on Social Security benefits was to raise income taxes on Social Security retirees with as little as $25,000 of income;

(3) Repeated efforts to repeal the 1993 tax hike on Social Security benefits have failed; and

(4) Seniors rely on Social Security benefits as well as dividend income to fund their retirement and they should have taxes reduced on both sources of income.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance should report out legislation to repeal the tax on seniors for taxable years beginning in 2018 and 2019 in a manner consistent with the preservation of the Medicare Trust Fund.

SA 588. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 345. NATURAL GAS PRODUCTION, TREATMENT, MANAGEMENT, AND USE, FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Chapter 449 of title 10, United States Code, is amended by adding at the end of the following new section:

"§ 4782. Natural gas production, treatment, management, and use, Fort Knox, Kentucky

''(a) AUTHORITY.—The Secretary of the Army (referred to in this section as the 'Secretary') may provide, by contract or otherwise, for the production, treatment, management, and use of natural gas located under Fort Knox, Kentucky, without regard to section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352).

''(b) LIMITATION ON USES.—Any natural gas produced pursuant to subsection (a)—

''(1) may only be used to support activities and operations at Fort Knox; and

''(2) may not be sold for use elsewhere.

''(c) OWNERSHIP OF FACILITIES.—The Secretary may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from a contractor in accordance with the terms of a contract or other agreement entered into pursuant to subsection (a).

''(d) NO APPLICATION ELSEWHERE.—

''(1) IN GENERAL.—The authority provided by this section applies only with respect to Fort Knox, Kentucky.

''(2) EFFECT OF SECTION.—Nothing in this section authorizes the production, treatment, management, or use of natural gas resources underlying any Department of Defense installation other than Fort Knox.

''(e) APPLICABILITY.—The authority of the Secretary under this section is effective beginning on August 2, 2007.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 of such title is amended by adding at the end the following new item:

''4782. Natural gas production, treatment, management, and use, Fort Knox, Kentucky.''.

SA 589. Mr. JOHNSON (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. OFFICE OF SPECIAL COUNSEL REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''Office of Special Counsel Reauthorization Act of 2017''.

(b) ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.—Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subchapter, is authorized to—

''(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38;

''(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

''(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38.

''(B)(i) The authorization of the Special Counsel under subparagraph (A) shall not apply with respect to any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), unless the Special Counsel is investigating, or otherwise carrying out activities relating to the enforcement of, an action under subchapter III of chapter 73.

''(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

''(iii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

''(I)(aa) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or

''(bb) the material—

''(AA) may not be disclosed pursuant to a court order; or

''(BB) has been filed under seal under section 3730 of title 31; and

''(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

''(aa) the material being withheld; and

''(bb) the reason that the material is being withheld.

''(C)(i) A claim of common law privilege by an agency, or an officer or employee of an agency, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A)(i) with respect to the agency.

''(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

''(iii) With respect to any record or other information made available to the Special Counsel by an agency under subparagraph (A), the Special Counsel may only disclose the record or information for a purpose that is in furtherance of any authority provided to the Special Counsel under this subchapter.

''(6) The Special Counsel shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the applicable agency a report regarding any case of contumacy or failure to comply with a request submitted by the Special Counsel under paragraph (5)(A).''.

(c) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—

(1) AGENCY RESPONSIBILITIES.—Section 2302 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

''(c)(1) In this subsection—

''(A) the term 'new employee' means an individual—

''(i) appointed to a position as an employee on or after the date of enactment of the Office of Special Counsel Reauthorization Act of 2017; and

''(ii) who has not previously served as an employee; and

''(B) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of subsection (b).

''(2) The head of each agency shall be responsible for—

''(A) preventing prohibited personnel practices;

''(B) complying with and enforcing applicable civil service laws, rules, and regulations and other aspects of personnel management; and

''(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the rights and remedies available to the employees under this chapter and chapter 12, including—

''(i) information with respect to whistleblower protections available to new employees during a probationary period;

''(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with respect to whistleblower protections; and

''(iii) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, an employee may make a lawful disclosure of the information to—

''(I) the Special Counsel;

''(II) the Inspector General of an agency;

''(III) Congress; or

''(IV) another employee of the agency who is designated to receive such a disclosure.

''(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency not later than 180 days after the date on which the new employee is appointed.

''(4) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

''(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (2).''.

(2) TRAINING FOR SUPERVISORS.—

(A) DEFINITIONS.—In this paragraph—

(i) the term ''agency'' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(ii) the term ''whistleblower protections'' has the meaning given the term in section 2302(c)(1)(B) of title 5, United States Code, as amended by paragraph (1).

(B) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency (or, in the case of an agency that does not have an Inspector General, the senior ethics official of that agency), shall provide the training described in subparagraph (C).

(C) TRAINING DESCRIBED.—The training described in this subparagraph shall—

(i) cover the manner in which the agency shall respond to a complaint alleging a violation of whistleblower protections that are available to employees of the agency; and

(ii) be provided—

(I) to each employee of the agency who—

(aa) is appointed to a supervisory position in the agency; and

(bb) before the appointment described in item (aa), had not served in a supervisory position in the agency; and

(II) on an annual basis to all employees of the agency who serve in supervisory positions in the agency.

(3) INFORMATION ON APPEAL RIGHTS.—

(A) IN GENERAL.—Any notice provided to an employee under section 7503(b)(1), section 7513(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to—

(i) the right of the employee to appeal an action brought under the applicable section;

(ii) the forums in which the employee may file an appeal described in clause (i); and

(iii) any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file an appeal.

(B) DEVELOPMENT OF INFORMATION.—The information described in subparagraph (A) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

(d) ADDITIONAL WHISTLEBLOWER PROVISIONS.—

(1) PROHIBITED PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (9)(C), by inserting ''(or any other component responsible for internal investigation or review)'' after ''Inspector General''; and

(ii) in paragraph (12), by striking ''or'' at the end;

(iii) in paragraph (13), by striking the period at the end and inserting ''; or''; and

(iv) by inserting after paragraph (13) the following:

''(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).''; and

(B) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (E), by striking ''or'' at the end;

(II) by redesignating subparagraph (F) as subparagraph (G); and

(III) by inserting after subparagraph (E) the following:

''(F) the disclosure was made before the date on which the individual was appointed or applied for appointment to a position; or''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) If a disclosure is made during the normal course of duties of an employee, the principal job function of whom is to regularly investigate and disclose wrongdoing (referred to in this paragraph as the 'disclosing employee'), the disclosure shall not be excluded from subsection (b)(8) if the disclosing employee demonstrates that an employee who has the authority to take, direct other individuals to take, recommend, or approve any personnel action with respect to the disclosing employee took, failed to take, or threatened to take or fail to take a personnel action with respect to the disclosing employee in reprisal for the disclosure made by the disclosing employee.''.

(2) EXPLANATIONS FOR FAILURE TO TAKE ACTION.—Section 1213 of title 5, United States Code, is amended—

(A) in subsection (b), by striking ''15 days'' and inserting ''45 days''; and

(B) in subsection (e)—

(i) in paragraph (1), by striking ''Any such report'' and inserting ''Any report required under subsection (c) or paragraph (5) of this subsection'';

(ii) by striking paragraph (2) and inserting the following:

''(2) Upon receipt of any report that the head of an agency is required to submit under subsection (c), the Special Counsel shall review the report and determine whether—

''(A) the findings of the head of the agency appear reasonable; and

''(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph (5), the reports submitted by the head of the agency collectively contain the information required under subsection (d).'';

(iii) in paragraph (3), by striking ''agency report received pursuant to subsection (c) of this section'' and inserting ''report submitted to the Special Counsel by the head of an agency under subsection (c) or paragraph (5) of this subsection''; and

(iv) by adding at the end the following:

''(5) If, after conducting a review of a report under paragraph (2), the Special Counsel concludes that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of an agency is reasonable and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report—

''(A) containing the additional information or documentation identified by the Special Counsel; and

''(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel.''.

(3) TRANSFER REQUESTS DURING STAYS.—

(A) PRIORITY GRANTED.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

''(E) If the Board grants a stay under subparagraph (A), the head of the agency employing the employee who is the subject of the action shall give priority to a request for a transfer submitted by the employee.''.

(B) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k) If the Board grants a stay under subsection (c) and the employee who is the subject of the action is in probationary status, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.''.

(4) RETALIATORY INVESTIGATIONS.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel may petition the Board to order corrective action, including fees, costs, or damages reasonably incurred by an employee due to an investigation of the employee by an agency, if the investigation by an agency was commenced, expanded, or extended in retaliation for a disclosure or protected activity described in section 2302(b)(8) or subparagraph (A)(i), (B), (C), or (D) of section 2302(b)(9), without regard to whether a personnel action, as defined in section 2302(a)(2)(A), is taken.''.

(e) SUICIDE BY EMPLOYEES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(B) the term ''personnel action'' has the meaning given the term in section 2302(a)(2)(A) of title 5, United States Code.

(2) REFERRAL.—

(A) IN GENERAL.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency regarding the circumstances described in subparagraph (B), any instance in which the head of the agency has information indicating that an employee of the agency committed suicide.

(B) INFORMATION.—The circumstances described in this subparagraph are as follows:

(i) Before the death of an employee described in subparagraph (A), the employee made a disclosure of information that reasonably evidences—

(I) a violation of a law, rule, or regulation;

(II) gross mismanagement;

(III) a gross waste of funds;

(IV) an abuse of authority; or

(V) a substantial and specific danger to public health or safety.

(ii) After a disclosure described in clause (i), a personnel action was taken with respect to the employee who made the disclosure.

(3) OFFICE OF SPECIAL COUNSEL REVIEW.—Upon receiving a referral under paragraph (2)(A), the Special Counsel shall—

(A) examine whether a personnel action was taken with respect to an employee because of a disclosure described in paragraph (2)(B)(i); and

(B) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

(f) PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.—

(1) ESTABLISHMENT OF SYSTEMS.—Section 4302 of title 5, United States Code, is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following:

''(b)(1) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall develop criteria that—

''(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and

''(B) promote the protection of whistleblowers.

''(2) The criteria required under paragraph (1) shall include—

''(A) principles for the protection of whistleblowers, such as the degree to which supervisory employees—

''(i) respond constructively when employees of the agency make disclosures described in subparagraph (A) or (B) of section 2302(b)(8);

''(ii) take responsible actions to resolve the disclosures described in clause (i); and

''(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in clause (i) to supervisory employees or other appropriate authorities; and

''(B) for each supervisory employee—

''(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

''(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

''(3) In this subsection—

''(A) the term 'agency' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this section is applicable to the entity;

''(B) the term 'prohibited personnel practice' has the meaning given the term in section 2302(a)(1);

''(C) the term 'supervisory employee' means an employee who would be a supervisor, as defined in section 7103(a), if the agency employing the employee was an agency for purposes of chapter 71; and

''(D) the term 'whistleblower' means an employee who makes a disclosure described in section 2302(b)(8).''.

(2) CRITERIA FOR PERFORMANCE APPRAISALS.—Section 4313 of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) protecting whistleblowers, as described in section 4302(b)(2).''.

(3) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(A) DEFINITIONS.—In this paragraph, the terms ''agency'' and ''whistleblower'' have the meanings given the terms in section 4302(b)(3) of title 5, United States Code, as amended by paragraph (1).

(B) REPORT.—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—

(i) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by paragraph (1);

(ii) the reasons for the determinations described in clause (i); and

(iii) each performance-based or corrective action taken by the agency in response to a determination under clause (i).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 4301 of title 5, United States Code, is amended, in the matter preceding paragraph (1), by striking ''For the purpose of'' and inserting ''Except as otherwise expressly provided, for the purpose of''.

(g) DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.—

(1) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''§ 7515. Discipline of supervisors based on retaliation against whistleblowers

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the entity; and

''(B) does not include any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

''(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) against an employee of an agency; and

''(3) the term 'supervisor' means an employee who would be a supervisor, as defined in section 7103(a), if the entity employing the employee was an agency.

''(b) PROPOSED DISCIPLINARY ACTIONS.—

''(1) IN GENERAL.—If the head of the agency in which a supervisor is employed, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency in which a supervisor is employed has determined that the supervisor committed a prohibited personnel action, the head of the agency in which the supervisor is employed, consistent with the procedures required under paragraph (2)—

''(A) for the first prohibited personnel action committed by the supervisor—

''(i) shall propose suspending the supervisor for a period that is not less than 3 days; and

''(ii) may propose an additional action determined appropriate by the head of the agency, including a reduction in grade or pay; and

''(B) for the second prohibited personnel action committed by the supervisor, shall propose removing the supervisor.

''(2) PROCEDURES.—

''(A) NOTICE.—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice that—

''(i) states the specific reasons for the proposed action; and

''(ii) informs the supervisor about the right of the supervisor to review the material that constitutes the factual support on which the proposed action is based.

''(B) ANSWER AND EVIDENCE.—

''(i) IN GENERAL.—A supervisor who receives notice under subparagraph (A) may, not later than 14 days after the date on which the supervisor receives the notice, submit an answer and furnish evidence in support of that answer.

''(ii) NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE FURNISHED.—If, after the end of the 14-day period described in clause (i), a supervisor does not furnish any evidence as described in that clause, or if the head of the agency in which the supervisor is employed determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed under subparagraph (A) or (B) of paragraph (1), as applicable.

''(C) SCOPE OF PROCEDURES.—An action carried out under this section—

''(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

''(ii) shall not be subject to—

''(I) paragraphs (1) and (2) of section 7503(b);

''(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; and

''(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

''(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by inserting after the item relating to section 7514 the following:

''7515. Discipline of supervisors based on retaliation against whistleblowers.''.

(h) TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.—Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:

''(6)(A) Notwithstanding any other provision of this section, not later than 30 days after the date on which the Special Counsel receives an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel may terminate an investigation of the allegation without further inquiry if the Special Counsel determines that—

''(i) the same allegation, based on the same set of facts and circumstances, had previously been—

''(I)(aa) made by the individual; and

''(bb) investigated by the Special Counsel; or

''(II) filed by the individual with the Merit Systems Protection Board;

''(ii) the Special Counsel does not have jurisdiction to investigate the allegation; or

''(iii) the individual knew or should have known of the alleged prohibited personnel practice on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

''(B) Not later than 30 days after the date on which the Special Counsel terminates an investigation under subparagraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel practice that states the basis of the Special Counsel for terminating the investigation.''.

(i) ALLEGATIONS OF WRONGDOING WITHIN THE OFFICE OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel shall enter into at least 1 agreement with the Inspector General of an agency under which—

''(1) the Inspector General shall—

''(A) receive, review, and investigate allegations of prohibited personnel practices or wrongdoing filed by employees of the Office of Special Counsel; and

''(B) develop a method for an employee of the Office of Special Counsel to communicate directly with the Inspector General; and

''(2) the Special Counsel—

''(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

''(B) may reimburse the Inspector General for services provided under the agreement.''.

(j) REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

''§ 1218. Annual report

''The Special Counsel shall submit to Congress, on an annual basis, a report regarding the activities of the Special Counsel, which shall include, for the year preceding the submission of the report—

''(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel and the costs of resolving such allegations;

''(2) the number of investigations conducted by the Special Counsel;

''(3) the number of stays and disciplinary actions negotiated with agencies by the Special Counsel;

''(4) the number of subpoenas issued by the Special Counsel;

''(5) the number of instances in which the Special Counsel reopened an investigation after the Special Counsel had made an initial determination with respect to the investigation;

''(6) the actions that resulted from reopening investigations, as described in paragraph (5);

''(7) the number of instances in which the Special Counsel did not make a determination before the end of the 240-day period described in section 1214(b)(2)(A)(i) regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

''(8) a description of the recommendations and reports made by the Special Counsel to other agencies under this subchapter and the actions taken by the agencies as a result of the recommendations or reports;

''(9) the number of—

''(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints initiated; and

''(B) stays and extensions of stays obtained from the Merit Systems Protection Board;

''(10) the number of prohibited personnel practice complaints that resulted in a favorable action for the complainant, other than a stay or an extension of a stay, organized by actions in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints; and

''(11) the number of prohibited personnel practice complaints that were resolved by an agreement between an agency and an individual, organized by agency and agency components in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints;

''(12) the number of corrective actions that the Special Counsel required an agency to take after a finding by the Special Counsel of a prohibited personnel practice, as defined in section 2302(a)(1); and

''(13) the results for the Office of Special Counsel of any employee viewpoint survey conducted by the Office of Personnel Management or any other agency.''.

(2) PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

''(1) a list of any noncriminal matters referred to the head of an agency under section 1213(c), together with—

''(A) a copy of the information transmitted to the head of the agency under section 1213(c)(1);

''(B) any report from the agency under section 1213(c)(1)(B) relating to the matter;

''(C) if appropriate, not otherwise prohibited by law, and consented to by the complainant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

''(D) the comments or recommendations of the Special Counsel under paragraph (3) or (4) of section 1213(e);''.

(3) NOTICE OF COMPLAINT SETTLEMENTS.—Section 1217 of title 5, United States Code, is amended—

(A) by striking ''The Special Counsel'' and inserting the following:

''(a) IN GENERAL.—The Special Counsel''; and

(B) by adding at the end the following:

''(b) ADDITIONAL REPORT REQUIRED.—

''(1) IN GENERAL.—If an allegation submitted to the Special Counsel is resolved by an agreement between an agency and an individual, the Special Counsel shall submit to Congress and each congressional committee with jurisdiction over the agency a report regarding the agreement.

''(2) CONTENTS.—Any report required under paragraph (1) shall identify, with respect to an agreement described in that paragraph—

''(A) the agency that entered into the agreement;

''(B) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement;

''(C) the position and employment location of any employee alleged by an employee described in subparagraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);

''(D) a description of the allegation described in subparagraph (B); and

''(E) whether the agency that entered into the agreement has agreed to pursue any disciplinary action as a result of the allegation described in subparagraph (B).''.

(k) ESTABLISHMENT OF SURVEY PILOT PROGRAM.—

(1) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct, during the first full fiscal year after the date of enactment of this Act, a survey of individuals who have filed a complaint or disclosure with the Office.

(2) PURPOSE.—The survey under paragraph (1) shall be designed for the purpose of collecting information and improving service at various stages of a review or investigation by the Office of Special Counsel.

(3) RESULTS.—The results of the survey under paragraph (1) shall be published in the annual report of the Office of Special Counsel.

(4) SUSPENSION OF OTHER SURVEYS.—During the period beginning on October 1, 2017, and ending on September 30, 2018, section 13 of the Act entitled ''An Act to reauthorize the Office of Special Counsel, and for other purposes'', approved October 29, 1994 (5 U.S.C. 1212 note), shall have no force or effect.

(l) STAYS OF THE MERIT SYSTEMS PROTECTION BOARD.—Section 1214(b)(1)(B)(ii) of title 5, United States Code, is amended by striking ''who was appointed, by and with the advice and consent of the Senate,''.

(m) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform—

(A) the functions of the Special Counsel under subchapter II of chapter 12 of title 5, United States Code, including regulations that are necessary to carry out sections 1213, 1214, and 1215 of that title; and

(B) any functions of the Special Counsel that are required because of the amendments made by this section.

(2) PUBLICATION.—Any regulations prescribed under paragraph (1) shall be published in the Federal Register.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking ''2003, 2004, 2005, 2006, and 2007'' and inserting ''2017 through 2022''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as though enacted on September 30, 2015.

SA 590. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 6, strike line 9 and insert the following:

(b) DEFINITION OF FULL-TIME EMPLOYEE.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(E), by striking ''by 120'' and inserting ''by 174''; and

(2) in paragraph (4)(A) by striking ''30 hours'' and inserting ''40 hours''.

(c) EFFECTIVE DATE.—The amendments made by

SA 591. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 1269(2), strike the end period and insert the following: '', and should fully consider actions to reassure the Republic of Korea and Japan of the enduring commitment of the United States to provide its full range of defensive capabilities.''.

SA 592. Mr. DURBIN (for himself, Mr. BLUNT, Mr. CASEY, Mr. COCHRAN, Ms. BALDWIN, Mr. SHELBY, Mr. BROWN, Ms. MURKOWSKI, Mr. CARDIN, Mr. MORAN, Mr. COONS, Ms. DUCKWORTH, Ms. HASSAN, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Ms. HIRONO, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 737. TREATMENT OF CERTAIN PROVISIONS RELATING TO MEDICAL RESEARCH CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.—Section 733, relating to a prohibition on funding and conduct of certain medical research and development projects by the Department of Defense, shall have no force or effect.

(b) CONGRESSIONAL SPECIAL INTEREST MEDICAL RESEARCH PROGRAMS.—Sections 891, 892, and 893, relating to limitations on the authority of the Secretary of Defense to enter into contracts, grants, or cooperative agreements for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense, shall have no force or effect.

SA 593. Ms. DUCKWORTH (for herself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting ''ON DEBT INCURRED BEFORE SERVICE'' after ''LIMITATION TO 6 PERCENT'';

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

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per

year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.'';

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting ''or (2)'' after ''paragraph (1)''; and

(5) in paragraph (4), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''the interest rate limitation in subsection (a)'' and inserting ''an interest rate limitation in paragraph (1) or (2) of subsection (a)''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY'' and inserting ''EFFECTIVE DATE''; and

(B) by inserting before the period at the end the following: ''in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)''.

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) STUDENT LOAN.—The term 'student loan' means the following:

''(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(B) A private student loan as that term is defined section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).''.

SA 594. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BROWN, Mrs. GILLIBRAND, Ms. WARREN, Mr. WHITEHOUSE, Mr. NELSON, Ms. BALDWIN, Mr. ROUNDS, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. ESTABLISHMENT OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.

(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:

''§ 7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures

''(a) ESTABLISHMENT.—(1) The Secretary shall establish within the Department a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures to carry out the responsibilities specified in subsection (d).

''(2) The Secretary shall establish the center of excellence under paragraph (1) through the use of—

''(A) the directives and policies of the Department in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018;

''(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and

''(C) guidance issued by the Secretary of Defense under section 313 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1074 note).

''(b) SELECTION OF SITE.—In selecting the site for the center of excellence established under subsection (a), the Secretary shall consider entities that—

''(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to burn pits and other environmental exposures;

''(2) have a track record of publishing information relating to post-deployment health exposures among veterans who served in the Armed Forces in support of Operation Iraqi Freedom and Operation Enduring Freedom;

''(3) have access to animal models and in vitro models of dust immunology and lung injury consistent with the injuries of members of the Armed Forces who served in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

''(4) have expertise in allergy, immunology, and pulmonary diseases.

''(c) COLLABORATION.—The Secretary shall ensure that the center of excellence collaborates, to the maximum extent practicable, with the Secretary of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

''(d) RESPONSIBILITIES.—The center of excellence shall have the following responsibilities:

''(1) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(2) To provide guidance for the health systems of the Department and the Department of Defense in determining the personnel required to provide quality health care for members of the Armed Forces and veterans with health conditions relating to exposure to burn pits and other environmental exposures.

''(3) To establish, implement, and oversee a comprehensive program to train health professionals of the Department and the Department of Defense in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(4) To facilitate advancements in the study of the short-term and long-term effects of exposure to burn pits and other environmental exposures.

''(5) To disseminate within medical facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

''(6) To conduct basic science and translational research on health conditions relating to exposure to burn pits and other environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive interventions and new treatments.

''(7) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

''(e) USE OF BURN PITS REGISTRY DATA.—In carrying out its responsibilities under subsection (d), the center of excellence shall have access to and make use of the data accumulated by the burn pits registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

''(f) DEFINITIONS.—In this section:

''(1) The term 'burn pit' means an area of land located in Afghanistan or Iraq that—

''(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

''(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

''(2) The term 'other environmental exposures' means exposure to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.

''(g) FUNDING.—(1) There is authorized to be appropriated to carry out this section $4,100,000 for each of the first five fiscal years beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(2) The Secretary may award additional amounts on a competitive basis to the center of excellence from the medical and prosthetics research account of the Department for the purpose of conducting research under this section relating to clinical and scientific investigation.''.

(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 7330B the following new item:

''7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.''.

SA 595. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. LONGITUDINAL MEDICAL STUDY ON BLAST PRESSURE EXPOSURE OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall conduct a longitudinal medical study on blast pressure exposure of members of the Armed Forces during combat and training, including members who train with high overpressure weapons, such as anti-tank recoilless rifles and heavy-caliber sniper rifles.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) monitor, record, and analyze data on blast pressure exposure for any member of the Armed Forces who is likely to be exposed to a blast in training or combat;

(2) assess the feasibility and advisability of including blast exposure history as part of the service record of a member, as a blast exposure log, in order to ensure that, if medical issues arise later, the member receives care for any service-connected injuries; and

(3) review the safety precautions surrounding heavy weapons training to account for emerging research on blast exposure and the effects on of such exposure on cognitive performance of members of the Armed Forces.

(c) REPORT.—The Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

SA 596. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 899D. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A summary of fraud-related criminal convictions and civil judgements or settlements over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed contracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SA 597. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Outsourcing Prevention

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Defending American Jobs Act''.

SEC. 1092. WORKFORCE DISCLOSURE REQUIREMENTS FOR DEFENSE CONTRACTS.

(a) INFORMATION REQUIRED.—The Secretary of Defense shall require each contractor that enters into a contract with the Department of Defense for the procurement of property or services to provide to the Department, on an annual basis for the duration of the contract, the following information:

(1) The number of individuals employed by the contractor in the United States.

(2) The number of individuals employed by the contractor outside the United States.

(3) A description of the wages and employee benefits being provided to the employees of the contractor in the United States.

(4) A description of the wages and employee benefits being provided to the employees of the contractor outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—Beginning on the date that is one year after a contractor enters into a contract described under subsection (a), and annually thereafter for the duration of the contract, the contractor shall provide, in addition to the information required under subsection (a), a written certification that contains the following information:

(1) The percentage of the workforce of the contractor employed in the United States that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the contractor that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON AWARDING CONTRACTS TO DEFENSE CONTRACTORS THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to the Department of Defense by a contractor under subsection (b), the percentage described in paragraph (1) of such subsection is greater than the percentage described in paragraph (2) of such subsection, the contractor shall be ineligible for further contracts with the Department of Defense until the contractor provides to the Department a written certification that the number of employees of the contractor in the United States is in the same proportion as, or has increased in proportion to, the number of the employees of the contractor worldwide as of the later of—

(1) the date the contractor last made a certification under subsection (b) concerning the contract that did not cause the contractor to become ineligible under this subsection for a Department of Defense contract; or

(2) the date on which the contractor entered into the contract for which the certification is being made.

SA 598. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM CONTAMINANT LEVELS FOR PERFLUORINATED COMPOUNDS.

Section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)) is amended by adding at the end the following:

''(D) PERFLUORINATED COMPOUNDS.—Not later than 2 years after the date of enactment of this subparagraph, with respect to the perfluorinated compounds perfluorooctanoic acid and perfluorooctanesulfonic acid, the Administrator shall—

''(i) publish a maximum contaminant level goal; and

''(ii) promulgate a national primary drinking water regulation.''.

SA 599. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 338. PROHIBITION ON TRANSFER OF THE TOOLS AND EQUIPMENT OF THE ADVANCED TURBINE ENGINE ARMY MAINTENANCE OF THE ARMY NATIONAL GUARD.

No action may be taken to reduce the capability of, or to eliminate or transfer the tools and equipment of, the Advanced Turbine Engine Army Maintenance (ATEAM) of the Army National Guard until the Secretary of Defense certifies each of the following:

(1) That Advanced Turbine Engine Army Maintenance capabilities do not result in any cost avoidance or savings to the Department of Defense.

(2) That there is no existing or anticipated requirement for Advanced Turbine Engine Army Maintenance technical expertise and capabilities among any Armed Force or the militaries of United States allies (through the Foreign Military Sales program).

(3) That there is no existing or anticipated requirement to support and maintain readiness of any unit of the Armed Forces, including Army National Guard units in the Idaho, Kansas, Minnesota, Mississippi, Montana, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, and Tennessee, that may require the capabilities of the Advanced Turbine Engine Army Maintenance for on-site repair or field support during training events or otherwise.

SA 600. Mr. MORAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ARMY MILITARY VALUE ANALYSIS MODEL.

(a) FINDINGS.—Congress makes the following

(1) The Military Value Analysis model of the Army has been a key determinant for the force structure and strategic basing decisions of the Army in recent years.

(2) The Committees on Armed Services of the Senate and the House of Representatives have determined that a lack of transparency regarding process, metrics, and scoring on the matters covered by the Military Value Analysis model has made proper oversight of the Army by Congress far more difficult.

(c) REPORT ON UPDATED MODEL.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an update of the Military Value Analysis model of the Army.

(2) REVIEW.—The Secretary shall update the Military Value Analysis model for purposes of the report required by paragraph (1) following a review undertaken by the Secretary for purposes of the update. The review and update shall address and appropriately incorporate the following:

(A) Qualitative and quantitative criteria and sub-criteria to be used for force structure and strategic basing decisions, including quantitative and qualitative measures on the average daily use of, and accessibility to, maneuver training acreage.

(B) Deployment criteria using a measure of the time required to deploy a unit of action from its home installation to its deployment site, including the transportation of unit personnel by military aircraft, and transportation of the commonly defined set of unit equipment to its designated out-port for deployment.

(d) SCORING DATA FOR FORCE STRUCTURE AND MAJOR BASING DECISIONS.—After making a force structure or major basing decision for the Army, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the scoring data developed pursuant to the Military Value Analysis model of the Army with respect to each military installation considered for purposes of the decision.

SA 601. Mr. MORAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. DECLASSIFICATION BY DEPARTMENT OF DEFENSE OF CERTAIN INCIDENTS OF EXPOSURE OF MEMBERS OF THE ARMED FORCES TO TOXIC SUBSTANCES.

(a) IN GENERAL.—The Secretary of Defense shall declassify documents related to any known incident in which not fewer than 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability that a member of the medical profession has determined to be associated with that toxic substance.

(b) LIMITATION.—The declassification required by subsection (a) shall be limited to information necessary for an individual who was potentially exposed to a toxic substance to determine the following:

(1) Whether that individual was exposed to that toxic substance.

(2) The potential severity of the exposure of that individual to that toxic substance.

(3) Any potential health conditions that may have resulted from exposure to that toxic substance.

(c) EXCEPTION.—The Secretary of Defense is not required to declassify documents under subsection (a) if the Secretary determines that declassification of those documents would materially and immediately threaten the security of the United States.

(d) DEFINITIONS.—In this section:

(1) ARMED FORCES.—The term ''Armed Forces'' has the meaning given that term in section 101 of title 10, United States Code.

(2) EXPOSED.—The term ''exposed'' means, with respect to a toxic substance, that an individual came into contact with that toxic substance in a manner that could be hazardous to the health of that individual, that may include if that toxic substance was inhaled, ingested, or touched the skin or eyes.

(3) EXPOSURE.—The term ''exposure'' means, with respect to a toxic substance, an event during which an individual was exposed to that toxic substance.

(4) TOXIC SUBSTANCE.—The term ''toxic substance'' means any substance determined by the Administrator of the Environmental Protection Agency to be harmful to the environment or hazardous to the health of an individual if inhaled or ingested by or absorbed through the skin of that individual.

SA 602. Mr. MCCAIN (for himself, Mr. FLAKE, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSFER OF NON-COMBAT MILITARY VEHICLES AND EQUIPMENT TO STATE AND LOCAL FIRE DEPARTMENTS UNDER FIREFIGHTER PROPERTY (FFP) PROGRAM.

The Secretary of Defense shall take steps to facilitate the transfer of non-combat military vehicles and equipment to State and local fire departments under the Firefighter Property (FFP) program carried out pursuant to section 2576b of title 10, United States Code, including by preventing the Defense Logistics Agency from implementing guidance categorizing such equipment as high security items subject to Trade Security Controls and other enhanced security requirements.

SA 603. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 122, strike subsection (b).

SA 604. Mr. KING submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON SCALING WATER PURIFIERS THAT USE MIXED-OXIDANT ELECTROLYTIC DISINFECTANT GENERATOR (MEDG) TECHNOLOGY FOR SMALL AND MEDIUM SHIPS.

The Secretary of the Navy shall conduct a study on the feasibility of scaling water purifiers that use Mixed-Oxidant Electrolytic Disinfectant Generator (MEDG) technology for small and medium ships.

SA 605. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President may not use the Armed Forces of the United States to conduct a first-use nuclear strike unless such strike is conducted pursuant to a declaration of war by Congress that expressly authorizes such strike.

(b) FIRST-USE NUCLEAR STRIKE DEFINED.—In this section, the term ''first-use nuclear strike'' means an attack using nuclear weapons against an enemy that is conducted without the President determining that the enemy has first launched a nuclear strike against the United States or an ally of the United States.

SA 606. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

Notwithstanding any other provision of this Act or any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range standoff weapon or for the W80 warhead life extension program.

SA 607. Mr. MARKEY (for himself, Mr. GARDNER, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1262.

SA 608. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. _____. ATOMIC VETERANS SERVICE MEDAL.

(a) SERVICE MEDAL REQUIRED.—The Secretary of Defense shall design and produce a military service medal, to be known as the ''Atomic Veterans Service Medal'', to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).

(b) DISTRIBUTION OF MEDAL.—

(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the veteran.

(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a radiation-exposed veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Medal to the next-of-kin of the person.

(3) APPLICATION.—The Secretary shall prepare and disseminate as appropriate an application by which radiation-exposed veterans and their next-of-kin may apply to receive the Atomic Veterans Service Medal.

SA 609. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SENSE OF CONGRESS ON THE UNITED STATES STRATEGY FOR AFGHANISTAN AND SOUTH ASIA.

It is the sense of Congress that—

(1) it is in the national security interest of the United States that Afghanistan never again serve as a sanctuary for international terrorists to conduct attacks against the United States, its allies, or its core interests;

(2) to secure the national security interest of the United States in Afghanistan, the United States should pursue an integrated civil-military strategy with strategic objectives to—

(A) deny, disrupt, degrade, and destroy the ability of terrorist groups to conduct attacks against the United States, its allies, and its core interests;

(B) prevent the Taliban from using military force to overthrow the Government of the Islamic Republic of Afghanistan and reduce the Taliban's control of the Afghan population;

(C) improve the capability and capacity of the Government of the Islamic Republic of Afghanistan, to the extent feasible and practicable, to defeat terrorist and insurgent groups as well as to sustainably and independently provide security throughout Afghanistan;

(D) establish security conditions in Afghanistan necessary to encourage and facilitate a negotiated peace process that supports political reconciliation in Afghanistan and an eventual diplomatic resolution to the conflict in Afghanistan; and

(E) forge a regional diplomatic consensus in support of the long-term stabilization of Afghanistan through integration into regional patterns of political, security, and economic cooperation;

(3) the United States should pursue an integrated civil-military strategy that would achieve United States strategic objectives by—

(A) bolstering the United States counterterrorism effort in Afghanistan by—

(i) increasing the number of United States counterterrorism forces in Afghanistan;

(ii) providing the United States military with status-based targeting authorities against the Taliban, the Haqqani Network, al-Qaeda, the Islamic State of Iraq and Syria, and other terrorist groups that threaten the United States, its allies, and its core interests; and

(iii) pursuing a joint agreement to secure a long-term, open-ended counterterrorism partnership between the United States and the Government of the Islamic Republic of Afghanistan, which would include an enduring United States counterterrorism presence in Afghanistan;

(B) improving the military capability and capacity of the Afghan National Security and Defense Forces (ANSDF) against the Taliban and other terrorists groups by—

(i) in the short term, establishing United States military training and advisory teams at the *kandak*-level of each Afghan corps, and significantly increasing the availability of United States airpower and other critical combat enablers to support Afghan National Security and Defense Forces operations; and

(ii) in the long term, providing sustained support to the Afghan National Security and Defense Forces as it develops and expands its own key enabling capabilities, including intelligence, logistics, special forces, air lift, and close air support;

(C) strictly conditioning further United States military, economic, and governance assistance programs for the Government of the Islamic Republic of Afghanistan upon measurable progress in achieving joint United States-Afghanistan benchmarks for implementing necessary institutional reforms, especially those related to anti-corruption, financial transparency, and the rule of law;

(D) imposing graduated diplomatic, military, and economic costs on Pakistan as long as it continues to provide support and sanctuary to terrorist and insurgent groups, including the Taliban and the Haqqani Network, while simultaneously outlining the potential benefits of a long-term United States-Pakistan strategic partnership that could result from the cessation by Pakistan of support for all terrorist and insurgent groups and constructive role in bringing about a peaceful resolution of the conflict in Afghanistan; and

(E) intensifying United States regional diplomatic efforts working through flexible frameworks for regional dialogue together with Afghanistan, Pakistan, China, India, Tajikistan, Uzbekistan, Turkmenistan, and other nations to promote political reconciliation in Afghanistan as well as to advance regional cooperation on issues such as border security, intelligence sharing, counternarcotics, transportation, and trade to reduce mistrust and build confidence among regional states; and

(4) the President should ensure that the Secretary of Defense, the Secretary of State, and United States military commanders have all the necessary means, based on political and security conditions on the ground in Afghanistan and unconstrained by arbitrary timelines, to carry out an integrated civil-military strategy as described in paragraphs (2) and (3), including financial resources, civilian personnel, military forces and capabilities, and authorities.

SA 610. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AUTHORITY TO USE ENERGY SAVINGS INVESTMENT FUND FOR ENERGY MANAGEMENT INITIATIVES.

Section 2919(b)(2) of title 10, United States Code, is amended by striking '', to the extent provided for in an appropriations Act,''.

SA 611. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON USE OF AREAWIDE CONTRACTS FOR ENERGY RESILIENCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the General Services Administration and the Secretary of Energy, shall submit to the congressional defense committees a report identifying projects to increase energy resiliency on military installations that could be executed under an existing areawide contract (as defined in section 41.101 of the Federal Acquisition Regulation). The report shall also identify recommendations to support installation commanders and contracting officers in contracting with utility service suppliers under areawide contracts.

SA 612. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. LIEUTENANT HENRY OSSIAN FLIPPER LEADER SHIP SCHOLARSHIP PROGRAM.

(a) AUTHORITY.—The Secretary of the Army shall carry out a program to be known as the ''Lieutenant Henry Ossian Flipper Leadership Scholarship Program'' under which the Secretary may provide financial assistance, in accordance with this section, to a person—

(1) who is pursuing a recognized postsecondary credential at a minority-serving institution; and

(2) who enters into an agreement with the Secretary as described in subsection (b).

(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—

(1) IN GENERAL.—To receive financial assistance under this section—

(A) a member of the Army shall enter into an agreement to serve on active duty in the Army for the period of obligated service determined under paragraph (2); and

(B) a person who is not a member of the Army shall enter into an agreement to enlist or accept a commission in the Army and to serve on active duty in Army for the period of obligated service determined under paragraph (2).

(2) PERIOD OF OBLIGATED SERVICE.—The period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Army as being appropriate to obtain adequate service in exchange for the financial assistance. The period of service required of a recipient shall be not less than the period equal to three-fourths of the total period of pursuit of a credential for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty.

(3) TERMS OF AGREEMENT.—An agreement entered into under this section by a person pursuing a recognized postsecondary credential shall include the following terms:

(A) SERVICE START DATE.—The period of obligated service will begin on a date after the award of the credential, as determined by the Secretary of the Army.

(B) ACADEMIC PROGRESS.—The person will maintain satisfactory academic progress, as determined by the Secretary, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

(C) OTHER TERMS.—Any other terms and conditions that the Secretary determines to be appropriate for carrying out this section.

(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of the Army as being necessary to pay the person's cost of attendance at the minority-serving institution.

(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the credential for which assistance is provided the person under this section.

(e) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—A member of the Army who does not complete the period of active duty specified in the service agreement under subsection (b) shall be subject to the repayment provisions of section 303a(e) of title 37, United States Code.

(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that includes—

(1) an assessment of the progress of the Secretary in carrying out the scholarship program under this section;

(2) the number of scholarships that the Secretary intends to award in the academic year beginning after the date of the submission of the report; and

(3) a description of the Secretary's efforts to promote the scholarship program at minority-serving institutions.

(g) DEFINITIONS.—In this section:

(1) COST OF ATTENDANCE.—The term ''cost of attendance'' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 19 U.S.C. 10871l).

(2) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 24 U.S.C. 1067q(a)).

(3) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 5 U.S.C. 3102).

SA 613. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. ____. DEPARTMENT OF DEFENSE CYBER WORKFORCE DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense may carry out a pilot program to be known as the ''Cyber Workforce Development Pilot Program'' (in this section referred to as the ''Pilot Program'') under which the Secretary shall provide funds, in addition to other funds that may be available, for the recruitment, training, professionalization, and retention of personnel in the cyber workforce of the Department of Defense.

(b) PURPOSE.—The purpose of the Pilot Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, in both personnel and skills, needed to effectively perform its cyber missions and the kinetic missions impacted by cyber activities.

(c) MANAGEMENT.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(d) GUIDANCE.—The Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense, shall issue guidance for the administration of the Pilot Program. Such guidance shall include provisions that—

(1) identify areas of need in the cyber workforce that funds under the Pilot Program may be used to address, including—

(A) changes to the types of skills needed in the cyber workforce;

(B) capabilities to develop the cyber workforce and assist members of the cyber workforce in achieving qualifications and professionalization through activities such as training, education, and exchange programs;

(C) incentives to retain qualified, experienced cyber workforce personnel; and

(D) incentives for attracting new, high-quality personnel to the cyber workforce;

(2) describe the process under which entities may submit an application to receive funds under the Pilot Program;

(3) describe the evaluation criteria to be used for approving or prioritizing applications for funds under the Pilot Program in any fiscal year; and

(4) describe measurable objectives of performance for determining whether funds under the Pilot Program are being used in compliance with this section.

(e) CONSIDERATIONS.—When selecting entities to provide training and education services under the Pilot Program, consideration shall be given to whether the entity providing such services is a Center of Academic Excellence in Information Assurance Education (as that term is defined in section 2200e of title 10, United States Code).

(f) ANNUAL REPORT.—Not later than 120 days after the end of each of fiscal year for which funds are appropriated for the Pilot Program, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the Pilot Program during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A description of the expenditures made under the Pilot Program (including expenditures following a transfer of funds under the Pilot Program to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(2) A description and assessment of improvements in the Department of Defense cyber workforce resulting from such expenditures.

(3) Recommendations for additional authorities to fulfill the purpose of the Pilot Program.

(4) A statement of the funds that remain available under the Pilot Program at the end of such fiscal year.

(g) TERMINATION.—The Pilot Program and the annual reporting requirement under subsection (f) shall each terminate on the date that is five years after the date on which funds are first appropriated for the Pilot Program and any funds not obligated or expended under the Pilot Program on that date shall be deposited in the general fund of the Treasury of the United States.

(h) CYBER WORKFORCE DEFINED.—In this section, the term ''cyber workforce'' means the following:

(1) Personnel in positions that require the performance of cybersecurity or other cyber-related functions as so identified pursuant to the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 301 note) .

(2) Military personnel or civilian employees of the Department of Defense who are not described in paragraph (1) but who—

(A) are assigned functions that contribute significantly to cyber operations; and

(B) are designated as temporary members of the cyber workforce by the Chief Information Officer of the Department of Defense, or by the head of a military department or Defense Agency, for the limited purpose of receiving training for the performance of cyber-related functions.

SA 614. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. _____. REPORT ON PROGRESS IN CARRYING OUT ASSESSMENT OF MILITARY AND INTELLIGENCE NECESSITY AND BENEFIT OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

The Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Secretary and the Chairman of the Joint Chiefs of Staff in carrying out the assessment required by section 1642(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SA 615. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON PLAN TO STABILIZE THE AREAS IN IRAQ AND SYRIA LIBERATED FROM THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act the Secretary of State and Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that sets forth the plan of the United States to stabilize areas in Iraq and Syria that are liberated from the Islamic State of Iraq and the Levant (ISIL).

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

(1) For areas in Iraq described in subsection (a), the following:

(A) An assessment of security in such areas, and an identification of the forces that will provide post-conflict stabilization and security in the areas described in subsection (a).

(B) An assessment of the extent to which security forces trained and equipped using United States assistance are prepared—

(i) to provide post-conflict stabilization and security in such areas;

(ii) to support inclusive governance structures in such areas;

(iii) to support the return of displaced persons to such areas; and

(iv) to defer to legitimate local authorities for governance decisions in such areas.

(C) An assessment of the capacity of such security forces to operate effectively in post-conflict environments, including in the performance of counterterrorism operations and stabilization operations independent of United States forces.

(D) An assessment of the interest and support from such security forces and legitimate local authorities for the participation of the United States Government in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas.

(E) A description of—

(i) the responsibilities and plans of the Department of State in working with the Government of Iraq and legitimate local authorities to re-establish essential services, promote inclusive governance structures, and support reconstitution of local economies in such areas;

(ii) plans for improving any gaps identified in the assessments described in subparagraphs (A) through (D); and

(iii) the resources required to execute the plans described in clause (ii), and the metrics to be used in evaluating the execution of such plans.

(F) A description of the roles, responsibilities, and anticipated contributions of resources of partner nations in securing and stabilizing such areas.

(2) For areas in Syria described in subsection (a), the following:

(A) An assessment of security in such areas, and an identification of the forces that will provide post-conflict stabilization and security in the areas described in subsection (a).

(B) An assessment of the extent to which security forces trained and equipped using United States assistance are prepared—

(i) to provide post-conflict stabilization and security in such areas;

(ii) to support inclusive governance structures in such areas;

(iii) to support the return of displaced persons to such areas; and

(iv) to defer to legitimate local authorities for governance decisions in such areas.

(C) An assessment of the capacity of such security forces to operate effectively in post-conflict environments, including in the performance of counterterrorism operations and stabilization operations independent of United States forces.

(D) An assessment of the interest and support from such security forces and legitimate local authorities for the participation of the United States Government in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas.

(E) A description of—

(i) the responsibilities and plans of the Department of State in working with legitimate local authorities to re-establish essential services, promote inclusive governance structures, and support reconstitution of local economies in such areas;

(ii) plans for improving any gaps identified in the assessments described in subparagraphs (A) through (D); and

(iii) the resources required to execute the plans described in clause (ii), and the metrics to be used in evaluating the execution of such plans.

(F) A description of the roles, responsibilities, and anticipated contributions of resources of partner nations in securing and stabilizing such areas.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 616. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REASONABLE PRICE AGREEMENT.

(a) IN GENERAL.—If any Federal agency or any non-profit entity undertakes Federally funded health care research and development and is to convey or provide a patent for a drug, biologic, or other health care technology developed through such research, such agency or entity shall not make such conveyance or provide such patent until the entity (including a non-profit entity) that will receive such patent first agrees to a reasonable pricing agreement with the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') or the Secretary makes a determination that the public interest is served by a waiver of the reasonable pricing agreement provided in accordance with subsection (c).

(b) PROHIBITION OF DISCRIMINATION.—

(1) IN GENERAL.—For purposes of subsection (a), any reasonable pricing formula that is utilized shall not result in discriminatory pricing for the drug, biologic, or other health care technology involved regardless of the number of bidders involved. In carrying out this subparagraph, the Secretary shall ensure that the Federal Government, with respect to the drug, biologic, or other health care technology involved, is charged an amount that is not more than the lowest amount charged to countries in the Organization for Economic Co-Operation and Development for the same drug, biologic, or technology, that have the largest gross domestic product with a per capita income that is not less than half the per capita income of the United States.

(2) DISCRIMINATORY PRICING.—For the purposes of paragraph (1), a cost based reasonable pricing formula that is utilized shall be considered to result in discriminatory pricing if the contract for sale of the drug, biologic, or other health care technology places a limit on supply, or employs any other measure, that has the effect of—

(A) providing access to such drug, biologic, or technology on terms or conditions that are less favorable than the terms or conditions provided to a foreign purchaser (other than a charitable or humanitarian organization) of the drug, biologic, or technology; or

(B) restricting access to the drug, biologic, or technology under this section.

(c) WAIVER.—No waiver shall take effect under subsection (a) before the public is given notice of the proposed waiver and provided a reasonable opportunity to comment on the proposed waiver. A decision to grant a waiver shall set out the Secretary's finding that such a waiver is in the public interest.

SA 617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—COMMUNITY HEALTH CENTERS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Community Health Center and Primary Care Workforce Expansion Act of 2017''.

SEC. __02. COMMUNITY HEALTH CENTER PROGRAM.

(a) IN GENERAL.—Section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b- 2(b)(1)) is amended—

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

(2) in subparagraph (E), by striking the period; and

(3) by adding at the end the following:

''(F) $5,110,000,000 for fiscal year 2018;

''(G) $5,410,000,000 for fiscal year 2019;

''(H) $5,790,000,000 for fiscal year 2020;

''(I) $6,620,000,000 for fiscal year 2021;

''(J) $7,510,000,000 for fiscal year 2022;

''(K) $8,460,000,000 for fiscal year 2023;

''(L) $9,490,000,000 for fiscal year 2024;

''(M) $10,590,000,000 for fiscal year 2025;
''(N) $11,780,000,000 for fiscal year 2026;
''(O) $12,500,000,000 for fiscal year 2027; and
''(P) for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the product of—
''(i) one plus the average percentage increase in costs incurred per patient served; and
''(ii) one plus the average percentage increase in the total number of patients served.''.

(b) CAPITAL PROJECTS.—In addition to amounts otherwise appropriated under section 10503(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b- 2(b)(1)), there is authorized to be appropriated, and there is appropriated, for the community health centers program under section 330 of the Public Health Service Act (42 U.S.C. 254b) for capital projects, $18,600,000,000 for fiscal year 2017.

(c) LIMITATION.—Amounts otherwise appropriated for community health centers may not be reduced as a result of the appropriations made under this section.

(d) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. __03. NATIONAL HEALTH SERVICE CORPS.

(a) IN GENERAL.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b- 2(b)(2)) is amended—

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

(2) in subparagraph (E), by striking the period; and

(3) by adding at the end the following:
''(F) $850,000,000 for fiscal year 2018;
''(G) $893,000,000 for fiscal year 2019;
''(H) $938,000,000 for fiscal year 2020;
''(I) $985,000,000 for fiscal year 2021;
''(J) $1,030,000,000 for fiscal year 2022;
''(K) $1,090,000,000 for fiscal year 2023;
''(L) $1,100,000,000 for fiscal year 2024;
''(M) $1,200,000,000 for fiscal year 2025;
''(N) $1,300,000,000 for fiscal year 2026;
''(O) $1,500,000,000 for fiscal year 2027; and
''(P) for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the product of—
''(i) one plus the average percentage increase in the costs of health professions education during the prior fiscal year; and
''(ii) one plus the average percentage change in the number of individuals residing in health professions shortage areas designated under section 333 of the Public Health Service Act during the prior fiscal year, relative to the number of individuals residing in such areas during the previous fiscal year.''.

(b) LIMITATION.—Amounts otherwise appropriated for National Health Service Corps may not be reduced as a result of the appropriations made under this section.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. __04. TEACHING HEALTH CENTERS.

(a) IN GENERAL.—Section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)) is amended—

(1) by striking ''2015 and'' and inserting ''2015,''; and

(2) by striking the period and inserting '', $176,000,000 for fiscal years 2018 and 2019, $184,000,000 for fiscal year 2020, $194,000,000 for fiscal year 2021, $203,000,000 for fiscal year 2022, $214,000,000 for fiscal year 2023, $224,000,000 for fiscal year 2024, $235,000,000 for fiscal year 2025, $247,000,000 for fiscal year 2026, $260,000,000 for fiscal year 2027, and for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the greater of the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) as rounded up in an appropriate manner, or the percentage increase for the fiscal year involved under section 2(a)(11).''.

(b) LIMITATION.—Amounts otherwise appropriated for Teaching Health Centers may not be reduced as a result of the appropriations made under this section.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. __05. NURSE PRACTITIONER RESIDENCY TRAINING PROGRAMS.

(a) IN GENERAL.—Section 5316 of the Patient Protection and Affordable Care Act is amended by striking subsection (i) and inserting the following:

''(i) APPROPRIATIONS.—In addition to amounts otherwise appropriated, there is authorized to be appropriated, and there is appropriated to carry out this section—
''(1) $35,000,000 for fiscal year 2018;
''(2) $40,000,000 for fiscal year 2019;
''(3) $45,000,000 for fiscal year 2020;
''(4) $50,000,000 for fiscal year 2021;
''(5) $55,000,000 for fiscal year 2022;
''(6) $60,000,000 for fiscal year 2023;
''(7) $65,000,000 for fiscal year 2024;
''(8) $70,000,000 for fiscal year 2025;
''(9) $75,000,000 for fiscal year 2026;
''(10) $80,000,000 for fiscal year 2027; and
''(11) for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the greater of the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) as rounded up in an appropriate manner, or the percentage increase for the fiscal year involved under section 10503(b)(1)(P) of the Patient Protection and Affordable Care Act.''.

(b) LIMITATION.—Amounts otherwise appropriated for Nurse Practitioner Residency Training Programs may not be reduced as a result of the appropriations made under this section.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SA 618. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 569D. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

''(a) TERMINATION OF EXCLUSIVITY.—Notwithstanding any other provision of this Act, any period of exclusivity described in subsection (b) granted to a person or assigned to a person on or after the date of enactment of this section with respect to a drug shall be terminated if the person to which such exclusivity was granted or any person to which such exclusivity is assigned commits a violation described in subsection (c)(1) with respect to such drug.

''(b) EXCLUSIVITIES AFFECTED.—The periods of exclusivity described in this subsection are those periods of exclusivity granted under any of the following sections:

''(1) Clause (ii), (iii), or (iv) of section 505(c)(3)(E).
''(2) Clause (iv) of section 505(j)(5)(B).
''(3) Clause (ii), (iii), or (iv) of section 505(j)(5)(F).
''(4) Section 505A.
''(5) Section 505E.
''(6) Section 527.
''(7) Section 351(k)(7) of the Public Health Service Act.
''(8) Any other provision of this Act that provides for market exclusivity (or extension of market exclusivity) with respect to a drug.

''(c) VIOLATIONS.—
''(1) IN GENERAL.—A violation described in this subsection is a violation of a law described in paragraph (2) that results in—
''(A) a criminal conviction of a person described in subsection (a);
''(B) a civil judgment against a person described in subsection (a); or
''(C) a settlement agreement in which a person described in subsection (a) admits to fault.
''(2) LAWS DESCRIBED.—The laws described in this paragraph are the following:
''(A) The provisions of this Act that prohibit—
''(i) the adulteration or misbranding of a drug;
''(ii) the making of false statements to the Secretary or committing fraud; or
''(iii) the illegal marketing of a drug.
''(B) The provisions of subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act').
''(C) Section 287 of title 18, United States Code.
''(D) The Medicare and Medicaid Patient Protection and Program Act of 1987 (commonly known as the 'Antikickback Statute').
''(E) Section 1927 of the Social Security Act.
''(F) A State law against fraud comparable to a law described in subparagraphs (A) through (E).

''(d) DATE OF EXCLUSIVITY TERMINATION.—The date on which the exclusivity shall be terminated as described in subsection (a) is the date on which, as applicable—
''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or
''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or
''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.

''(e) REPORTING OF INFORMATION.—A person described in subsection (a) that commits a violation described in subsection (c)(1) shall report such violation to the Secretary no later than 30 days after the date that—
''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or
''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or
''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.''.

SA 619. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for

reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DENTAL CLINICS IN SCHOOLS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–3. DENTAL CLINICS IN SCHOOLS.

''(a) IN GENERAL.—The Secretary shall award grants to qualified entities for the purpose of funding the building, operation, or expansion of dental clinics in schools.

''(b) QUALIFIED ENTITIES.—To receive a grant under this section, a qualified entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) REQUIREMENTS.—An entity receiving a grant under this section shall—

''(1) provide comprehensive oral health services at a dental clinic based at a school, including oral health education, oral screening, fluoride application, prophylaxis, sealants, and basic restorative services;

''(2) develop a coordinated system of care by referring patients to an available qualified oral health provider in the community for any required oral health services not provided in the dental clinic in the school, including restorative services, to ensure that all the oral health needs of students are met; and

''(3) maintain clinic hours that extend beyond school hours.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated such sums as may be necessary for fiscal years 2018 through 2021.''.

SA 620. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 112 and insert the following:

SEC. 112. REPEAL OF MEDICAID EXPANSION.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2017,'' after ''2014,'';

(ii) in clause (ii)(XX), by inserting ''and ending December 31, 2017,'' after ''2014,''; and

(iii) in clause (ii), by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2018, who are grandfathered expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) GRANDFATHERED EXPANSION ENROLLEES.—

''(1) IN GENERAL.—In this title, the term 'grandfathered expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i);

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; and

''(F) was enrolled under the State plan under this title (or a waiver of such plan) as of December 31, 2017.

''(2) STATE OPTION TO LIMIT ELIGIBILITY.—A State may deem an individual who is a grandfathered expansion enrollee to no longer be a grandfathered expansion enrollee if, after December 31, 2017, such individual has a break in eligibility for medical assistance under the State plan under this title for such a period of time as the State may specify (but which shall in no case be less than 6 months).

''(3) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to grandfathered expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1)—

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

(I) by inserting ''and that has elected to cover newly eligible individuals before March 1, 2017'' after ''that is one of the 50 States or the District of Columbia''; and

(II) by striking ''shall be equal to'' and inserting ''who, for periods after December 31, 2019, are grandfathered expansion enrollees (as defined in section 1902(nn)(1)), shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (D), by striking ''and'' after the semicolon; and

(iii) by striking subparagraph (E) and inserting the following new subparagraphs:

''(E) 90 percent for calendar quarters in 2020;

''(F) 85 percent for calendar quarters in 2021;

''(G) 80 percent for calendar quarters in 2022; and

''(H) 75 percent for calendar quarters in 2023.''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A)—

(I) by inserting ''through 2023'' after ''each year thereafter''; and

(II) by striking ''shall be equal to'' and inserting ''and for periods after December 31, 2019 and before January 1, 2024, who are grandfathered expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (B)(ii)—

(I) in subclause (III), by adding ''and'' at the end; and

(II) by striking subclauses (IV), (V), and (VI) and inserting the following new subclause:

''(IV) 2017 and each subsequent year through 2023 is 80 percent.''.

(b) TEMPORARY INCREASE TO PER CAPITA CAPS.—Section 1903A(c) of the Social Security Act, as added by this Act, is amended by adding at the end the following new paragraph:

''(6) INCREASE TO STATE EXPENDITURES TARGETS.—

''(A) IN GENERAL.—For each of fiscal years 2020 through 2026, in determining the target total medical assistance expenditures for a State and fiscal year under paragraph (1), the Secretary shall increase, by the amount determined for the State and year under subparagraph (B), the sum of the products, for each of the 1903A enrollee categories (as defined in subsection (e)(2)) except for the category described in subsection (e)(2)(D), of the target per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4).

''(B) ADJUSTMENT.—The amount determined under this subparagraph for a State and year shall be equal to the annual increase amount for the year (as defined in subparagraph (C)) multiplied by the ratio of—

''(i) the average monthly number of individuals enrolled in the State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by the State under section 1903B but excluding any individual enrolled under section 1902(a)(10)(A)(ii)(XXIII)) for the previous fiscal year; to

''(ii) the sum of the average monthly numbers of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B but excluding any individual enrolled under section 1902(a)(10)(A)(ii)(XXIII)) for the previous fiscal year for all States.

''(C) ANNUAL INCREASE AMOUNT.—In this paragraph, the term 'annual increase amount' means, with respect to a fiscal year during the period described in subparagraph (A), an amount equal to the total amount of additional Federal payments which would have been made for medical assistance provided to individuals under subclause (XXIII) of section 1902(a)(10)(A)(ii) for such fiscal year if the requirement described in section 1902(nn)(1)(F) (relating to enrollment as of December 31, 2017) did not apply (as determined by the Director of the Office of Management and Budget).

''(D) DISREGARD OF INCREASE.—Any adjustment under this paragraph to target total medical assistance expenditures for a State and fiscal year shall be disregarded when determining the target total medical assistance expenditures for such State for a succeeding year under paragraph (1).''.

(c) EXPANSION REPEAL SAVINGS PAYMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary of Health and Human Services shall make a payment to each State in the amount determined for the State under paragraph (3).

(2) USE OF FUNDS.—

(A) IN GENERAL.—A State shall use any payment received under this section to finance the non-Federal share of expenditures under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which are not attributable to medical assistance provided to individuals under subclause (XXIII) of section 1902(a)(10)(A)(ii) of such Act for the year in which such payment is received.

(B) NONAPPLICATION OF RESTRICTIONS.—Any provision of law restricting the use of Federal funds for the purpose described in subparagraph (A) shall not apply to payments made to States under this subsection.

(3) PAYMENT AMOUNTS.—The amount of a payment determined under this paragraph for a State shall be equal to the product of—

(A) the amount appropriated under paragraph (4); and

(B) the ratio of—

(i) the average monthly number of individuals enrolled in the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar year 2016, excluding any individuals enrolled under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) of such Act; to

(ii) the sum of the average monthly numbers of individuals enrolled in State plans under such title XIX for calendar year 2016 for all States, excluding any individuals enrolled under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) of such Act.

(4) APPROPRIATION.—For the purpose of carrying out this subsection, there is appropriated to the Secretary of Health and Human Services for fiscal year 2018 to remain available until expended, an amount equal to the total amount of additional Federal payments which would have been made for medical assistance provided to individuals under subclause (XXIII) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) for the period beginning on January 1, 2018 and ending on September 30, 2019, if the requirement described in section 1902(nn)(1)(F) of such Act (relating to enrollment as of December 31, 2017) did not apply (as determined by the Director of the Office of Management and Budget).

(d) SUNSET OF ESSENTIAL HEALTH BENEFITS REQUIREMENT.—Section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u–7(b)(5)) is amended by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''.

SA 621. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. AUTHORIZATION OF PHYSICAL THERAPIST ASSISTANTS AND OCCUPATIONAL THERAPY ASSISTANTS TO PROVIDE SERVICES UNDER THE TRICARE PROGRAM.

(a) ADDITION TO LIST OF AUTHORIZED PROFESSIONAL PROVIDERS OF CARE.—The Secretary of Defense shall revise section 199.6(c) of title 32, Code of Federal Regulations, as in effect on the date of the enactment of this Act, to add to the list of individual professional providers of care who are authorized to provide services to beneficiaries under the TRICARE program, as defined in section 1072 of title 10, United States Code, the following types of health care practitioners:

(1) Licensed or certified physical therapist assistants who meet the qualifications for physical therapist assistants specified in section 484.4 of title 42, Code of Federal Regulations, or any successor regulation, to furnish services under the supervision of a physical therapist.

(2) Licensed or certified occupational therapy assistants who meet the qualifications for occupational therapy assistants specified in such section 484.4, or any successor regulation, to furnish services under the supervision of an occupational therapist.

(b) SUPERVISION.—The Secretary of Defense shall establish in regulations requirements for the supervision of physical therapist assistants and occupational therapy assistants, respectively, by physical therapists and occupational therapists, respectively.

(c) MANUALS AND OTHER GUIDANCE.—The Secretary of Defense shall update the CHAMPVA Policy Manual and other relevant manuals and subregulatory guidance of the Department of Defense to carry out the revisions and requirements of this section.

SA 622. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1433. AUTHORITY OF CHIEF OPERATING OFFICER OF THE ARMED FORCES RETIREMENT HOME TO ACQUIRE AND LEASE PROPERTY.

(a) ACQUISITION OF PROPERTY.—Subsection (e) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in paragraph (2)—

(A) by striking ''Secretary of Defense may acquire,'' and inserting ''Chief Operating Officer may acquire,''; and

(B) by striking ''Secretary may acquire'' and inserting ''Chief Operating Officer may acquire''; and

(2) in paragraph (3)—

(A) by striking ''Secretary of Defense determines'' and inserting ''Chief Operating Officer determines''; and

(B) by striking ''Secretary shall dispose'' and inserting ''Chief Operating Officer shall dispose''.

(b) LEASING OF NONEXCESS PROPERTY.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Secretary of Defense (acting on behalf of the Chief Operating Officer)'' and inserting ''Chief Operating Officer''; and

(B) by striking ''as the Secretary considers'' and inserting ''(subject to paragraph (7)) as the Chief Operating Officer considers'';

(2) in paragraph (5), by striking ''the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer'' and inserting ''the Chief Operating Officer may not enter into the lease'';

(3) in paragraph (6)(A), by striking ''Secretary of Defense'' and inserting ''Chief Operating Officer'';

(4) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(5) by inserting after paragraph (6) the following new paragraph (7):

''(7) A lease under this subsection may not be entered into until the terms of the lease are approved by the Secretary of Defense.''.

SA 623. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following new section:

SEC. _____. DEPARTMENT OF DEFENSE CYBER WORKFORCE DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense may carry out a pilot program to be known as the ''Cyber Workforce Development Pilot Program'' (in this section referred to as the ''Pilot Program'') under which the Secretary shall provide funds, in addition to other funds that may be available, for the recruitment, training, professionalization, and retention of personnel in the cyber workforce of the Department of Defense.

(b) PURPOSE.—The purpose of the Pilot Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, in both personnel and skills, needed to effectively perform its cyber missions and the kinetic missions affected by cyber activities.

(c) MANAGEMENT.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(d) GUIDANCE.—The Chief Information Officer, in consultation with the Principal Cyber Advisor to the Secretary of Defense, shall issue guidance for the administration of the Pilot Program. Such guidance shall include provisions that—

(1) identify areas of need in the cyber workforce that funds under the Pilot Program may be used to address, including—

(A) changes to the types of skills needed in the cyber workforce;

(B) capabilities to develop the cyber workforce and assist members of the cyber workforce in achieving qualifications and professionalization through activities such as training, education, and exchange programs;

(C) incentives to retain qualified, experienced cyber workforce personnel; and

(D) incentives for attracting new, high-quality personnel to the cyber workforce;

(2) describe the process under which entities may submit an application to receive funds under the Pilot Program;

(3) describe the evaluation criteria to be used for approving or prioritizing applications for funds under the Pilot Program in any fiscal year; and

(4) describe measurable objectives of performance for determining whether funds under the Pilot Program are being used in compliance with this section.

(e) CONSIDERATIONS.—When selecting entities to provide training and education services under the Pilot Program, consideration shall be given to whether the entity providing such services is a Center of Academic Excellence in Information Assurance Education (as that term is defined in section 2200e of title 10, United States Code).

(f) ANNUAL REPORT.—Not later than 120 days after the end of each fiscal year for which funds are appropriated for the Pilot Program, the Secretary shall submit to the congressional defense committees a report on the operation of the Pilot Program during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A description of the expenditures made under the Pilot Program (including expenditures following a transfer of funds under the Pilot Program to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(2) A description and assessment of improvements in the Department of Defense cyber workforce resulting from such expenditures.

(3) Recommendations for additional authorities to fulfill the purpose of the Pilot Program.

(4) A statement of the funds that remain available under the Pilot Program at the end of such fiscal year.

(g) TERMINATION.—The Pilot Program and the annual reporting requirement under subsection (f) shall each terminate on the date that is five years after the date on which funds are first appropriated for the Pilot Program and any funds not obligated or expended under the Pilot Program on that date

shall be deposited in the general fund of the Treasury of the United States.

(h) CYBER WORKFORCE DEFINED.—In this section, the term ''cyber workforce'' means the following:

(1) Personnel in positions that require the performance of cybersecurity or other cyber-related functions as so identified pursuant to the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 301 note).

(2) Military personnel or civilian employees of the Department of Defense who are not described in paragraph (1) but who—

(A) are assigned functions that contribute significantly to cyber operations; and

(B) are designated as temporary members of the cyber workforce by the Chief Information Officer of the Department of Defense, or by the head of a military department or Defense Agency, for the limited purpose of receiving training for the performance of cyber-related functions.

SA 624. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

(3) affect the integrity or outcome of United States elections at any level, including at the Federal, State, and local levels;

SA 625. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Outsourcing Prevention

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Defending American Jobs Act''.

SEC. 1092. WORKFORCE DISCLOSURE REQUIREMENTS FOR DEFENSE CONTRACTS.

(a) INFORMATION REQUIRED.—The Secretary of Defense shall require each contractor that enters into a contract with the Department of Defense for the procurement of property or services to provide to the Department, on an annual basis for the duration of the contract, the following information:

(1) The number of individuals employed by the contractor in the United States.

(2) The number of individuals employed by the contractor outside the United States.

(3) A description of the wages and employee benefits being provided to the employees of the contractor in the United States.

(4) A description of the wages and employee benefits being provided to the employees of the contractor outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—Beginning on the date that is one year after a contractor enters into a contract described under subsection (a), and annually thereafter for the duration of the contract, the contractor shall provide, in addition to the information required under subsection (a), a written certification that contains the following information:

(1) The percentage of the workforce of the contractor employed in the United States that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the contractor that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON AWARDING CONTRACTS TO DEFENSE CONTRACTORS THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to the Department of Defense by a contractor under subsection (b), the percentage described in paragraph (1) of such subsection is greater than the percentage described in paragraph (2) of such subsection, the contractor shall be ineligible for further contracts with the Department of Defense until the contractor provides to the Department a written certification that the number of employees of the contractor in the United States is in the same proportion as, or has increased in proportion to, the number of the employees of the contractor worldwide as of the later of—

(1) the date the contractor last made a certification under subsection (b) concerning the contract that did not cause the contractor to become ineligible under this subsection for a Department of Defense contract; or

(2) the date on which the contractor entered into the contract for which the certification is being made.

SA 626. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A summary of fraud-related criminal convictions and civil judgements or settlements over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed contracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SA 627. Mr. CARDIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STRIKING PROVISIONS THAT NEGATIVELY IMPACT THE ACCESSIBILITY AND AFFORDABILITY OF PEDIATRIC DENTAL SERVICES.

Any provision of this Act shall be null and void and of no effect if such provision would—

(1) eliminate, limit access to, or reduce the affordability of pediatric dental services by repealing all or parts of the Affordable Care Act, block granting or imposing per capita caps on the Medicaid program; or

(2) otherwise negatively impact children's access to coverage for such services.

SA 628. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TO STRIKE PROVISIONS THAT WOULD ELIMINATE OR REDUCE CONSUMER PROTECTIONS PROVIDED BY THE PATIENT'S BILL OF RIGHTS UNDER PPACA.

Any provision of this Act shall be null and void and of no effect if such provision would eliminate or reduce the consumer protections provided by the Patient's Bill of Rights under the Patient Protection and Affordable Care Act, including—

(1) the ban on health plans discriminating against adults and children with pre-existing conditions, dropping coverage, limiting coverage under a health plan, limiting choice of doctors, or restricting emergency room care;

(2) the guarantee of a health plan enrollee's right to appeal;

(3) coverage of young adults under their parent's health plans; and

(4) coverage under a health plan of preventive care with no cost-sharing.

SA 629. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD DESTABILIZE THE INDIVIDUAL HEALTH INSURANCE MARKET IN 2018.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would destabilize the individual health insurance market in 2018.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate

only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 630. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD INCREASE MEDICAL BANKRUPTCIES.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would increase the number of medical bankruptcies in the United States.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 631. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD DECREASE ACCESS TO MEDICATION ASSISTED TREATMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would decrease access to medication assisted treatment.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 632. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 820, line 14, insert ‘‘, cost of backup power,’’ after ‘‘energy security’’.

SA 633. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. LIMITATION ON MODIFICATION OF STATUS OF TRANSGENDER MEMBERS OF THE ARMED FORCES.

(a) LIMITATION.—No action described in subsection (b) may be taken with respect to transgender members of the Armed Forces until 60 days after the date of the submittal to Congress of a report on the six-month review being conducted by the Secretary of Defense in order to evaluate the impact of accessions of transgender individuals into the Armed Forces on readiness and lethality that will include all relevant considerations.

(b) ACTIONS.—An action described in this subsection with respect to transgender members of the Armed Forces is any of the following in connection with the nature of such members as transgender individuals:

(1) A modification of service status in the Armed Forces (other than through the normal expiration of service commitment or pursuant to a sentence of court-martial or administrative board action).

(2) A modification of current entitlement or eligibility for health care benefits as a member of the Armed Forces, or of the scope or nature of benefits to which entitled or eligible.

(3) Any change of responsibility or position (other than through promotion or routine reassignment or deployment).

SA 634. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) FINDINGS.—Congress finds the following:

(1) World War II was one of the most consequential events in the history of the United States, and it represents a time of moral clarity and common purpose that continues to inspire people in the United States.

(2) The courage, bravery, and heroism of United States aviators played a critical role in the success of the United States during World War II.

(3) The National Museum of World War II Aviation in Colorado Springs, Colorado, is the only museum in the United States that exists exclusively to preserve and advance education on the role of aviation in winning World War II.

(4) The National Museum of World War II Aviation celebrates the spirit of the United States, recognizing the teamwork, collaboration, patriotism, and courage of the men and women who fought in the war abroad, as well as those who mobilized and supported the national aviation effort on the homefront.

(b) RECOGNITION.—The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America’s National World War II Aviation Museum.

(c) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to require or permit Federal funds to be expended for any purpose related to the National Museum.

SA 635. Mr. KAINE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1606 and insert the following:

SEC. 1606. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.

(a) IN GENERAL.—In support of the policy outlined in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure and improve support activities for processing and launch of United States national security space missions from Federal ranges.

(b) ELEMENTS.—The program required by this section shall include—

(1) investments in infrastructure to improve operations at ranges in the United States that launch national security space missions that may benefit all users, to enhance the overall capabilities of those ranges, to improve safety, and to reduce the long-term cost of operations and maintenance;

(2) measures to normalize processes, systems, and products across the ranges described in paragraph (1) to minimize the burden on launch providers; and

(3) improvements in transparency, flexibility, and responsiveness for launch scheduling.

(c) CONSULTATION.—In carrying out the program required by this section, the Secretary should consult with current and anticipated users of ranges in the United States that launch national security space missions.

(d) COOPERATION.—In carrying out this section, the Secretary should consider partnerships authorized under section 2276 of title 10, United States Code.

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the plan for the implementation of the launch support and infrastructure modernization program at ranges in the United States that launch national security space missions.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;

(B) a description of plans to streamline and normalize processes, systems, and products at ranges described in paragraph (1) to ensure consistency for range users; and

(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

SA 636. Mr. PERDUE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military

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

Strike section 1003 and insert the following:

SEC. _____. CERTIFICATIONS ON RELIABILITY OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND OTHER ORGANIZATIONS AND ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE.—Not later than September 30, 2017, and each year thereafter, the Secretary of Defense shall certify to the congressional defense committees whether or not the full financial statements of the Department of Defense are reliable as of the date of such certification.

(b) MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND OTHER ORGANIZATIONS AND ELEMENTS.—

(1) IN GENERAL.—Not later than September 30, 2017, and each year thereafter, each Secretary of a military department, each head of a Defense Agency, and each head of any other organization or element of the Department of Defense designated by the Secretary of Defense for purposes of this subsection shall certify to the congressional defense committees whether or not the full financial statements of the military department, the Defense Agency, or the organization or element concerned became reliable during the fiscal year in which such certification is to be submitted.

(2) TRANSMITTAL THROUGH SECRETARY OF DEFENSE.—The individual certifications required by this subsection shall be transmitted to the congressional defense committees collectively by the Secretary under procedures established by the Secretary for purposes of this subsection.

(c) TERMINATION ON RECEIPT OF UNMODIFIED AUDIT OPINION ON FULL FINANCIAL STATEMENTS.—A certification is no longer required under subsection (a) or (b) with respect to the Department of Defense, or a military department, Defense Agency, or organization or element of the Department, as applicable, after the Department of Defense or such military department, Defense Agency, or organization or element receives an unmodified audit opinion on its full financial statements.

SEC. _____. STREAMLINING OF REQUIREMENTS IN CONNECTION WITH AUDITS AND THE RELIABILITY OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL OF LIMITATION ON INSPECTOR GENERAL CONDUCT OF AUDIT OF UNRELIABLE FINANCIAL STATEMENTS.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subseciton (d).

(b) CESSATION OF APPLICABILITY OF FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN REQUIREMENTS.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2222 note) is amended by adding at the end the following new subsection:

''(d) CESSATION OF APPLICABILITY.—This section and the requirements of this section shall cease to be effective on the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth a certification that the financial statements of each department, agency, activity, and other component of the Department of Defense are under audit.''.

SEC. _____. RANKINGS OF AUDITABILITY OF FINANCIAL STATEMENTS OF THE ORGANIZATIONS AND ELEMENTS OF THE DEPARTMENT OF DEFENSE.

Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), submit to the congressional defense committees a report setting forth a ranking of the auditability of the financial statements of the departments, agencies, organizations, and elements of the Department of Defense according to the progress made toward achieving auditability as required by law. The Under Secretary shall determine the criteria to be used for purposes of the rankings.

SA 637. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR DISABLED VETERANS WITH A SERVICE-CONNECTED, PERMANENT DISABILITY 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:

''(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 veteran with a service-connected, permanent disability rated as total.

''(2) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary shall provide transportation under paragraph (1) on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

''(3) The requirement to provide transportation on Department of Defense aircraft on a space-available basis on the priority basis described in paragraph (2) to veterans covered by this subsection applies whether or not the travel program is established under this section.

''(4) In this subsection, the terms 'veteran' and 'service-connected' have the meanings given those terms in section 101 of title 38.''.

(b) EFFECTIVE DATE.—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a)(2) of this section, shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SA 638. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the ''Missouri List''.

SA 639. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, 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.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 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''.

(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 January 1, 2018, 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, as amended by section _____(a), 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 January 1, 2018, and shall apply to payments for months beginning on or after that date.

SA 640. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. STRATEGY ON TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE AND SKILLS IN UNMANNED AIRCRAFT SYSTEMS TO FEDERAL AGENCIES WITH POSITIONS REQUIRING SUCH SKILLS AND EXPERIENCE.

The Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration, submit to Congress a report setting forth a strategy for means to facilitate and encourage members of the Armed Forces with experience and skills in unmanned aircraft systems to obtain positions with Federal agencies requiring such skills and experience after their separation from military service.

SA 641. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 654. PROHIBITION ON THE PRIVATIZATION OF THE DEFENSE COMMISSARY SYSTEM.

The Secretary of Defense may not privatization the defense commissary system under chapter 147 of title 10, United States Code.

SA 642. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REVIEW OF TAP FOR WOMEN.

The Secretary of Defense shall conduct a comprehensive review of the Transition Assistance Program to ensure that it addresses the unique challenges and needs of women as they transfer from the Armed Forces to civilian life.

SA 643. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROGRAM TO ENCOURAGE MILITARY MEDICAL PROFESSIONALS TRANSITIONING OUT OF THE ARMED FORCES TO SEEK EMPLOYMENT WITH THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—The Secretary of Defense shall establish a program to encourage individuals who are transitioning out of the Armed Forces and who served in the Armed Forces with a military occupational specialty relating to the provision of health care to seek employment with the Veterans Health Administration of the Department of Veterans Affairs.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to create any additional authority not otherwise provided in law to convert a former member of the Armed Services to an employee of the Veterans Health Administration; or

(2) to circumvent any existing requirement relating to a detail, reassignment, or other transfer of such a former member to the Veterans Health Administration.

SA 644. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON THE IMPACT OF THE YUCCA MOUNTAIN NUCLEAR WASTE REPOSITORY ON NELLIS AIR FORCE BASE AND CREECH AIR FORCE BASE, NEVADA.

Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report setting forth a study, conducted by the Secretary for purposes of the report, of proposed operations at the Yucca Mountain Nuclear Waste Repository, including transportation routes, on operations at each of the following:

(1) Nellis Air Force Base, Nevada.

(2) Creech Air Force Base, Nevada.

SA 645. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO ANALYSIS OF CO-OP PLANS.

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis, and submit to Congress a report concerning the results of such analysis, of the health insurance issuers that participated in the Consumer Operated and Oriented Plan program under section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042) and are no longer offering such a Plan under such program.

SA 646. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO 150 PERCENT OF THE AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''$2,250'' and inserting ''150 percent of the amount in effect under subsection (c)(2)(A)(ii)(I)''.

(b) FAMILY COVERAGE.—Section 223(b)(2)(B) of such Code is amended by striking ''$4,500'' and inserting ''150 percent of the amount in effect under subsection (c)(2)(A)(ii)(II)''.

(c) COST-OF-LIVING ADJUSTMENT.—Section 223(g)(1) of such Code is amended—

(1) by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'', and

(2) in subparagraph (B), by striking ''determined by'' and all that follows through '' 'calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SA 647. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to

provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF ESSENTIAL HEALTH BENEFITS REQUIREMENT.

On January 1, 2018, section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022) shall have no force or effect.

SA 648. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF AGE RATING RESTRICTIONS.

Section 2701(a)(1)(A)(ii) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)(A)(ii)) is amended by striking '', except that'' and all that follows through ''2707(c))''.

SA 649. Mr. ALEXANDER (for himself, Mr. BARRASSO, Mr. GRASSLEY, and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. WAIVERS FOR STATE INNOVATION.

(a) IN GENERAL.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

''(i) a description of how the State plan meeting the requirements of a waiver under this section would, with respect to health insurance coverage within the State—

''(I) take the place of the requirements described in paragraph (2) that are waived; and

''(II) provide for alternative means of, and requirements for, increasing access to comprehensive coverage, reducing average premiums, providing consumers the freedom to purchase the health insurance of their choice, and increasing enrollment in private health insurance; and''; and

(II) in clause (ii), by striking ''that is budget neutral for the Federal Government'' and inserting '', demonstrating that the State plan does not increase the Federal deficit''; and

(ii) in subparagraph (C), by striking ''the law'' and inserting ''a law or has in effect a certification''; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting ''or would qualify for a reduction in'' after ''would not qualify for'';

(ii) by adding after the second sentence the following: ''A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.'';

(iii) in the paragraph heading, by striking ''PASS THROUGH OF FUNDING'' and inserting ''FUNDING'';

(iv) by striking ''With respect'' and inserting the following:

''(A) PASS THROUGH OF FUNDING.—With respect''; and

(v) by adding at the end the following:

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000 for fiscal year 2017, to remain available until the end of fiscal year 2019, to provide grants to States for purposes of submitting an application for a waiver granted under this section and implementing the State plan under such waiver.

''(C) AUTHORITY TO USE LONG-TERM STATE INNOVATION AND STABILITY ALLOTMENT.—If the State has an application for an allotment under section 2105(i) of the Social Security Act for the plan year, the State may use the funds available under the State's allotment for the plan year to carry out the State plan under this section, so long as such use is consistent with the requirements of paragraphs (1) and (7) of section 2105(i) of such Act (other than paragraph (1)(B) of such section). Any funds used to carry out a State plan under this subparagraph shall not be considered in determining whether the State plan increases the Federal deficit.'';

(2) in subsection (b)—

(A) in paragraph (1)—

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

(I) by striking ''may'' and inserting ''shall''; and

(II) by striking ''only if'' and inserting ''unless''; and

(ii) by striking ''plan—'' and all that follows through the period at the end of subparagraph (D) and inserting ''application is missing a required element under subsection (a)(1) or that the State plan will increase the Federal deficit, not taking into account any amounts received through a grant under subsection (a)(3)(B).'';

(B) in paragraph (2)—

(i) in the paragraph heading, by inserting ''OR CERTIFY'' after ''LAW'';

(ii) in subparagraph (A), by inserting before the period '', and a certification described in this paragraph is a document, signed by the Governor, and the State insurance commissioner, of the State, that provides authority for State actions under a waiver under this section, including the implementation of the State plan under subsection (a)(1)(B)''; and

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''OF OPT OUT''; and

(II) by striking '' may repeal a law'' and all that follows through the period at the end and inserting the following: ''may terminate the authority provided under the waiver with respect to the State by—

''(i) repealing a law described in subparagraph (A); or

''(ii) terminating a certification described in subparagraph (A), through a certification for such termination signed by the Governor, and the State insurance commissioner, of the State.'';

(3) in subsection (d)—

(A) in paragraph (2)(B), by striking ''and the reasons therefore'' and inserting ''and the reasons therefore, and provide the data on which such determination was made''; and

(B) by adding at the end the following:

''(3) EXPEDITED DETERMINATION.—The Secretary shall establish an expedited determination process in which a State may request that a determination on an application under subsection (a)(1) be made not later than 45 days after the receipt of such application. A State may request an expedited determination by the Secretary under such process if the State determines the time for determination under paragraph (1) would prevent a State from responding in a timely manner to an urgent situation with respect to ensuring access to private health insurance coverage within such State or a portion of such State for the current or following plan year.''; and

(4) in subsection (e), by striking ''No waiver'' and all that follows through the period at the end and inserting the following: ''A waiver under this section—

''(1) shall be in effect for a period of 8 years unless the State requests a shorter duration;

''(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

''(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).''.

(b) APPLICABILITY.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall apply as follows:

(1) In the case of a State for which a waiver under such section was granted prior to the date of enactment of this Act, such section 1332, as in effect on the day before the date of enactment of this Act shall apply to the waiver and State plan.

(2) In the case of a State that submitted an application for a waiver under such section prior to the date of enactment of this Act, and which application the Secretary of Health and Human Services has not approved prior to such date, the State may elect to have such section 1332, as in effect on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

(3) In the case of a State that submits an application for a waiver under such section on or after the date of enactment of this Act, such section 1332, as amended by subsection (a), shall apply to such application and State plan.

SA 650. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2017. Use of human-based methods for certain medical training

''(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2020, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

''(2) Not later than October 1, 2022, the Secretary—

''(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

''(B) may not use animals for such purpose.

''(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary

may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

''(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

''(c) ANNUAL REPORTS.—(1) Not later than October 1, 2018, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

''(2) Each report under this subsection on or after October 1, 2022, shall include a description of any exemption under subsection (b) that is in force at the time of such report, and a current justification for such exemption.

''(d) DEFINITIONS.—In this section:

''(1) The term 'combat trauma injuries' means severe injuries likely to occur during combat, including—

''(A) hemorrhage;

''(B) tension pneumothorax;

''(C) amputation resulting from blast injury;

''(D) compromises to the airway; and

''(E) other injuries.

''(2) The term 'human-based training methods' means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

''(A) simulators;

''(B) partial task trainers;

''(C) moulage;

''(D) simulated combat environments;

''(E) human cadavers; and

''(F) rotations in civilian and military trauma centers.

''(3) The term 'partial task trainers' means training aids that allow individuals to learn or practice specific medical procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2017. Use of human-based methods for certain medical training.''.

SA 651. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MANAGEMENT OF CERTAIN LITIGATION ON BEHALF OF INDEMNIFIED PRIVATE CONTRACTORS.

(a) IN GENERAL.—In cases where litigation between an indemnified Department of Defense contractor and a member of the Armed Forces relating to the member's work for the contractor exceeds a period of two years without final judgement or settlement, the Department shall exercise its contractual right to manage the litigation on behalf of the contractor. In doing so, the Department shall ensure that the fiscal burden on taxpayers is minimized by avoiding unnecessarily long and expensive litigation, while simultaneously resolving the claim in a way that meets the Department's obligations to members of the Armed Forces and their families fairly and in a timely manner.

(b) INDEMNIFIED DEPARTMENT OF DEFENSE CONTRACTOR DEFINED.—In this section, the term ''indemnified Department of Defense contractor'' means a contractor that has been indemnified by the Department of Defense against civil judgments or liability for injuries, sickness, or death of members of the Armed Forces related to their work with the contractor.

SA 652. Mr. WYDEN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENT TO ESTABLISH REPOSITORY FOR OPERATIONAL ENERGY-RELATED RESEARCH AND DEVELOPMENT EFFORTS OF DEPARTMENT OF DEFENSE.

(a) REPOSITORY REQUIRED.—Not later than December 31, 2018, the Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering and in collaboration with the Assistant Secretary of Defense for Operational Energy Plans and Programs and the Secretaries of the military departments, shall establish a centralized repository for all operational energy-related research and development efforts of the Department of Defense, including with respect to the inception, operational, and complete phases of such efforts.

(b) INTERNET ACCESS.—The Secretary of Defense shall ensure that the repository required by subsection (a) is accessible through an Internet website of the Department of Defense and by all employees of the Department and members of the Armed Forces whom the Secretary determines appropriate, including all program managers involved in such research and development efforts, to enable improved collaboration between military departments on research and development efforts described in subsection (a), enable sharing of best practices and lessons learned relating to such efforts, and reduce redundancy in such efforts.

SA 653. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 344, strike lines 1 though 7 and insert the following:

SEC. 864. MODIFICATION OF LIMITATIONS ON PROCUREMENT OF PHOTOVOLTAIC DEVICES BY THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PROVIDE PHOTOVOLTAIC DEVICES FROM UNITED STATES SOURCES.—Section 858 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2534 note; Public Law 113–291) is amended—

(1) in subsection (a)—

(A) by inserting '', excluding installation costs'' before '', unless''; and

(B) by inserting ''substantial and'' before ''unreasonable costs''; and

(2) in subsection (b)(1)(B)—

(A) by striking ''exclusive'' and inserting ''principal''; and

(B) by striking ''full''.

(b) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—Section 846(b)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note; Public Law 111–383) is amended—

(1) by striking ''exclusive'' and inserting ''principal''; and

(2) by striking ''full''.

SA 654. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 344, strike lines 1 through 7.

SA 655. Ms. KLOBUCHAR (for herself, Mr. WHITEHOUSE, Mr. DURBIN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. ____. PROHIBITION ON USE OF FEDERAL FUNDS FOR JOINT CYBERSECURITY INTIATIVE WITH RUSSIA.

(a) PROHIBITION.—No Federal funds may be used to establish, support, or otherwise promote, directly or indirectly, the formation of or any United States participation in a joint cybersecurity initiative involving the Government of the Russian Federation or any entity operation under the direction of such government.

(b) WAIVER.—Prohibition imposed under subsection (a) shall terminate on the date on which the President submits to the congressional defense committees a written certification that the Government of the Russian Federation has—

(1) ceased ordering, controlling, or otherwise directing, supporting, or financing, acts intended to undermine democracies around the world; and

(2) submitted a written statement acknowledging interference in the 2016 United States presidential election.

SA 656. Ms. KLOBUCHAR (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ASSISTING STATES IN ADOPTING BEST PRACTICES FOR PROTECTING THE INTEGRITY OF FEDERAL ELECTIONS.

(a) DEVELOPMENT OF BEST PRACTICES.—

(1) IN GENERAL.—The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by inserting after section 247 the following new section:

"SEC. 248. STUDY AND REPORT ON BEST PRACTICES FOR PROTECTING THE INTEGRITY OF FEDERAL ELECTIONS AND FOR STORING AND SECURING VOTER REGISTRATION DATA.

''(a) IN GENERAL.—The Commission, in consultation with the National Institute of Standards and Technology, the Secretary of the Department of Homeland Security, the Election Assistance Commission Standards Board, the Election Assistance Commission Board of Advisors, the Election Assistance Commission Technical Guidelines Development Committee, the National Association of Secretaries of State, the National Association of State Election Directors, the National Association of Election Officials, the International Association of Government Officials, the National Association of State Chief Information Officers, the Multi-State Information Sharing and Analysis Center, and other stakeholders the Commission determines necessary, shall conduct a study on each of the following:

''(1) Best practices for cybersecurity of Federal elections, including best practices for storing and securing voter registration data.

''(2) Best practices for election audits.

''(b) PUBLIC HEARINGS.—In conducting each of the studies under this section, the Commission shall hold public hearings.

''(c) ISSUES CONSIDERED.—

''(1) CYBERSECURITY OF FEDERAL ELECTIONS, INCLUDING BEST PRACTICES FOR STORING AND SECURING VOTER REGISTRATION DATA.—In conducting the study under subsection (a)(1), the Commission shall consider the following:

''(A) The interference by foreign actors in the 2016 Federal election.

''(B) The opinion of intelligence officials that foreign states are likely to attempt to interfere in future Federal elections.

''(C) Election administration profiles based on the cybersecurity framework of the National Institute of Standards and Technology.

''(D) Best practices for storing and securing voter registration data.

''(E) All components of election infrastructure, as designated by the Secretary of Homeland Security, on January 6, 2017, as a subsector of a critical infrastructure sector (as defined in section 2001 of the Homeland Security Act of 2002 (6 U.S.C. 601)).

''(F) The implications of the aging of voting equipment on cybersecurity.

''(G) Any existing Federal funding sources that may be used to assist State and local governments to improve election cybersecurity.

''(H) Any related issues the Commission identifies as necessary to complete a comprehensive study of best practices for cybersecurity of Federal elections.

''(2) ELECTION AUDITS.—In conducting the study under subsection (a)(2), the Commission shall consider the following:

''(A) Public confidence in the administration of Federal elections.

''(B) Verifying the integrity of the election process.

''(C) Confirming the accuracy of results reported by the voting system.

''(D) Ensuring that the voting system is accurately tabulating ballots.

''(E) Ensuring that the winners of each election for Federal office are called correctly.

''(F) Current State requirements related to election audits.

''(G) Durational requirements needed to facilitate an election audit prior to election certification, including variations in the acceptance of postal ballots and election certification deadlines.

''(H) Administrative requirements and challenges for various types of election audits.

''(I) The potential to identify areas of improvement in election administration using varying types of election audits.

''(J) The use of voting systems producing voter-verified paper ballots.

''(K) Any related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

''(d) REPORT AND RECOMMENDATIONS.—Not later than the date that is 6 months after the date of the enactment of this section, the Commission shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives on each of the studies conducted under this section, together with recommendations with the matters described in paragraphs (1) and (2) of subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 247 the following new item:

''Sec. 248. Study and report on best practices for protecting the integrity of Federal elections.''.

(b) ELECTION TECHNOLOGY IMPROVEMENT GRANTS.—

(1) IN GENERAL.—The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by adding at the end the following new title:

"TITLE X—ELECTION TECHNOLOGY IMPROVEMENT GRANTS

"SEC. 1001. ELECTION TECHNOLOGY IMPROVEMENT GRANTS.

''(a) IN GENERAL.—The Commission shall make a payment in an amount determined under section 1002 to each State which meets the conditions described in section 1003.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State receiving payment under this title shall use the payment—

''(A) in the case of a State that has undergone a Security Risk an Vulnerability Assessment from the Department of Homeland Security with respect to the State's election system, to address any recommendations or vulnerabilities resulting from such assessment, and

''(B) to implement the recommendations of the Commission under section 248(d) in accordance with the plan developed under section 1003.

In the case of a State described in subparagraph (A), no amount of the payment received under this title may be used for any purpose described in subparagraph (B) before the date the State submits a State plan that meets the requirements of section 1003(b)(1)(A).

''(2) OTHER ACTIVITIES.—A State may use a payment under this title to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

''(A) the State has implemented the recommendations of the Commission under section 248(d);

''(B) the State will use any remaining funds to improve, upgrade, or acquire new technological equipment related to election administration, which may include—

''(i) voting machines;

''(ii) election management systems;

''(iii) electronic poll books;

''(iv) online voter registration systems;

''(v) participation in the Electronic Registration Information Center;

''(vi) accessible voting equipment; and

''(vii) other technological upgrades identified by the Commission in the studies conducted under section 248(a); and

''(C) the State has appropriated funds for carrying out such activities in an amount equal to 10 percent of the total amount to be spent for such activities (taking into account the payment under this section and the amount spent by the State).

No amount of the payment received under this title may be used for any purpose described in this paragraph before the date the State submits the certification described in section 1003(b)(1)(C).

''(3) PROHIBITION ON USE FOR VOTING MACHINES NOT PRODUCING VOTER-VERIFIED PAPER BALLOTS.—

''(A) IN GENERAL.—None of the payments provided under this title may be used for any voting system that does not produce a voter-verified paper ballot.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any payment used for the purposes described in paragraph (1)(A).

"SEC. 1002. ALLOCATION OF FUNDS.

''(a) IN GENERAL.—Subject to subsection (c), the amount of a payment made to a State under this title shall be equal to the product of—

''(1) the total amount appropriated for payments pursuant to the authorization under section 1007; and

''(2) the State allocation percentage for the State (as determined under subsection (b)).

''(b) STATE ALLOCATION PERCENTAGE DEFINED.—The 'State allocation percentage' for a State is the amount (expressed as a percentage) equal to the quotient of—

''(1) the voting age population of the State (as reported in the most recent decennial census); and

''(2) the total voting age population of all States (as reported in the most recent decennial census).

''(c) MINIMUM AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section may not be less than—

''(1) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for payments under this title under section 1007; or

''(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, or the United States Virgin Islands, one-tenth of 1 percent of such total amount.

''(d) PRO RATA REDUCTIONS.—The Commission shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

''(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment to a State under this title shall be available to the State without fiscal year limitation.

"SEC. 1003. CONDITION FOR RECEIPT OF FUNDS.

''(a) IN GENERAL.—A State is eligible to receive a payment under this title if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows:

'_____ hereby certifies that it is in compliance with the requirements referred to in section 1003(b) of the Help America Vote Act of 2002.' (with the blank to be filled in with the name of the State involved).

''(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.—

''(1) IN GENERAL.—The requirements referred to in this subsection are as follows:

''(A) The State has filed with the Commission a State plan which the State certifies—

''(i) contains each of the elements described in section 1004;

''(ii) is developed in accordance with section 1005; and

''(iii) meets the public notice and comment requirements of section 1006.

''(B) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

''(C) To the extent that any portion of the payment is used for activities other than implementing the recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A) or the recommendations of the Commission under section 248(d)—

''(i) the State's proposed uses of the payment are not inconsistent with such recommendations; and

''(ii) the use of the funds under this subparagraph is consistent with the requirements of section 1001(b)(2)(B).

''(2) SPECIAL RULE FOR REQUIREMENTS WITH RESPECT TO RISK AND VULNERABILITY ASSESSMENTS.—In the case of a State that has undergone a Security Risk an Vulnerability Assessment from the Department of Homeland Security with respect to the State's election system, paragraph (1) shall not apply and the State shall be treated as having met the requirements of this subsection if the State has met the requirement of paragraph (1)(B) and has filed with the Commission a State plan which contains the elements described in section 1004 with respect to the recommendations of the Department of Homeland Security with respect to such assessment.

''(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

''(d) TIMING FOR FILING OF CERTIFICATION.—

''(1) IN GENERAL.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period which begins on the date the State plan under this section has been published on both the website of the chief State election official and the website of the Election Assistance Commission pursuant to section 1005(b).

''(2) EXCEPTION FOR RISK AND VULNERABILITY ASSESSMENT MATTERS.—Paragraph (1) shall not apply to any part of plan which is developed in connection with addressing recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A).

''(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this title, the 'chief State election official' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

"SEC. 1004. STATE PLAN.

''(a) IN GENERAL.—The State plan shall contain a description of each of the following:

''(1) How the State will use the payment under this title—

''(A) to implement—

''(i) any recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A), if applicable; and

''(ii) the recommendations of the Commission under section 248(d); and

''(B) if applicable under section 1001(b)(2), to carry out other activities to improve the administration of elections.

''(2) How the State will distribute and monitor the distribution of the payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

''(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

''(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (3).

''(3) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

''(4) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

''(A) is developed and published on the website of the chief State election official and the website of the Election Assistance Commission in accordance with section 1005 in the same manner as the State plan;

''(B) is subject to public notice and comment in accordance with section 1006 in the same manner as the State plan; and

''(C) takes effect only after the expiration of the 30-day period which begins on the date the change has been published on both the website of the chief State election official and the website of the Election Assistance Commission.

''(5) A description of the committee which participated in the development of the State plan in accordance with section 1005 and the procedures followed by the committee under such section and section 1006.

Paragraphs (5) and (6) shall not apply to any part of a plan which pertains to addressing recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A).

''(b) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

''(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this title.

''(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

"SEC. 1005. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.

''(a) DEVELOPMENT OF PLAN.—The chief State election official shall develop the State plan under this title through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stake holders, and other citizens, appointed for such purpose by the chief State election official.

''(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this title, the Commission shall cause to have the plan published on both the website of the chief State election official and the website of the Election Assistance Commission.

"SEC. 1006. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.

''For purposes of section 1003(b)(1)(C), a State plan meets the public notice and comment requirements of this section if—

''(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

''(2) the State publishes notice that the preliminary version of the plan is so available; and

''(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

"SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary for payments under this title for fiscal years 2018 and 2019.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

"SEC. 1008. REPORTS.

''Not later than 6 months after the end of the fiscal year for which a State received a payment under this title, the State shall submit a report to the Commission on the activities conducted with the funds provided, and shall include in the report—

''(1) a list of expenditures made with respect to each category of activities described in section 1001(b); and

''(2) an analysis and description of the activities funded under this title to meet the requirements of this title and an analysis and description of how such activities conform to the State plan under section 1004.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following:

''TITLE X—ELECTION TECHNOLOGY IMPROVEMENT GRANTS

''Sec. 1001. Election technology improvement grants.
''Sec. 1002. Allocation of funds.
''Sec. 1003. Condition for receipt of funds.
''Sec. 1004. State plan.
''Sec. 1005. Process for development and filing of plan; publication by commission.
''Sec. 1006. Requirement for public notice and comment.
''Sec. 1007. Authorization of appropriations.
''Sec. 1008. Reports.''.

(c) CONTRACTING ASSISTANCE.—The Administrator of the General Services Administration, in consultation with the Director of the National Institute of Standards and Technology, shall take such actions as may be necessary through competitive processes—

(1) to qualify a set of private sector organizations which are capable of providing cybersecurity services to States to secure their election systems and infrastructure from cyber attacks;

(2) to establish contract vehicles to enable States to access the services of one or more of such private sector organizations as soon as payment are made under title X of the Help America Vote Act of 2002;

(3) to ensure that the such contract vehicles permit individual States to augment Federal funds with funding otherwise available to the States; and

(4) to provide a list of qualified organizations to the Election Assistance Commission in order to ensure it is readily available to State election officials.

(d) INFORMATION SHARING WITH STATE ELECTION OFFICIALS.—

(1) SECURITY CLEARANCE.—Not later than 30 days after the date of enactment of this section, the Secretary of Homeland Security shall establish an expedited process for providing the appropriate security clearance for the Secretary of State or highest election administration official of each State and 1 designee selected by such Secretary of State or election administration official to ensure that information relating to cybersecurity incidents and threats is communicated to chief State election officials in a timely manner.

(2) INFORMATION SHARING.—Not later than 30 days after the date of enactment of this section, the Secretary of Homeland Security and the Director of National Intelligence shall establish a cybersecurity incident notification process and cybersecurity incident response protocols for the sharing of information among State and Federal officials relating to election cybersecurity threats, vulnerabilities, and breaches.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 30 days after the day of enactment of this section, and each year thereafter, the Secretary of Homeland Security and the Director of National Intelligence shall submit a joint report to appropriate congressional committees in both classified and unclassified form, on foreign threats to elections in the United States. The report shall address the current and probable threats to our election system and strategies to prevent foreign interference.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of subparagraph (A), the term ''appropriate congressional committees'' means—

(i) the Committee on Rules and Administration, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on House Administration, the Committee on Armed Services, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 657. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 104 and insert the following:

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 48 (and the item related to such chapter in the table of chapters).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 658. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR EXPENSES INCURRED AT PROPERTY OWNED OR OPERATED BY THE PRESIDENT OR THE IMMEDIATE FAMILY OF THE PRESIDENT.

No amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to pay for expenses incurred at a property owned or operated by the individual serving as President or an immediate family member of the individual serving as President if the payments would result in a net financial benefit for the individual serving as President or an immediate family member of the individual serving as President.

SA 659. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ONE-YEAR PERIOD FOR ENROLLMENT IN THE SURVIVOR BENEFIT PLAN FOR ELIGIBLE PARTICIPANTS WHO HAVE A SAME-SEX SPOUSE UNDER AN EARLIER OR CURRENT MARRIAGE.

(a) IN GENERAL.—Notwithstanding any other provision of law, any individual eligible for participation, but not participating, in the Survivor Benefit Plan as of the date of the enactment of this Act who seeks to participate in the Plan for the benefit of the same-sex spouse of the individual under a marriage entered into or recognized as valid before that date may elect to participate in the plan at any time during the one-year period beginning on that date in accordance with section 1448(a)(5) of title 10, United States Code.

(b) OUTREACH ON ELECTION TO PARTICIPATE FOR SPOUSES UNDER MARRIAGE AFTER ELIGIBILITY.—The Secretary of Defense shall undertake an active campaign of outreach designed to inform individuals who are or may become eligible for participation in the Survivor Benefit Plan of the availability of the election to participate in the Plan under section 1448(a)(5) of title 10, United States Code, for individuals who marry, including individuals with same-sex spouses, after becoming eligible to participate in the Plan.

(c) SURVIVOR BENEFIT PLAN DEFINED.—In this section, the term ''Survivor Benefit Plan'' means the benefit plan established by subchapter II of chapter 73 of title 10, United States Code.

SA 660. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, insert the following:

SEC. _____. CONSIDERATION OF SERVICE BY RECIPIENTS OF BOREN SCHOLARSHIPS AND FELLOWSHIPS IN EXCEPTED SERVICE POSITIONS AS SERVICE BY SUCH RECIPIENTS UNDER CAREER APPOINTMENTS FOR PURPOSES OF CAREER TENURE.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2), in the matter before subparagraph (A), by striking ''(3)(C)'' and inserting ''(4)(C)''; and

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

''(3) CAREER TENURE.—In the case of an individual whose appointment to a position in the excepted service is converted to a career or career- conditional appointment under paragraph (1)(B), the period of service described in such paragraph shall be treated, for purposes of the service requirements for career tenure under title 5, United States Code, as if it were service in a position under a career or career- conditional appointment.''.

SA 661. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12___. PROHIBITION ON TRANSFER OF CLUSTER MUNITIONS TO SAUDI ARABIA.

No amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be used to transfer or authorize the transfer of cluster munitions to Saudi Arabia.

SA 662. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, insert the following:

SEC. ___. NATIONAL GUARD AND RESERVE ENTREPRENEURSHIP SUPPORTS.

(a) EXTENSION OF LOAN ASSISTANCE AND DEFERRAL ELIGIBILITY TO RESERVISTS BEYOND PERIODS OF MILITARY CONFLICT.—

(1) SMALL BUSINESS ACT AMENDMENTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(A) in subsection (b)(3)—

(i) in subparagraph (A)—

(I) by striking clause (ii);

(II) by redesignating clause (i) as clause (ii);

(III) by inserting before clause (ii), as so redesignated, the following:

''(i) the term 'active service' has the meaning given that term in section 101(d)(3) of title 10, United States Code;''; and

(IV) in clause (ii), as so redesignated, by adding ''and'' at the end;

(ii) in subparagraph (B), by striking ''being ordered to active military duty during a period of military conflict'' and inserting ''being ordered to perform active service for a period of more than 30 consecutive days'';

(iii) in subparagraph (C), by striking ''active duty'' each place it appears and inserting ''active service''; and

(iv) in subparagraph (G)(ii)(II), by striking ''active duty'' and inserting ''active service''; and

(B) in subsection (n)—

(i) in the subsection heading, by striking ''ACTIVE DUTY'' and inserting ''ACTIVE SERVICE'';

(ii) in paragraph (1)—

(I) by striking subparagraph (C);

(II) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(III) by inserting before subparagraph (B), as so redesignated, the following:

''(A) ACTIVE SERVICE.—The term 'active service' has the meaning given that term in section 101(d)(3) of title 10, United States Code.'';

(IV) in subparagraph (B), as so redesignated, by striking ''ordered to active duty during a period of military conflict'' and inserting ''ordered to perform active service for a period of more than 30 consecutive days''; and

(V) in subparagraph (D), by striking ''active duty'' each place it appears and inserting ''active service''; and

(iii) in paragraph (2)(B), by striking ''active duty'' each place it appears and inserting ''active service''.

(2) APPLICABILITY.—The amendments made by paragraph (1)(A) shall apply to an economic injury suffered or likely to be suffered as the result of an essential employee being ordered to perform active service (as defined in section 101(d)(3) of title 10, United States Code) for a period of more than 30 consecutive days who is discharged or released from such active service on or after the date of enactment of this Act.

(3) SEMIANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and semiannually thereafter, the President shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the number of loans made under the Military Reservist Economic Injury Disaster Loan program and the dollar volume of those loans. The report shall contain the subsidy rate of the disaster loan program as authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) with the loans made under the Military Reservist Economic Injury Disaster Loan program and without those loans included.

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 8(l) of the Small Business Act (15 U.S.C. 637(l)) is amended—

(A) by striking ''The Administration'' and inserting the following:

''(1) IN GENERAL.—The Administration'';

(B) by striking ''(as defined in section 7(n)(1))''; and

(C) by adding at the end the following:

''(2) DEFINITION OF PERIOD OF MILITARY CONFLICT.—In this subsection, the term 'period of military conflict' means—

''(A) a period of war declared by the Congress;

''(B) a period of national emergency declared by the Congress or by the President; or

''(C) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.''.

(b) NATIONAL GUARD AND RESERVE DEPLOYMENT SUPPORT AND BUSINESS TRAINING PROGRAM.—

(1) EXPANSION OF SMALL BUSINESS ADMINISTRATION OUTREACH PROGRAMS.—Section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) is amended by striking ''and members of a reserve component of the Armed Forces'' and inserting ''members of a reserve component of the Armed Forces, and the spouses of veterans and members of a reserve component of the Armed Forces''.

(2) ESTABLISHMENT OF PROGRAM.—Section 32 of the Small Business Act (15 U.S.C. 657) is amended by adding at the end the following:

''(g) NATIONAL GUARD AND RESERVE DEPLOYMENT SUPPORT AND BUSINESS TRAINING.—

''(1) IN GENERAL.—In making grants carried out under section 8(b)(17), the Associate Administrator shall establish a program, to be known as the 'National Guard and Reserve Deployment Support and Business Training Program', to provide training, counseling and other assistance to support members of a reserve component of the Armed Forces and their spouses.

''(2) AUTHORITIES.—In carrying out this subsection, the Associate Administrator may—

''(A) modify programs and resources made available through section 8(b)(17) to provide pre-deployment and other information specific to members of a reserve component of the Armed Forces and their spouses;

''(B) collaborate with the Chief of the National Guard Bureau or the Chief's designee, State Adjunct Generals or their designees, and other public and private partners; and

''(C) provide training, information and other resources to the Chief of the National Guard Bureau or the Chief's designee and State Adjunct Generals or their designees for the purpose of supporting members of a reserve component of the Armed Forces and the spouses of veterans and members of a reserve component of the Armed Forces.''.

SA 663. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 1630B to read as follows:

SEC. 1630B. PROHIBITION ON USE OF SOFTWARE PLATFORMS DEVELOPED BY KASPERSKY LAB.

(a) PROHIBITION.—No department, agency, organization, or other element of the United States Government may use, whether directly or through work with or on behalf of another organization or element of the United States Government, any hardware, software, or services developed or provided, in whole or in part, by Kaspersky Lab or any entity of which Kaspersky Lab has a majority ownership.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 2018.

SA 664. Mrs. SHAHEEN (for herself and Mr. SASSE) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SYRIA STUDY GROUP.

(a) ESTABLISHMENT.—There is hereby established a working group to be known as the ''Syria Study Group'' (in this section referred to as the ''Group'').

(b) PURPOSE.—The purpose of the Group is to examine and make recommendations with respect to the military and diplomatic strategy of the United States with respect to the conflict in Syria.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Group shall be composed of 8 members appointed as follows:

(A) Two members appointed by the chair of the Committee on Armed Services of the Senate.

(B) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(C) Two members appointed by the chair of the Committee on Armed Services of the House of Representatives.

(D) Two members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(2) CO-CHAIRS.—

(A) The chair of the Committee on Armed Services of the Senate and the chair of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Group to serve as co-chair of the Group.

(B) The ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Group to serve as co-chair of the Group.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Group. Any vacancy in the Group shall be filled in the same manner as the original appointment.

(d) DUTIES.—

(1) REVIEW.—The Group shall review the current situation with respect to the United States military and diplomatic strategy in Syria, including a review of current United States objectives in Syria and the desired end state in Syria.

(2) ASSESSMENT AND RECOMMENDATIONS.—The Group shall—

(A) conduct a comprehensive assessment of the current situation in Syria, its impact on neighboring countries, resulting regional and geopolitical threats to the United States, and current military, diplomatic, and political efforts to achieve a stable Syria; and

(B) develop recommendations on a military and diplomatic strategy for the United States with respect to the conflict in Syria.

(e) COOPERATION FROM UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—The Group shall receive the full and timely cooperation of the Secretary of Defense and the Director of National Intelligence in providing the Group with analyses, briefings, and other information necessary for the discharge of the duties of the Group.

(2) LIAISON.—The Secretary of Defense and the Director of National Intelligence shall each designate at least one officer or employee of their respective organizations to serve as a liaison officer to the Group.

(f) REPORT.—

(1) FINAL REPORT.—Not later than September 30, 2018, the Group shall submit to the President, the Secretary of Defense, and the Committees on Armed Services of the

Senate and the House of Representatives a report on the findings, conclusions, and recommendations of the Group under this section. The report shall do each of the following:

(A) Assess the current security, political, humanitarian, and economic situation in Syria.

(B) Assess the current participation and objectives of various external actors in Syria.

(C) Assess the consequences of continued conflict in Syria.

(D) Provide recommendations for a diplomatic resolution of the conflict in Syria, including options for a gradual political transition to a post-Assad Syria and actions necessary for reconciliation.

(E) Provide a roadmap for a United States and coalition strategy to reestablish security and governance in Syria, including recommendations for the synchronization of stabilization, development, counterterrorism, and reconstruction efforts.

(F) Address any other matters with respect to the conflict in Syria that the Group considers appropriate.

(2) INTERIM BRIEFING.—Not later than June 30, 2018, the Group shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of its review and assessment under subsection (d), together with a discussion of any interim recommendations developed by the Group as of the date of the briefing.

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

(g) FACILITATION.—The United States Institute of Peace shall take appropriate actions to facilitate the Group in the discharge of its duties under this section.

(h) TERMINATION.—The Group shall terminate six months after the date on which it submits the report required by subsection (f)(1).

(i) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2018 for the Department of Defense by this Act, $1,500,000 is available to fund the activities of the Group.

SA 665. Mr. BROWN (for himself, Mr. BOOKER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. EXTENSION OF REPORTS ON DIVERSITY IN MILITARY LEADERSHIP UNDER ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(g) of title 10, United States Code, is amended by striking ''2017'' and inserting ''2022''.

SA 666. Mr. BROWN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. SENSE OF CONGRESS ON CYBERSECURITY COOPERATION WITH UKRAINE.

(a) FINDINGS.—Congress makes the following findings:

(1) There is a strong history of cyber attacks in Ukraine, including a significant attack on its power grid in December 2015 by Russia.

(2) The United States supports Ukraine and the Ukrainian Security Assistance Initiative.

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

(1) the United States reaffirms support for the sovereignty and territorial integrity of Ukraine, especially as a result of Russia's invasion of Ukraine and in the face of increased Russian aggression in the region; and

(2) the United States should assist Ukraine in improving its cybersecurity capabilities.

SA 667. Mr. MCCONNELL proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; as follows:

Strike all after the first word and insert the following:

SHORT TITLE.

This Act may be cited as the ''Health Care Freedom Act of 2017''.

TITLE I

SEC. 101. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking ''2.5 percent'' and inserting ''Zero percent'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'', and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 102. EMPLOYER MANDATE.

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015, and before January 1, 2025)'' after ''$2,000''.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015, and before January 1, 2025)'' after ''$3,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 103. EXTENSION OF MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Section 4191(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2017.

SEC. 104. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) IN GENERAL.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) INCREASED LIMITATION.—In the case of any month beginning after December 31, 2017, and before January 1, 2021—

''(A) paragraph (2)(A) shall be applied by substituting 'the amount in effect under subsection (c)(2)(A)(ii)(I)' for '$2,250', and

''(B) paragraph (2)(B) shall be applied by substituting 'the amount in effect under subsection (c)(2)(A)(ii)(II)' for '$4,500'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 105. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (3), by striking ''each of fiscal years 2018 and 2019'' and inserting ''fiscal year 2018''; and

(2) by striking paragraphs (4) through (8).

SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting '', and an additional $422,000,000 for fiscal year 2017'' after ''2017''.

SEC. 203. WAIVERS FOR STATE INNOVATION.

Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by inserting ''or would qualify for a reduction in'' after ''would not qualify for'';

(B) by adding after the second sentence the following: ''A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.'';

(C) in the paragraph heading, by striking ''PASS THROUGH OF FUNDING'' and inserting ''FUNDING'';

(D) by striking ''With respect'' and inserting the following:

''(A) PASS THROUGH OF FUNDING.—With respect''; and

(E) by adding at the end the following:

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000, to remain available until the end of fiscal year 2019. Such amounts shall be used to provide grants to States that request financial assistance for the purpose of—

''(i) submitting an application for a waiver granted under this section; or

''(ii) implementing the State plan under such waiver.'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''only'';

(3) in subsection (d)(1), by striking ''180'' and inserting ''45''; and

(4) in subsection (e), by striking ''No waiver'' and all that follows through the period at the end and inserting the following: ''A waiver under this section—

''(1) shall be in effect for a period of 8 years unless the State requests a shorter duration;

''(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

''(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).''.

SA 668. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking ''2.5 percent'' and inserting ''Zero percent'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'', and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 669. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. IMPLEMENTATION OF GAO RECOMMENDATIONS TO IMPROVE MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall develop and submit to Congress a comprehensive and detailed strategic implementation plan to fully implement all 14 open recommendations, as of such date of enactment, produced by the Government Accountability Office in relation to its report entitled ''VA and DOD Need to Address Ongoing Difficulties and Better Prepare for Future Integrations'' that was published on February 29, 2016.

(b) PUBLIC AVAILABILITY.—The Secretary of Defense and the Secretary of Veterans Affairs shall each publish the strategic implementation plan developed under subsection (a) on the public Internet website of the Department of Defense and the Department of Veterans Affairs, respectively.

(c) UPDATE.—Not later than 180 days after publication of the strategic implementation plan under subsection (b), the Secretary of Defense and the Secretary of Veterans Affairs shall develop and submit to Congress a comprehensive and detailed status update report on the progress made in fully implementing all open recommendations described in subsection (a).

SA 670. Mr. TESTER (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. EXPANSION OF AVAILABILITY FROM THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA FOR MEMBERS OF THE ARMED FORCES.

Section 1720D(a)(2)(A) of title 38, United States Code is amended—

(1) by striking ''on active duty''; and

(2) by inserting ''that was suffered by the member while serving on active duty, active duty for training, or inactive duty training'' before the period at the end.

SA 671. Ms. DUCKWORTH (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. TRAINING REQUIREMENT FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE PRESCRIBING OPIOIDS FOR TREATMENT OF PAIN.

(a) TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that health care professionals of the Department of Defense, other than pharmacists, who are authorized to prescribe or otherwise dispense opioids for the treatment of pain—

(A) complete the training described in paragraph (2) not less frequently than once every three years; or

(B) are licensed in a State that requires training that is equivalent to or greater than the training described in paragraph (2) with respect to the prescribing or dispensing of opioids for the treatment of pain.

(2) TRAINING DESCRIBED.—

(A) IN GENERAL.—The training described in this paragraph is not fewer than 12 hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by organizations specified in subparagraph (B) with respect to—

(i) pain management treatment guidelines and best practices;

(ii) early detection of opioid addiction; and

(iii) the treatment and management of opioid-dependent patients.

(B) ORGANIZATIONS SPECIFIED.—The organizations specified in this subparagraph are the following:

(i) The American Society of Addiction Medicine.

(ii) The American Academy of Addiction Psychiatry.

(iii) The American Medical Association.

(iv) The American Osteopathic Association.

(v) The American Psychiatric Association.

(vi) The American Academy of Pain Management.

(vii) The American Pain Society.

(viii) The American Academy of Pain Medicine.

(ix) The American Board of Pain Medicine.

(x) The American Society of Interventional Pain Physicians.

(xi) Such other organizations as the Secretary of Defense determines appropriate for purposes of this subsection.

(b) ESTABLISHMENT OF TRAINING MODULES.—

(1) IN GENERAL.—The Secretary of Defense shall establish or support the establishment of one or more training modules to be used to provide the training required under subsection (a).

(2) SUPPORT FOR ORGANIZATIONS.—The Secretary may support the establishment of a training module under paragraph (1) by—

(A) an organization specified in paragraph (2)(B) of subsection (a); or

(B) any other organization that the Secretary determines is appropriate to provide the training required under such subsection.

SA 672. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

PART II—DISPOSITION OF CHARGES AND CONVENING OF COURTS-MARTIAL FOR CERTAIN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE

SEC. _____. SHORT TITLE.

This part may be cited as the ''Military Justice Improvement Act of 2017''.

SEC. _____. IMPROVEMENT OF DETERMINATIONS ON DISPOSITION OF CHARGES FOR CERTAIN OFFENSES UNDER UCMJ WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IMPROVEMENT OF DETERMINATIONS.—

(1) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c), the Secretary of Defense shall require the Secretaries of the military departments to provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the preferral of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determination under section 834 such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(2) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection(c) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30(a) of the Uniform Code of Military Justice) on the preferral of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determination under section 834 such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(b) COVERED OFFENSES.—An offense specified in this subsection is an offense as follows:

(1) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(2) The offense of obstructing justice under section 931b of title 10, United States Code (article 131b of the Uniform Code of Military Justice), regardless of the maximum punishment authorized under that chapter for such offense.

(3) The offense of retaliation for reporting a crime under section 932 of title 10, United States Code (article 132 of the Uniform Code of Military Justice), regardless of the maximum punishment authorized under that chapter for such offense.

(4) A conspiracy to commit an offense specified in paragraphs (1) through (3) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(5) A solicitation to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(6) An attempt to commit an offense specified in paragraphs (1) through (3) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(c) EXCLUDED OFFENSES.—Subsection (a) does not apply to an offense as follows:

(1) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(2) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(3) A conspiracy to commit an offense specified in paragraph (1) or (2) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(4) A solicitation to commit an offense specified in paragraph (1) or (2) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(5) An attempt to commit an offense specified in paragraph (1) or (2) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(d) REQUIREMENTS AND LIMITATIONS.—The disposition of charges covered by subsection (a) shall be subject to the following:

(1) The determination whether to prefer such charges or refer such charges to a court-martial for trial, as applicable, shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O–6 or higher who—

(A) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(B) have significant experience in trials by general or special court-martial; and

(C) are outside the chain of command of the member subject to such charges.

(2) Upon a determination under paragraph (1) to refer charges to a court-martial for trial, the officer making that determination shall determine whether to refer such charges for trial by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(3) A determination under paragraph (1) to prefer charges or refer charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses.

(4) The determination to prefer charges or refer charges to a court-martial for trial, as applicable, under paragraph (1), and the type of court-martial to which to refer under subparagraph (B), shall be binding on any applicable convening authority for the referral of such charges.

(5) The actions of an officer described in paragraph (1) in determining under that subparagraph whether or not to prefer charges or refer charges to a court-martial for trial, as applicable, shall be free of unlawful or unauthorized influence or coercion.

(6) The determination under paragraph (1) not to refer charges to a general or special court-martial for trial shall not operate to terminate or otherwise alter the authority of commanding officers to refer charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(e) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this section shall be construed to alter or affect the preferral, disposition, or referral authority of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(f) POLICIES AND PROCEDURES.—

(1) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this section.

(2) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this subsection in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(g) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this section.

SEC. _____. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL FOR CERTAIN OFFENSES UNDER UCMJ WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) with respect to offenses to which section _____(a) of the National Defense Authorization Act for Fiscal Year 2018 applies, the officers in the offices established pursuant to section _____(c) of that Act or officers in the grade of O–6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard;''.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.''.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10,

United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section _____(a) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) PERSONNEL.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence as of the effective date for this part specified in section _____.

SEC. _____. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.

(a) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections _____ and _____ using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections _____ and _____ shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. _____. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES BY DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546(c) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note) is amended—

(1) in paragraph (1)—

(A) by striking ''on the investigation'' and inserting ''on the following:

''(A) The investigation''; and

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

''(B) The implementation and efficacy of sections _____ through _____ of the National Defense Authorization Act for Fiscal Year 2018 and the amendments made by such sections.''; and

(2) in paragraph (2), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

SEC. _____. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE AND APPLICABILITY.—This part and the amendments made by this part shall take effect 180 days after the date of the enactment of this Act, and shall apply with respect to any allegation of charges of an offense specified in subsection (a) of section _____, and not excluded under subsection (c) of section _____, which offense occurs on or after such effective date.

(b) REVISIONS OF POLICIES AND PROCEDURES.—Any revision of policies and procedures required of the military departments or the Department of Homeland Security as a result of this part and the amendments made by this part shall be completed so as to come into effect together with the coming into effect of this part and the amendments made by this part in accordance with subsection (a).

SA 673. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEPARTMENT OF DEFENSE DIVERSITY AND INCLUSION WORKFORCE.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) APPLICANT FLOW DATA.—The term ''applicant flow data'' means data that tracks the rate of applications for job positions among demographic categories.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(3) ARMED FORCE.—The term ''armed force'' has the meaning given that term in section 2101 of title 5, United States Code.

(4) CIVIL SERVICE.—The term ''civil service'' has the meaning given that term in section 2101 of title 5, United States Code.

(5) DEPARTMENT.—The term ''Department'' means the Department of Defense and the Coast Guard.

(6) DIVERSITY.—The term ''diversity'' means all the different characteristics and attributes of the workforce of the Department, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and reflective of the people of the United States.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Department of the Navy).

(8) UNIFORMED SERVICE.—The term ''uniformed service'' has the meaning given that term in section 2101 of title 5, United States Code.

(9) WORKFORCE.—The term ''workforce'' means an individual serving in a position—

(A) in the civil service; or

(B) as a member of an armed force, including a member of a reserve component of an armed force described in section 10101 of title 10, United States Code.

(b) DIVERSITY AND INCLUSION STRATEGIC PLAN.—It is the sense of Congress that the Department—

(1) should employ an aligned strategic outreach effort to identify, attract, and recruit from a broad talent pool reflective of the best of the Nation;

(2) should be an employer of choice that is competitive in attracting and recruiting top talent;

(3) should develop, mentor, and retain top talents across the workforce;

(4) should establish the position of the Department as an employer of choice by creating a merit-based workforce life-cycle continuum that focuses on personal and professional development through training, education, and developing employment flexibility to retain a highly-skilled workforce;

(5) should ensure leadership commitment to an accountable and sustained diversity effort; and

(6) should develop structures and strategies to equip leadership with the ability to manage diversity, be accountable, and engender an inclusive work environment that cultivates innovation and optimization within the Department.

(c) INITIAL REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every year after until the end of fiscal year 2023, the Secretary shall make available to the public and the appropriate congressional committees a report which includes aggregate demographic data and other information regarding the diversity and inclusion efforts of the workforce of the Department.

(2) DATA.—Each report made available under paragraph (1)—

(A) shall include a barrier analysis related to diversity and inclusion efforts;

(B) shall include aggregate demographic data—

(i) by segment of the workforce of the Department and grade or rank;

(ii) by uniformed service and civil service job code;

(iii) relating to attrition and promotion rates;

(iv) that addresses the compliance of the Department with validated inclusion metrics;

(v) that provides demographic comparisons to the relevant non-Governmental labor force and the relevant civilian labor force;

(vi) on the diversity of selection boards;

(vii) on the employment of minority and service-disabled veterans during the most recent 10-year period, including—

(I) the number hired through direct hires, internships, and fellowship programs; and

(II) attrition rates by grade, in the civil service and uniformed service, and in the senior positions; and

(viii) on mentorship and retention programs;

(C) shall include an analysis of applicant flow data, including the percentage, actual numbers and level of positions (including internship positions) for which data are collected and a discussion of any resulting policy changes or recommendations;

(D) shall include demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs;

(E) shall include any voluntarily collected demographic data relating to the membership of any external advisory committee or board to which individuals in senior positions in the Department appoint members;

(F) shall be organized in terms of real numbers and percentages at all levels; and

(G) shall be made available in a searchable database format.

(3) RECOMMENDATIONS.—The Secretary may submit to the Office of Management and Budget and to the appropriate congressional committees a recommendation regarding whether the Department should voluntarily collect more detailed data on demographic categories in addition to the race and ethnicity categories specified in the statistical policy directive issued by the Office of Management and Budget entitled ''Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity''. In making a recommendation under this paragraph, the Secretary shall engage in close consultation with internal stakeholders, such as employee resource or affinity groups.

(4) OTHER CONTENTS.—Each report made available under paragraph (1) shall describe the efforts of the Department to—

(A) propagate fairness, impartiality, and inclusion in the work environment domestically and abroad;

(B) ensure that harassment, intolerance, and discrimination are not tolerated;

(C) refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(D) prevent illegal retaliation against employees for participating in a protected equal employment opportunity activity;

(E) provide reasonable accommodation for qualified employees and applicants with disabilities;

(F) resolve workplace conflicts, confrontations, and complaints in a prompt, impartial, constructive, and timely manner; and

(G) recruit a diverse workforce by—

(i) recruiting women, minorities, veterans, and undergraduate and graduate students;

(ii) recruiting at historically Black colleges and universities, Hispanic serving institutions, women's colleges, and colleges that typically serve majority minority populations;

(iii) sponsoring and recruiting at job fairs in urban communities;

(iv) placing job advertisements in newspapers, magazines, and job sites oriented toward women and people of color; and

(v) recruiting mid-level and senior-level professionals through programs designed to increase minority representation in national security.

(5) INTELLIGENCE COMMUNITY.—The elements of the intelligence community in the Department may make available a single report with respect to the diversity and inclusion efforts of the workforce of the elements of the intelligence community under this subsection.

(d) UPDATES.—The second report, and each subsequent report, under subsection (c) (which may be provided as part of an annual report required under another provision of law) shall include—

(1) demographic data and information on the status of diversity and inclusion efforts of the Department;

(2) an analysis of applicant flow data;

(3) demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs; and

(4) the specified data in a searchable database format.

(e) CONDUCT STAY AND EXIT INTERVIEWS OR SURVEYS.—

(1) RETAINED MEMBERS.—The Director of the Office of Diversity Management and Equal Opportunity shall conduct periodic interviews or surveys of a representative and diverse cross-section of the members of the workforce of the Department to—

(A) understand the reasons of the members for remaining in a position in the Department; and

(B) receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of the members to remain.

(2) DEPARTING MEMBERS.—The Director of the Office of Diversity Management and Equal Opportunity shall provide an opportunity for an exit interview or survey to each member of the workforce of the Department who separates from service with the Department, to understand better the reasons of the member for leaving.

(3) USE OF ANALYSIS FROM INTERVIEWS AND SURVEYS.—The Director of the Office of Diversity Management and Equal Opportunity shall analyze and use information obtained through interviews and surveys under paragraphs (1) and (2), including to evaluate—

[(A) if and how the results of the interviews differ by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and]

(B) whether to implement any policy changes or recommend the Secretary include recommendations as part of a report required under subsection (c).

(4) TRACKING DATA.—The Department shall—

(A) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs; and

(B) evaluate such data on an annual basis to look for ways to improve outreach and recruitment for such programs consistent with merit system principles.

[(C) understand how participation in such programs differs by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and]

(D) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

(f) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(1) IN GENERAL.—The Department is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

(C) detail assignments to relevant positions in—

(i) private or international organizations;

(ii) State, local, and tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

(2) TRAINING FOR SENIOR POSITIONS.—

(A) IN GENERAL.—The Department may offer, or sponsor members of the workforce of the Department to participate in, a Senior Executive Service candidate development program or other program that trains members of the workforce of the Department on the skills required for appointment to senior positions in the Department.

(B) REQUIREMENTS.—In determining which members of the workforce of the Department are granted professional development or career advancement opportunities, the Department shall—

(i) ensure any program offered or sponsored by the Department under subparagraph (A) comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

[(iii) understand how participation in any program offered or sponsored by the Department under subparagraph (A) differs by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and]

(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

(3) TRACKING DATA.—The Department shall—

(A) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs; and

(B) evaluate such data on an annual basis to look for ways to improve outreach and recruitment for such programs consistent with merit system principles.

(g) INITIATIVES.—

(1) IN GENERAL.—The Department should—

(A) continue to seek a diverse and talented pool of applicants;

(B) have diversity recruitment as a goal of the human resources department or equivalent entity, with outreach at appropriate colleges, universities, and diversity organizations and professional associations; and

(C) intensify, identify, and build relationships with qualified potential minority candidates.

(2) SCOPE.—The diversity recruitment initiatives described in paragraph (1) should include—

(A) recruiting at historically black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

(B) sponsoring and recruiting at job fairs in urban communities;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

(D) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention; and

(E) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

SA 674. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, line 24, strike ''relevant Chief of Mission'' and insert ''Secretary of State''.

On page 594, line 9, insert ''and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives'' before ''a report''.

SA 675. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEPARTMENT OF DEFENSE FAMILY AND MEDICAL LEAVE BANKS.

(a) IN GENERAL.—Subchapter V of chapter 63 of title 5, United States Code, is amended—

(1) by redesignating section 6387 as section 6388; and

(2) by inserting after section 6386 the following:

''§ 6387. Department of Defense family and medical leave banks

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered DOD employee' means an individual described in section 6381(1)(A) who is employed by the Department, without regard to whether the individual meets the requirements of section 6381(1)(B);

''(2) the term 'Department' means the Department of Defense

''(3) the term 'designated unit' means any agency, component, or other administrative unit of the Department designated by the Secretary under subsection (b)(1);

''(4) the term 'family and medical leave bank' means a family and medical leave bank established under subsection (b)(2);

''(5) the term 'leave recipient' means a covered DOD employee whose application under subsection (e)(1) to receive leave from a family and medical leave bank is approved; and

''(6) the term 'Secretary' means the Secretary of Defense.

''(b) ESTABLISHMENT OF FAMILY AND MEDICAL LEAVE BANKS.—The Secretary, in consultation with the Director of the Office of Personnel Management, shall—

''(1) designate the agencies, components, or other administrative units of the Department for which it is appropriate to have a separate family and medical leave bank; and

''(2) establish a family and medical leave bank for each designated unit.

''(c) ESTABLISHMENT OF FAMILY AND MEDICAL LEAVE BANK BOARDS.—

''(1) IN GENERAL.—For each family and medical leave bank established by the Secretary, the Secretary shall establish a Family and Medical Leave Bank Board consisting of 3 members, at least 1 of whom shall represent a labor organization or employee group, to administer the family and medical leave bank, in consultation with the Office of Personnel Management.

''(2) DUTIES.—Each Family and Medical Leave Bank Board shall—

''(A) review and determine whether to approve applications to the family and medical leave bank under subsection (e)(1);

''(B) monitor each case of a leave recipient;

''(C) monitor the amount of leave in the family and medical leave bank and the number of applications for use of leave from the family and medical leave bank; and

''(D) maintain an adequate amount of leave in the family and medical leave bank to the greatest extent practicable.

''(3) QUALIFYING FAMILY AND MEDICAL EVENTS.—To the greatest extent practicable, each Family and Medical Leave Bank Board shall use the certification forms and standards established for purposes of section 6382 in determining whether, for purposes of this section, a circumstance described in section 6382(a)(1) exists.

''(d) CREDITING OF LEAVE.—

''(1) FORFEITED LEAVE.—Any annual leave lost by a covered DOD employee by operation of section 6304 shall be credited to the family and medical leave bank of the designated unit employing the covered DOD employee.

''(2) CONTRIBUTIONS OF USE OR LOSE LEAVE.—

''(A) IN GENERAL.—A covered DOD employee who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under section 6304 may submit an application in writing requesting that a specified number of hours (not to exceed the number of hours projected to be subject to forfeiture) be transferred from the annual leave account of the covered DOD employee to the family and medical leave bank for the designated unit employing the covered DOD employee.

''(B) APPROVAL.—If a Family and Medical Leave Bank Board approves an application by a covered DOD employee under subparagraph (A), the Secretary shall transfer to the family and medical leave bank of the designated unit employing the covered DOD employee the amount of leave requested to be transferred.

''(e) APPLICATION FOR LEAVE.—

''(1) IN GENERAL.—A covered DOD employee who is or anticipates being absent from regularly scheduled duty because of a circumstance described in section 6382(a)(1) (without regard to whether the covered DOD employee is entitled to leave under section 6382(a)(1)) may submit an application to receive leave from the family and medical leave bank of the designated unit employing the covered DOD employee, which shall contain such information as the Secretary, in consultation with the Director of the Office of Personnel Management, shall by regulation prescribe.

''(2) DETERMINATION.—A Family and Medical Leave Bank Board may—

''(A) approve an application submitted under paragraph (1); and

''(B) specify the amount of leave that shall be transferred to a covered DOD employee whose application is approved.

''(3) MAXIMUM AMOUNT OF LEAVE.—

''(A) IN GENERAL.—A Family and Medical Leave Bank Board may not specify an amount of leave to be transferred to a covered DOD employee that is more than the amount of leave described in subparagraph (B).

''(B) AMOUNT.—The amount described in this subparagraph is—

''(i) with respect to a full-time covered DOD employee, 12 weeks; and

''(ii) with respect to a part-time covered DOD employee, the amount equal to the product obtained by multiplying—

''(I) 12 weeks; by

''(II) the quotient obtained by dividing—

''(aa) the number of hours in the regularly scheduled workweek of the part-time covered DOD employee; by

''(bb) the number of hours in the regularly scheduled workweek of a covered DOD employee serving in a comparable position on a full-time basis.

''(4) TRANSFER.—The Secretary shall transfer to a covered DOD employee whose application is approved under paragraph (2)(A) the number of hours of leave specified under paragraph (2)(B) from the family and medical leave bank for the designated unit employing the covered DOD employee.

''(f) USE OF LEAVE.—

''(1) COORDINATION WITH EXISTING FML.—A leave recipient who is entitled to leave under section 6382(a)(1) shall use any leave transferred to the leave recipient from a family and medical leave bank in accordance with section 6382(d)(2).

''(2) FAILURE TO USE LEAVE.—

''(A) IN GENERAL.—Any leave transferred to a leave recipient from a family and medical leave bank that is not used before the end of the 12-month period beginning on the date described in subparagraph (B)—

''(i) shall be forfeited by the leave recipient; and

''(ii) shall be credited to the family and medical leave bank from which the leave was transferred.

''(B) START OF PERIOD FOR USE.—The date described in this subparagraph is the later of—

''(i) the date on which the circumstance described in section 6382(a)(1) arises; or

''(ii) the date on which leave is transferred to the covered DOD employee under subsection (e)(4).''.

(b) USE OF FAMILY AND MEDICAL LEAVE.—Section 6382(d) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' before ''An employee may elect'' the first place it appears; and

(2) by adding at the end the following:

''(2)(A) In this paragraph, the term 'covered DOD employee' has the meaning given that term in section 6387.

''(B) A covered DOD employee entitled to leave under subsection (a)(1) to whom leave is transferred from a family and medical leave bank under section 6387—

''(i) shall substitute for any leave without pay under subsection (a)(1) the amount of leave transferred to the employee from the family and medical leave bank; and

''(ii) may substitute for any leave without pay under subsection (a)(1) any annual or sick leave accrued or accumulated by such employee under subchapter I.

''(C) A covered DOD employee to whom leave is transferred from a family and medical leave bank shall first use all of the transferred leave before using leave described in subparagraph (B)(ii).

''(D) The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this paragraph.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6387 and inserting the following:

''6387. Department of Defense family and medical leave banks.
''6388. Regulations.''.

SA 676. Mr. CASEY (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. ____. AUTHORITY FOR REIMBURSEMENT OF SPOUSES FOR COSTS OF PROFESSIONAL RE-LICENSURE AND RE-CERTIFICATION IN A NEW STATE IN CONNECTION WITH PERMANENT CHANGES OF STATION OF MEMBERS OF THE ARMED FORCES.

Section 1784a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) If established under this subsection, the program under this subsection shall provide for the reimbursement of a spouse of a member of the armed forces described in subsection (b) (and without regard to the exception in subsection (c)) for costs incurred by the spouse in obtaining professional re-licensure or re-certification in a new State in association with the member's permanent change of station to a location in such State.

''(B) Reimbursement under this paragraph shall be available for any of the following:

''(i) Application fees to a State board, bar association, or other certifying or licensing body.

''(ii) Exam fees and registration fees paid to a licensing body.

''(iii) Costs of additional coursework required for eligibility for licensing or certification specific to State concerned (other than costs in connection with continuing education courses).

''(C)(i) The total amount of reimbursement of a spouse under this paragraph in connection with a particular change of station may not exceed $500.

''(ii) Eligibility for reimbursement may not be limited by the grade of the member concerned.

''(D) The total amount reimbursement under this paragraph in any fiscal year may not exceed $2,000,000.

''(E) Reimbursements under this paragraph shall be distributed on a quarterly basis.

''(F) This paragraph shall expire on the enactment of a credit against the tax imposed by subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to the qualified re-licensing costs of an individual who is married to a member of the

armed forces and who moves to another State with such member under a permanent change of station order.''.

SA 677. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. STUDY ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an appropriate independent entity to conduct a study and assessment of United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(2) The economic assistance practices of the People's Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) Any other matters the Secretary considers appropriate for purposes of the study.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the entity conducting the study pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the entity may conduct a thorough and independent assessment of the matters covered by the study, including the matters specified in subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study conducted pursuant to subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified for, but may include a classified annex.

SA 678. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF MISSILE DEFENSE COSTS.

Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current ballistic and cruise missile defenses of the United States.

(2) An estimate of the costs to acquire a national missile defense system sufficient to protect the United States against a ballistic or cruise missile attack from the Russian Federation or the People's Republic of China.

(3) An estimate of the costs to design, launch, maintain, operate, and replenish space-based interceptors and sensors of different constellation sizes ranging from limited to comprehensive.

SA 679. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REALLOCATION OF FUNDS AVAILABLE FOR GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE TO MILITARY CAPABILITIES TO COUNTER RUSSIAN INF TREATY VIOLATIONS.

(a) AVAILABILITY OF AMOUNTS TO COUNTER RUSSIAN INF TREATY VIOLATIONS.—The amount authorized to be appropriated for fiscal year 2018 for the Department of Defense by this Act is hereby increased by $65,000,000, with the amount of the increase to be available for military capabilities to counter violations of the INF Treaty by the Russian Federation.

(b) REDUCTION OF AMOUNTS FOR GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE.—The amount authorized to be appropriated for fiscal year 2018 by section 201 is hereby reduced by $65,000,000, with the amount of the reduction to be applied against amounts available for research, development, test, and evaluation of the ground-launched intermediate range missile.

(c) INF TREATY DEFINED.—In this section, the term ''INF Treaty'' means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

SA 680. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON THE NEED FOR A JOINT CHEMICAL-BIOLOGICAL DEFENSE LOGISTICS CENTER.

Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A description of the operational need and requirement for a consolidated Joint Chemical-Biological Defense Logistics Center.

(2) Identification of the specific operational requirements for rapid deployment of chemical and biological defense assets and the sustainment requirements for maintenance, storage, inspection, and distribution of specialized chemical, biological, radiological, and nuclear equipment at the Joint Chemical-Biological Defense Logistics Center.

(3) A definition of program objectives and milestones to achieve initial operating capability and full operating capability.

(4) Estimated facility and personnel resource requirements for use in planning, programming, and budgeting.

(5) An environmental assessment of proposed effects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SA 681. Mr. JOHNSON (for himself, Mrs. ERNST, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON THE AUDIT OF THE FULL FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) A description of the work under taken and planned to be undertaken by the Department of Defense, and the military departments, Defense Agencies, and other organizations and elements of the Department, to test and verify transaction data from feeder systems.

(2) A projected timeline of the Department in connection with the audit of the full financial statements of the Department, including the following:

(A) The date on which the Department projects the beginning of an audit of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

(B) The date on which the Department projects the completions of audits of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

(C) The dates on which the Department expects to obtain an unqualified audit opinion on the full financial statements of the Department, the military departments, the Defense Agencies, and other organizations and elements of the Department for a fiscal year.

(D) The anticipated total cost of future audits as described in subparagraphs (A) through (C).

(3) The anticipated annual costs of maintaining an unqualified audit opinion on the

full financial statements of the Department, the military departments, the Defense Agencies, and other organizations and elements of the Department for a fiscal year after an unqualified audit opinion on such full financial statements for a fiscal year is first obtained.

SA 682. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1008. FINANCIAL AUDIT FUND.

(a) IN GENERAL.—If the Department of Defense does not obtain a qualified audit opinion on its full financial statements for fiscal year 2020 by March 31, 2021, the Secretary of Defense shall establish a fund to be known as the ''Financial Audit Fund'' (in this section referred to as the ''Fund'') for the purpose of activities for the resolution of Notices of Findings and Recommendations received.

(b) ELEMENTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (d).

(3) Any other amounts authorized for transfer or deposit into the Fund by law.

(c) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for activities for the resolution of Notices of Findings and Recommendations received.

(2) TRANSFERS FROM FUND.—Amounts in the Fund may be transferred to any other account of the Department in order to fund activities described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as amounts in such account, except that amounts so transferred shall remain available until expended. The authority to transfer amounts under this paragraph is in addition to any other authority of the Secretary to transfer amounts by law.

(3) LIMITATIONS.—Amounts in the Fund may be transferred under this subsection in a fiscal year only to agencies and organizations of the Department that have an obtained an unmodified audit opinion on their financial statements for at least one of the two preceding fiscal years. Amounts so transferred shall be available only to permit the agency or organization to which transferred to carry out activities described in paragraph (1).

(d) TRANSFERS TO FUND IN CONNECTION WITH CERTAIN ORGANIZATIONS.—

(1) REDUCTION IN AMOUNT AVAILABLE.—Subject to paragraph (2), if during any fiscal year after fiscal year 2021 the Secretary determines that an agency or organization of the Department has not achieved a qualified opinion on its full financial statements, is being identified as not audit ready, is receiving a disclaimer of opinion on its financial statements, or is receiving an adverse opinion on its financial statements for the calendar year ending during such fiscal year—

(A) the amount available to such agency or organization for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such agency or organization for the fiscal year; minus

(ii) the lesser of—

(I) an amount equal to 0.5 percent of the amount described in clause (i); or

(II) $100,000,000; and

(B) the Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unavailable to agencies and organizations of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an agency or organization of the Department under paragraph (1) for a fiscal year shall not apply to amounts, if any, available to such agency or organization for the fiscal year for military personnel.

(3) LIMITATION ON FUNDS TRANSFERRABLE.—The authority to transfer amounts pursuant to this subsection applies only with respect to amounts that are appropriated after the date of the enactment of this Act.

(4) REPORTS ON TRANSFERS.—Not later than 15 days before the transfer of any amount pursuant to this subsection, the Secretary shall submit to the congressional defense committees a notice on the transfer, including the agency or organization whose funds will provide the source of the transfer, the amount of the transfer, and the specific plans for the use of the amount transferred for the resolution of Notices of Findings and Recommendations concerned.

(e) DEFINITIONS.—In this section:

(1) The term ''audit ready'', with respect to an agency or organization of the Department of Defense, means that the agency or organization has in place the critical audit capabilities and associated infrastructure necessary to successfully commence and support a financial audit of its relevant financial statements.

(2) The term''adverse opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are misleading and cannot be relied upon.

(3) The term ''disclaimer of opinion'', with respect to financial statements, means that the auditor of the financial statements was not able to complete the audit work, and cannot issue an opinion, on the financial statements.

(4) The term ''qualified opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are reliable with certain exceptions.

(f) COORDINATING REPEAL.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subsection (d).

SA 683. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SECURITY FOR MILITARY INSTALLATIONS IN EUROPE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States military installations in Europe are potentially vulnerable to supply disruptions from foreign governments, especially the Government of the Russian Federation, which could use control of energy supplies in a hostile or weaponized manner.

(2) The Government of the Russian Federation has previously shown its willingness to aggressively use energy supplies as a weapon to pressure foreign nations, including Ukraine.

(b) AUTHORITY.—The Secretary of Defense shall take appropriate measures, to the extent practicable, to—

(1) reduce the dependency of all United States military installations in Europe on energy sourced inside Russia; and

(2) ensure that all United States military installations in Europe are able to sustain operations in the event of a supply disruption

(c) CERTIFICATION REQUIREMENT.—Not later than December 31, 2021, the Secretary of Defense shall certify to the congressional defense committees whether or not every United States military installation in Europe—

(1) is dependent to the minimum extent practicable on energy sourced inside the Russian Federation; and

(2) has the ability to sustain operations during an energy supply disruption.

(d) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall brief the congressional defense committees on progress in achieving the goals described in subsection (b), including—

(1) an assessment of the operational risks of energy supply disruptions;

(2) a description of mitigation measures identified to address such operational risks;

(3) an assessment of the feasibility, estimated costs, and schedule of diversified energy solutions; and

(4) a determination of the minimum practicable usage of energy sourced inside Russia on United States military installations in Europe.

(e) INTERIM REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make publicly available an interim report on progress in achieving the goals described in subsection (b), including the assessments described in paragraphs (1) through (4) of subsection (d).

(f) DEFINITION OF ENERGY SOURCED INSIDE RUSSIA.—In this section, the term ''energy sourced inside Russia'' means energy that is produced, owned, or facilitated by companies that are located in the Russian Federation or owned or controlled by the Government of the Russian Federation.

SA 684. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, between lines 2 and 3, insert the following:

(1) not later than 120 days after the date of enactment of this Act, begin an exposure assessment of no less than 8 current or former military installations known to have per- and polyfluoroalkyl substances (PFAS) contamination in drinking water, ground water, and any other sources of water and relevant

exposure vectors, and such assessment shall—

(A) include—

(i) a statistical sample at each installation, to be determined by the Secretary of Health and Human Services;

(ii) blood testing and bio-monitoring for assessing such contamination;

(B) conclude no later than 2 years after the date of enactment of this Act; and

(C) produce findings, which shall be—

(i) used to help design the study described in paragraph (2); and

(ii) released to the appropriate congressional committees not later than 1 year after the conclusion of such assessment;

SA 685. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1635, add the following:

(e) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 may be used for an action that is not permitted under the INF Treaty on the date of the enactment of this Act.

SA 686. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON SIGNIFICANT SECURITY VULNERABILITIES OF THE NATIONAL ELECTRIC GRID.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Secretary of Energy, submit to the congressional defense committees a report setting forth the following:

(1) Identification of the significant security vulnerabilities of the national electric grid that are susceptible to significant malicious cyber-enabled activities.

(2) An assessment of the effect of the security vulnerabilities identified in paragraph (1) on the readiness of the United States Armed Forces.

(3) An assessment of the strategic benefits derived from, and the challenges associated with, isolating military infrastructure from the national electric grid and the use of microgrids by the Armed Forces.

(4) Recommendations on actions to be taken—

(A) to eliminate or mitigate the security vulnerabilities identified pursuant to paragraph (1); and

(B) to address the effect of those security vulnerabilities on the readiness of the Armed Forces identified pursuant to paragraph (2).

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''security vulnerability'' has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(2) The term ''significant malicious cyber-enabled activities'' include—

(A) significant efforts—

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

(ii) to exfiltrate, degrade, corrupt, destroy, or release information from such a system or network without authorization for purposes of—

(I) conducting influence operations; or

(II) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;

(B) significant destructive malware attacks; and

(C) significant denial of service activities.

SA 687. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. ____. PROTECTION OF INDIVIDUALS ELIGIBLE FOR INCREASED PENSION UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS ON BASIS OF NEED FOR REGULAR AID AND ATTENDANCE.

(a) DEVELOPMENT AND IMPLEMENTATION OF STANDARDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall work with the heads of Federal agencies, States, and such experts as the Secretary considers appropriate to develop and implement Federal and State standards that protect individuals from dishonest, predatory, or otherwise unlawful practices relating to increased pension available to such individuals under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance.

(2) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the standards developed under paragraph (1).

(b) CONDITIONAL RECOMMENDATION BY COMPTROLLER GENERAL.—If the Secretary does not, on or before the date that is 180 days after the date of the enactment of this Act, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives standards that are developed under subsection (a)(1), the Comptroller General of the United States shall, not later than the date that is one year after the date of the enactment of this Act, submit to such committees a report containing standards that the Comptroller General determines are standards that would be effective in protecting individuals as described in such subsection.

(c) STUDY BY COMPTROLLER GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on standards implemented under this section to protect individuals as described in subsection (a)(1) and submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the findings of the Comptroller General with respect to such study.

SA 688. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REGULAR ORDER.

Notwithstanding any other provision of law, nothing in this Act, including the amendments made by this Act, shall take effect until the both the Senate and the House of Representatives pass this Act through regular order.

SA 689. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENT TO HOLD CONFERENCE.

Notwithstanding any other provision of law, no provision of this Act, including any amendment made by this Act, shall take effect until a bipartisan conference has been convened and produced a conference report with respect to this Act, and such conference report has passed the Senate and the House of Representatives. The conference committee shall hold multiple public meetings and consider the input of stakeholders.

SA 690. Ms. MURKOWSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 267 submitted by Mr. CARDIN (for himself and Ms. STABENOW) and intended to be proposed to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 105.

SA 691. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. _____. WOMEN'S HEALTH CARE PROGRAM.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

''SEC. 1947. WOMEN'S HEALTH CARE PROGRAM.

''(a) IN GENERAL.—Notwithstanding section 105 of the Health Care Freedom Act, the Secretary shall award funds on a competitive basis to any entity that is listed as a family planning essential community provider for the provision of family planning, reproductive health, and related services during the 1 year period that begins on the date of the enactment of such Act.

''(b) APPROPRIATION.—For the purpose of making awards under this section, there are

authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $422,000,000 for fiscal year 2017, to remain available until expended.''.

SA 692. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, Mr. PETERS, Mr. MARKEY, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to UH–60 Blackhawk M Model (MYP), strike the amount in the Senate Authorized column and insert ''1,265,308''.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Army, strike the amount in the Senate Authorized column and insert ''5,364,068''.

In the funding table in section 4101, in the first item relating to O/A-X Light Attack Fighter, strike the amount in the Senate Authorized column and insert ''873,000''.

In the funding table in section 4101, in the second item relating to O/A-X Light Attack Fighter, strike the amount in the Senate Authorized column and insert ''[873,000]''.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Air Force, strike the amount in the Senate Authorized column and insert ''20,243,286''.

SA 693. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PAY FOR CERTAIN EMPLOYEES AND CONTRACTORS WORKING IN SENSITIVE SECURITY ENVIRONMENTS.

(a) FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Subchapter IV of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

''§ 5349A. Pay for prevailing rate employees working in sensitive security environments

''(a) DEFINITIONS.—In this section—

''(1) the term 'local wage area' means a local wage established under section 5343; and

''(2) the term 'position in a sensitive security environment' means a position in which individual—

''(A) is required to have a security clearance; or

''(B) performs not less than 50 percent of the official duties of the individual—

''(i) for an element of the intelligence community (as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)));

''(ii) for a laboratory or research center overseen by the Office for National Laboratories of the Department of Homeland Security;

''(iii) at an airport; or

''(iv) at a military installation.

''(b) PAY LIMITATION.—The rate of basic pay for a prevailing wage employee in a position in a sensitive security environment shall be not less than the rate of basic pay for grade 2, level 1 of the WS wage schedule in effect for the local wage area of the duty station of the prevailing rate employee.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

''5349A. Pay for prevailing rate employees working in sensitive security environments.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the first day of the first pay period beginning after the date that is 1 year after the date of enactment of this Act.

(b) PRIVATE EMPLOYERS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

''(h) MINIMUM WAGE FOR EMPLOYEES IN SENSITIVE SECURITY ENVIRONMENTS.—

''(1) DEFINITION OF COVERED EMPLOYEE.—In this subsection, the term 'covered employee' means an employee who—

''(A) in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce;

''(B) performs duties described in section 5342(a)(2) of section 5, United States Code; and

''(C) is employed in a position in a sensitive security environment, as defined in section 5349A(a) of title 5, United States Code.

''(2) WAGE REQUIRED IN SENSITIVE SECURITY ENVIRONMENTS.—In lieu of any rate prescribed under subsection (a), (b), or (e), any employer shall pay a covered employee a wage rate that is not less than the rate of basic pay for grade 2, level 1 of the WS wage schedule in effect for the local wage area of the duty station of the employee.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect beginning on the date that is 1 year after the date of enactment of this Act.

(c) FEDERAL CONTRACTOR REQUIREMENT.—By not later than 1 year after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that all Federal contracts for the provision of property or services include a requirement that the contractor comply with the requirements of section 6(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(h)).

SA 694. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. SHARK FIN TRADE ELIMINATION.

(a) FINDINGS.—Congress finds the following:

(1) Sharks are critically important species for their economic, cultural, and ecosystem value.

(2) Many shark populations are in peril worldwide and are on the decline.

(3) One of the greatest threats to sharks is the global trade in shark fins. It is estimated that fins from as many as 73,000,000 sharks end up in the global shark fin trade every year.

(4) Shark fins have no medicinal or nutritional value.

(5) The trade in shark fins is primarily focused on large coastal and pelagic species that grow slowly, mature late, and have low reproduction rates.

(6) Shark fins are often removed and retained while the remainder of a shark is discarded due to the high market value of shark fins relative to other parts of a shark.

(7) Shark fins are removed primarily to be commercialized as a fungible commodity.

(8) Shark finning is the cruel practice in which the fins of a shark are cut off on board a fishing vessel at sea. The remainder of the animal is then thrown back into the water to drown, starve, or die a slow death.

(9) Although the United States has banned the practice of shark finning aboard vessels in waters controlled by the United States, there is no Federal ban on the removal and sale of shark fins once the fin is brought ashore.

(10) Once a shark fin is detached from the body, it becomes impossible to determine whether the shark was legally caught or the fin lawfully removed.

(11) It is difficult to determine which species of shark a fin was removed from, which is problematic because some species are threatened with extinction.

(12) The States of Texas, Delaware, Hawaii, Illinois, Massachusetts, Maryland, New York, Oregon, Rhode Island, California, and Washington and American Samoa, Guam, and the North Mariana Islands have implemented bans on the sale of shark fins.

(13) Shark fins possessed, transported, offered for sale, sold, or purchased anywhere in the United States are part of a large international market, having a substantial and direct effect on interstate commerce.

(14) Abolition of the shark fin trade in the United States will remove the United States from the global shark fin market and will put the United States in a stronger position to advocate internationally for abolishing the shark fin trade in other countries.

(b) PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—Except as provided in subsection (c), no person shall possess, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308(a) of that Act (16 U.S.C. 1858(a)), except that the maximum civil penalty for each violation shall be $100,000, or the fair market value of the shark fins involved, whichever is greater.

(c) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is—

(1) destroyed or discarded upon separation;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law;

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research; or

(4) retained by the license or permit holder for a noncommercial purpose.

(d) DOGFISH.—

(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess,

transport, offer for sale, sell, or purchase any fresh or frozen raw fin or tail from any stock of the species Mustelus canis (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;

(B) the impact to ocean ecosystems of continuing or terminating the exemption;

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(e) DEFINITION OF SHARK FIN.—In this section, the term ''shark fin'' means—

(1) the raw or dried or otherwise processed detached fin of a shark; or

(2) the raw or dried or otherwise processed detached tail of a shark.

(f) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SA 695. Mr. BOOKER (for himself, Mrs. CAPITO, Mr. BLUMENTHAL, Mr. PORTMAN, and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SHARK FIN TRADE ELIMINATION.

(a) FINDINGS.—Congress finds the following:

(1) Sharks are critically important species for their economic, cultural, and ecosystem value.

(2) Many shark populations are in peril worldwide and are on the decline.

(3) One of the greatest threats to sharks is the global trade in shark fins. It is estimated that fins from as many as 73,000,000 sharks end up in the global shark fin trade every year.

(4) Shark fins have no medicinal or nutritional value.

(5) The trade in shark fins is primarily focused on large coastal and pelagic species that grow slowly, mature late, and have low reproduction rates.

(6) Shark fins are often removed and retained while the remainder of a shark is discarded due to the high market value of shark fins relative to other parts of a shark.

(7) Shark fins are removed primarily to be commercialized as a fungible commodity.

(8) Shark finning is the cruel practice in which the fins of a shark are cut off on board a fishing vessel at sea. The remainder of the animal is then thrown back into the water to drown, starve, or die a slow death.

(9) Although the United States has banned the practice of shark finning aboard vessels in waters controlled by the United States, there is no Federal ban on the removal and sale of shark fins once the fin is brought ashore.

(10) Once a shark fin is detached from the body, it becomes impossible to determine whether the shark was legally caught or the fin lawfully removed.

(11) It is difficult to determine which species of shark a fin was removed from, which is problematic because some species are threatened with extinction.

(12) The States of Texas, Delaware, Hawaii, Illinois, Massachusetts, Maryland, New York, Oregon, Rhode Island, California, and Washington and American Samoa, Guam, and the North Mariana Islands have implemented bans on the sale of shark fins.

(13) Shark fins possessed, transported, offered for sale, sold, or purchased anywhere in the United States are part of a large international market, having a substantial and direct effect on interstate commerce.

(14) Abolition of the shark fin trade in the United States will remove the United States from the global shark fin market and will put the United States in a stronger position to advocate internationally for abolishing the shark fin trade in other countries.

(b) PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—Except as provided in subsection (c), no person shall possess, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308(a) of that Act (16 U.S.C. 1858(a)), except that the maximum civil penalty for each violation shall be $100,000, or the fair market value of the shark fins involved, whichever is greater.

(c) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is—

(1) destroyed or discarded upon separation;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law;

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research; or

(4) retained by the license or permit holder for a noncommercial purpose.

(d) DOGFISH.—

(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess, transport, offer for sale, sell, or purchase any fresh or frozen raw fin or tail from any stock of the species Mustelus canis (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;

(B) the impact to ocean ecosystems of continuing or terminating the exemption;

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(e) DEFINITION OF SHARK FIN.—In this section, the term ''shark fin'' means—

(1) the raw or dried or otherwise processed detached fin of a shark; or

(2) the raw or dried or otherwise processed detached tail of a shark.

(f) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SA 696. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. 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) SENSE OF CONGRESS.—Congress acknowledge the courage, service, and sacrifice of the crew members of the U.S.S. Frank E. Evans, including the 74 crew members who perished on June, 3, 1969.

(b) 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 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON AVAILABILITY OF FUNDS FOR TERMINATION OF VETS4WARRIORS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to

terminate the Vets4Warriors crisis hotline program unless the Secretary of Defense has submitted to the congressional defense committees a report describing a sufficient replacement to such program.

SA 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. PROHIBITION ON AVAILABILITY OF FUNDS FOR TERMINATION OF VETS4WARRIORS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to terminate the Vets4Warriors crisis hotline program unless the Secretary of Defense has submitted to the congressional defense committees a report describing a sufficient replacement to such program.

SA 698. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ITEMIZED LIST OF ITEMS ACQUIRED FROM FOREIGN ENTITIES THROUGH BUY AMERICAN WAIVERS.

Section 8302(b)(2)(B) of title 41, United States Code, is amended by inserting '', including an itemized list of all articles, materials, and supplies acquired through such waivers,'' after ''this chapter''.

SA 699. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812.

SA 700. Ms. HARRIS submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PILOT PROGRAM ON INTEGRATING INTO THE DEPARTMENT OF DEFENSE WORKFORCE INDIVIDUALS WITH CYBERSECURITY SKILLS WHOSE SERVICES ARE DONATED BY PRIVATE PERSONS.

(a) PILOT PROGRAM REQUIRED.—Not later than June 1, 2019, the Secretary of Defense shall commence carrying out a pilot program to assess the feasibility and advisability of integrating into the workforce of the Department of Defense individuals who have skills relating to cybersecurity and whose services are donated to the Department of Defense by private persons.

(b) DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the pilot program during the period beginning on the date of the commencement of the pilot program and ending on June 1, 2024.

(2) EXTENSION.—At the end of the period set forth in paragraph (1), the Secretary may, as the Secretary considers appropriate, extend the period of the pilot program for such period as the Secretary considers appropriate, except that such extension shall be less than two years.

(c) LOCATION.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program at one or more facilities of the Federal Government or a nonprofit organization. Such facilities shall be selected by the Secretary to maximize the number of individuals participating in the pilot program consistent with subsection (d)(3).

(2) WORKSPACES FOR HANDLING CLASSIFIED MATERIAL.—The Secretary shall ensure that such facilities include, as the Secretary considers appropriate, workspaces for handling classified material.

(d) APPLICATION AND SELECTION.—

(1) APPLICATION.—An individual seeking to participate in the pilot program shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may require.

(2) SELECTION.—The Secretary shall establish a competitive process for the selection of individuals to participate in the pilot program.

(3) PRIORITIES.—In selecting individuals to participate in the pilot program, the Secretary shall give priority to individuals who have not previously served as an employee or contractor of the Federal Government and who possess technical expertise relating to the defense of information systems. In selecting individuals to particupate in the pilot program and individuals to support the pilot program, the Secretary shall also give priority to individuals who will facilitate integration of skilled experts from the private sector into the Federal Government cybersecurity workforce.

(4) MAXIMUM NUMBER OF PARTICIPANTS.—No more than 250 individuals may concurrently participate in the pilot program.

(e) FEDERAL COLLABORATION.—The Secretary shall detail employees of the Department to the facilities selected under subsection (c) to maximize productivity, collaboration, and exchange of knowledge.

(f) APPOINTMENTS.—

(1) AUTHORITIES.—In carrying out the pilot program, the Secretary may use any appropriate appointment authority, including the authorities for—

(A) public-private talent exchanges under section 1599g of title 10, United States Code;

(B) an information technology exchange program under section 3702 of title 5, United States Code, notwithstanding the numerical limitation provided in that section; and

(C) appointment under subchapter VI of chapter 33 of such title, except that, for purposes of the pilot program, the term ''other organization'', as used in such subchapter, shall be deemed to include a for-profit organization.

(2) COMPENSATION.—Nothing in this section shall be construed as a modification of the compensation provisions or ethics requirements associated with the appointment authorities in paragraph (1).

(3) EXPENSES.—The Secretary may pay for travel and other work-related expenses associated with individuals participating in the pilot program.

(g) DETAILING OF PARTICIPANTS.—With the consent of an individual participating in the pilot program, the Secretary may, under the pilot program, detail the individual to another Federal department or agency.

(h) SECURITY CLEARANCES.—The Secretary shall establish an expedited process for providing appropriate security clearances to individuals who participate in the pilot program, consistent with counterintelligence best practices.

(i) AVOIDANCE OF DUPLICATION.—In carrying out the pilot program, the Secretary of Defense shall coordinate with the Defense Digital Service, the Defense Innovation Unit Experimental, and such other elements of the United States Government as the Secretary considers appropriate to minimize duplication of effort and facilities.

(j) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than June 1, 2022, the Secretary shall submit to the congressional defense committees a preliminary report describing the results of the pilot program, recommending how the pilot program could be improved, and providing a recommendation on whether the pilot program should be made permanent.

(2) FINAL REPORT.—Not later than January 1, 2025, the Secretary shall submit to the congressional defense committees a final report describing the results of the pilot program, recommending how the pilot program could be improved, and providing a recommendation on whether the pilot program should be made permanent.

SA 701. Ms. HARRIS (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 513. EXCLUSION OF MEMBERS OF THE NATIONAL GUARD PERFORMING FUNERAL HONORS FROM COUNTING FOR ACTIVE-DUTY END STRENGTH LEVELS.

(a) IN GENERAL.—Subsection (i) of section 115 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(14) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out funeral honors activities under section 115 of title 32.''.

(b) CONFORMING AMENDMENT.—Subsection (b)(3)(B) of such section is amended by striking ''through (8)'' and inserting ''through (14)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2017, and shall apply with respect to National Guard members ordered to active duty for the purpose of preparing and performing funeral honors before, on, or after that date.

SA 702. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—ONLINE SAFETY

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Online Safety Modernization Act of 2017''.

Subtitle A—Interstate Sextortion Prevention

SEC. 1711. COERCION OF SEXUAL ACTS, SEXUAL CONTACT, OR SEXUALLY INTIMATE VISUAL DEPICTIONS.

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

''CHAPTER 124—COERCION OF SEXUAL ACTS, SEXUAL CONTACT, OR SEXUALLY INTIMATE VISUAL DEPICTIONS

''2751. Definitions.
''2752. Coercion of sexual acts.
''2753. Coercion of sexual contact.
''2754. Coerced production of sexually intimate visual depictions.
''2755. Coercion using sexually intimate visual depictions.
''2756. Extortion using sexually intimate visual depictions.
''2757. Offenses involving minors.
''2758. Offenses resulting in death or serious bodily injury.
''2759. Attempt.
''2760. Repeat offenders.
''2761. Forfeitures.
''2762. Mandatory restitution.
''2763. Civil action.

''§ 2751. Definitions

''In this chapter:

''(1) ACTUAL DEPICTION.—The term 'actual depiction' means a depiction that has not been fabricated or materially altered to change the appearance or physical characteristics of any individual, object, or activity depicted.

''(2) COERCION.—The term 'coercion' means—

''(A) a threat of serious harm to or physical restraint against any individual;

''(B) a scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any individual; or

''(C) the abuse or threatened abuse of law or the legal process.

''(3) COMPUTER-GENERATED SEXUALLY INTIMATE VISUAL DEPICTION.—The term 'computer-generated sexually intimate visual depiction' means a depiction that has been created, adapted, or modified through the use of any computer technology to appear to be a sexually intimate visual depiction.

''(4) CRIMINAL ACTION.—The term 'criminal action' includes an investigation and prosecution that is pending, until final adjudication in the trial court.

''(5) IMMEDIATE FAMILY MEMBER.—The term 'immediate family member', with respect to an addressee, means—

''(A) the spouse, parent, legal guardian, grandparent, sibling, child, or grandchild of the addressee, or an individual for whom the addressee serves as legal guardian; or

''(B) any other individual living in the household of the addressee and related to the addressee by blood or marriage.

''(6) INDISTINGUISHABLE.—The term 'indistinguishable', with respect to a computer-generated sexually intimate visual depiction—

''(A) means virtually indistinguishable, in that the computer-generated sexually intimate visual depiction is such that an ordinary person viewing the computer-generated depiction would conclude that the computer-generated depiction is an actual depiction of the addressee or of an immediate family member or intimate partner of the addressee; and

''(B) does not apply to a depiction that is a drawing, cartoon, sculpture, or painting depicting any individual.

''(7) INTIMATE PARTNER.—The term 'intimate partner', with respect to an addressee, means an individual who is or has been in a social relationship of a romantic or intimate nature with the addressee, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

''(8) MINOR.—The term 'minor' means any individual who has not attained the age of 18 years.

''(9) PRODUCE.—The term 'produce' means to create, make, manufacture, photograph, film, videotape, record, or transmit live a sexually intimate visual depiction.

''(10) PUBLISH.—The term 'publish'—

''(A) means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person; and

''(B) includes the hosting or display on the Internet.

''(11) SERIOUS BODILY INJURY.—The term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

''(12) SEXUAL ACT.—The term 'sexual act' means—

''(A) any genital to genital, oral to genital, anal to genital, or oral to anal contact, not through the clothing;

''(B) the penetration, however slight, of the anal or genital opening of any individual by a hand or finger or by any object; or

''(C) the intentional touching, not through the clothing, of the genitalia of or by any individual.

''(13) SEXUAL CONTACT.—The term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, or the intentional transmission or transfer of male or female ejaculate onto any part of another person's body.

''(14) SEXUALLY INTIMATE VISUAL DEPICTION.—The term 'sexually intimate visual depiction' means any photograph, film, video, or other recording or live transmission of an individual, whether produced by electronic, mechanical, or other means (including depictions stored on undeveloped film and videotape, data stored on computer disk or by any electronic means that is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format), that depicts—

''(A) the naked exhibition of the anus, the post-pubescent female nipple, the genitals, or the pubic area of any individual;

''(B) any actual or simulated sexual contact or sexual act;

''(C) bestiality; or

''(D) sadistic or masochistic conduct.

''(15) VICTIM.—The term 'victim' means the individual harmed as a result of a commission of a crime under this chapter.

''§ 2752. Coercion of sexual acts

''(a) IN GENERAL.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly cause any individual to engage in a sexual act with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for any term of years or for life, or both.

''(b) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause any individual to engage in a sexual act with another individual, to knowingly transmit any communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2753. Coercion of sexual contact

''(a) IN GENERAL.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly cause any individual to engage in sexual contact with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 10 years, or both.

''(b) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause any individual to engage in sexual contact with another individual, to knowingly transmit any communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2754. Coerced production of sexually intimate visual depictions

''(a) DEFINITION.—In this section, the term 'sexually intimate visual depiction' does not include any computer-generated sexually intimate visual depiction.

''(b) GENERAL PROHIBITION.—

''(1) OFFENSE.—It shall be unlawful, in a circumstance described in subsection (c), to knowingly cause any person to produce a sexually intimate visual depiction of any individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

''(2) PENALTY.—Any person who violates paragraph (1) shall—

''(A) if a sexual act with another individual results, be fined under this title, imprisoned for any term of years or for life, or both; and

''(B) in any other case, be fined under this title, imprisoned for not more than 20 years, or both.

''(c) CIRCUMSTANCES DESCRIBED.—The circumstances described in this subsection are that—

''(1) the person uses the mail or any facility or means of interstate or foreign commerce to cause any person to produce the sexually intimate visual depiction described in subsection (a)(1);

''(2) the person knows or has reason to know that the sexually intimate visual depiction described in subsection (a)(1) will be—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce, including by computer;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed;

''(3) the sexually intimate visual depiction described in subsection (a)(1) is produced or transmitted using a material that has been—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce, including by computer;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed;

''(4) the sexually intimate visual depiction described in subsection (a)(1) is—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed; or

''(5) any part of the offense occurs—

''(A) in a territory or possession of the United States; or

''(B) within the special maritime and territorial jurisdiction of the United States.

''(d) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause a person to produce a sexually intimate visual depiction of any individual, to knowingly transmit any communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''(e) OFFENSES INVOLVING MINORS.—Notwithstanding any other provision of law, in any case under this section involving a victim under the age of 18 in which the sexually intimate visual depiction constitutes child pornography, as defined in section 2256(8), the offender shall be punished as provided in section 2251(e).

''§ 2755. Coercion using sexually intimate visual depictions

''(a) DEFINITION.—In this section, the term 'sexually intimate visual depiction' includes any computer-generated sexually intimate visual depiction of an individual that is indistinguishable from an actual depiction of the individual.

''(b) GENERAL PROHIBITION.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly cause any person to engage or refrain from engaging in conduct by transmitting a communication containing a threat to publish any sexually intimate visual depiction of—

''(A) the addressee; or

''(B) an immediate family member or intimate partner of the addressee.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(c) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause a person to engage or refrain from engaging in conduct, to knowingly transmit any communication containing a threat to publish any sexually intimate visual depiction of the addressee or of an immediate family member or intimate partner of the addressee, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2756. Extortion using sexually intimate visual depictions

''(a) DEFINITION.—In this section, the term 'sexually intimate visual depiction' includes any computer-generated sexually intimate visual depiction of an individual that is indistinguishable from an actual depiction of the individual.

''(b) GENERAL PROHIBITION.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly extort any money, property, or other thing of value from another person by transmitting a communication containing a threat to publish any sexually intimate visual depiction of—

''(A) the addressee; or

''(B) an immediate family member or intimate partner of the addressee.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(c) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to extort any money, property, or other thing of value from any person, to knowingly transmit any communication containing a threat to publish any sexually intimate visual depiction of the addressee or of an immediate family member or intimate partner of the addressee, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2757. Offenses involving minors

''(a) OFFENSES INVOLVING MINORS UNDER 18.—If conduct that violates this chapter involves a victim or intended victim who has attained the age of 12 years and has not attained the age of 18 years, or who the defendant believes has attained the age of 12 years and has not attained the age of 18 years, the maximum term of imprisonment authorized for that offense shall be increased by 5 years.

''(b) OFFENSES INVOLVING MINORS UNDER 12.—If conduct that violates this chapter involves a victim or intended victim who has not attained the age of 12 years, or who the defendant believes has not attained the age of 12 years, the maximum term of imprisonment authorized for that offense shall be twice that otherwise provided under this chapter.

''§ 2758. Offenses resulting in death or serious bodily injury

''(a) OFFENSES RESULTING IN DEATH.—A person who commits a violation of this chapter that results in the death of any individual shall be fined under this title, imprisoned for any term of years or for life, or both.

''(b) OFFENSES RESULTING IN SERIOUS BODILY INJURY.—A person who commits a violation of this chapter that results in serious bodily injury to any individual shall be fined under this title, imprisoned for not more than 20 years, or both.

''§ 2759. Attempt

''(a) IN GENERAL.—An attempt to violate section 2752(a)(1), 2753(a)(1), 2754(b)(1), 2755(b)(1), or 2756(b)(1) shall be punishable in the same manner as a completed violation of that section.

''(b) LIMITATION.—For the purposes of sections 2752, 2753, 2754, 2755, and 2756, conduct consisting exclusively of a violation of 2752(b)(1), 2753(b)(1), 2754(d)(1), 2755(c)(1), or 2756(c)(1) shall not constitute an attempted violation of section 2752(a)(1), 2753(a)(1), 2754(b)(1), 2755(b)(1), or 2756(b)(1), respectively.

''§ 2760. Repeat offenders

''(a) DEFINITIONS.—In this section—

''(1) the term 'prior sex offense conviction' means a conviction for an offense—

''(A) under—

''(i) chapter 109A, 110, or 117; or

''(ii) section 1591, 2752(a), 2753(a), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)); or

''(B) under State law or the Uniform Code of Military Justice involving an offense described in subparagraph (A) or would be such an offense if committed under circumstances supporting Federal jurisdiction; and

''(2) the term 'State' means any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) MAXIMUM TERM OF IMPRISONMENT.—Except as provided in section 3559(e), the maximum term of imprisonment authorized for a violation of section 2752(a) or 2753(a), or a violation of paragraph (1) of section 2754(a) that is punishable under paragraph (2)(A) of that section, after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided under this chapter.

''§ 2761. Forfeiture

''(a) CRIMINAL FORFEITURE.—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that the person forfeit to the United States—

''(1) the person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the violation; and

''(2) any property, real or personal, constituting or derived from any proceeds that the person obtained, directly or indirectly, as a result of the violation.

''(b) CIVIL FORFEITURE.—

''(1) IN GENERAL.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

''(C) Any visual depiction that was produced, used, or intended for use in violation of this chapter.

''(2) APPLICABILITY OF CHAPTER 46.—The provisions of chapter 46 relating to civil forfeitures shall apply to any seizure or forfeiture under this subsection.

''(c) TRANSFER OF FORFEITED ASSETS.—

''(1) IN GENERAL.—The Attorney General may transfer assets forfeited under this section, or the proceeds derived from the sale thereof, to satisfy a victim restitution order arising from a violation of this chapter.

''(2) USE OF NON-FORFEITED ASSETS.—A transfer under paragraph (1) shall not reduce or otherwise mitigate the obligation of a person convicted of a violation of this chapter to—

''(A) satisfy the full amount of a restitution order through the use of non-forfeited assets; or

''(B) reimburse the Attorney General for the value of assets or proceeds transferred under this subsection through the use of non-forfeited assets.

''§ 2762. Mandatory restitution

''(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

''(b) SCOPE AND NATURE OF ORDER.—

''(1) DEFINITION.—In this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

''(A) medical services relating to physical, psychiatric, or psychological care;

''(B) physical and occupational therapy or rehabilitation;

''(C) necessary transportation, temporary housing, and child care expenses;

''(D) lost income;

''(E) attorney's fees, in addition to any costs incurred in obtaining a civil protection order; and

''(F) any other losses suffered by the victim as a proximate result of the offense.

''(2) DIRECTIONS.—An order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court in accordance with paragraph (3).

''(3) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

''(4) ORDER MANDATORY.—

''(A) IN GENERAL.—The issuance of a restitution order under this section is mandatory.

''(B) CONSIDERATION OF OTHER CIRCUMSTANCES PROHIBITED.—A court may not decline to issue an order under this section because of—

''(i) the economic circumstances of the defendant; or

''(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

''(c) TRANSFER OF CRIME VICTIM'S RIGHTS.—In the case of a victim who is a minor, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the rights of the victim under this chapter, but the defendant may not assume those rights.

''§ 2763. Civil action

''(a) IN GENERAL.—An individual who is a victim of an offense under this chapter may—

''(1) bring a civil action against the person who committed the offense (or any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States; and

''(2) recover damages and any other appropriate relief, including reasonable attorney's fees.

''(b) JOINT AND SEVERAL LIABILITY.—A person who is found liable in an action under this section shall be jointly and severally liable with each other person, if any, who is found liable in an action under this section for damages arising from the same violation of this chapter.

''(c) STAY PENDING CRIMINAL ACTION.—Any action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(d) STATUTE OF LIMITATIONS.—An action under this section may not be commenced later than 10 years after the later of—

''(1) the date on which a legal disability ends; or

''(2) the later of—

''(A) the date on which the plaintiff discovers the violation that forms the basis for the claim; or

''(B) the date on which the plaintiff discovers the injury that forms the basis for the claim.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by adding at the end the following:

''124. Coercion of sexual acts, sexual contact, or sexually intimate visual depictions ..... 2751''.

(c) DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and policy statements applicable to persons convicted of an offense under chapter 124 of title 18, United States Code, as added by subsection (a), to ensure that the guidelines and policy statements are consistent with that amendment and reflect the intent of Congress that the guidelines reflect the seriousness and great harm caused by the offenses under that chapter.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the United States Sentencing Commission shall consider—

(A) the mandate of the United States Sentencing Commission, pursuant to its authority under section 994(p) of title 28, United States Code—

(i) to promulgate guidelines that meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and

(ii) in particular, to—

(I) ensure that sentencing courts properly consider the seriousness of the offense;

(II) promote respect for the law;

(III) provide just punishment for the offense;

(IV) afford adequate deterrence to criminal conduct; and

(V) protect the public from further crimes of the defendant; and

(B) the intent of Congress that the penalties for defendants convicted of an offense under chapter 124 of title 18, United States Code, as added by subsection (a), are appropriately severe and account for—

(i) the nature of the visual depiction, the acts engaged in, and the potential harm resulting from the offense;

(ii) the number and age of the victims involved; and

(iii) the degree to which the victims have been harmed.

SEC. 1712. AMENDMENTS TO EXISTING STATUTORY OFFENSES.

(a) Section 843(b)(2)(C) of title 10, United States Code (article 43(b)(2)(C) of the Uniform Code of Military Justice), is amended by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''section 1591''.

(b) Section 1001(a) of title 18, United States Code, is amended by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''.

(c) Section 2251(e) of title 18, United States Code, is amended by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''.

(d) Section 2252(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''; and

(2) in paragraph (2), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''under this chapter,''.

(e) Section 2252A of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''; and

(B) in paragraph (2), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''under this chapter,''; and

(2) in subsection (g), by inserting ''section 2752(a)(1) (if the victim is a minor), section 2753(a)(1) (if the victim is a minor), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)) and if the victim is a minor),'' after ''section 1591,''.

(f) Section 2255(a) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''2422,''; and

(2) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2423''.

(g) Section 2260A of title 18, United States Code, is amended—

(1) by striking ''or'' after ''2423,''; and

(2) by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''2425,''.

(h) Section 2426(b)(1)(A) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''chapter 110,''; and

(2) by inserting '', section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''section 1591''.

(i) Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''sections 2752, 2753, 2754, 2755, and 2756 (relating to coercion of sexual acts and related crimes),'' after ''2425 (relating to transportation for illegal sexual activity and related crimes),''.

(j) Section 3014(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

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

''(5) section 2752(a)(1), 2753(a)(1), or 2754(b)(1) (relating to coercion of sexual acts and related crimes); or''.

(k) Section 3142 of title 18, United States Code, is amended—

(1) in subsection (c), in the flush text following subparagraph (B)—

(A) by striking ''or'' after ''2423,''; and

(B) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2425''; and

(2) in subsection (e)(3)(E)—

(A) by striking ''or'' after ''2423,''; and

(B) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2425''.

(l) Section 3156(a)(4)(C) of title 18, United States Code, is amended by inserting ''section 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)), or'' after ''any felony under''.

(m) Section 3282(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting '', section 2752(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''chapter 109A''; and

(2) in paragraph (2), by inserting '', section 2752(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''chapter 109A''.

(n) Section 3299 of title 18, United States Code, is amended—

(1) by striking ''except for section'' and inserting ''except for sections''; and

(2) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''section 1591''.

(o) Section 3553(b)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1),'' after ''section 1591,''; and

(2) by striking ''In determining'' and inserting the following:

''(B) CONSIDERATIONS.—In determining''.

(p) Section 3559 of title 18, United States Code, is amended—

(1) in subsection (c)(2)(F)(i), by inserting ''coerced sexual act (as described in sections 2752(a)(1) and 2754(b)(2)(A));'' after ''sexual abuse (as described in sections 2241 and 2242);''; and

(2) in subsection (e)(2)(A)—

(A) by striking ''or'' after ''2422(b) (relating to coercion and enticement of a minor into prostitution),''; and

(B) by inserting '', or 2752(a)(1) or 2754(b)(1) (if punishable under section 2754(b)(2)(A)) (relating to coercion of sexual acts)'' after ''2423(a) (relating to transportation of minors)''.

(q) Section 3583(k) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''2423,'';

(2) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2425'';

(3) by striking ''section 1201 or'' and inserting ''section 1201,''; and

(4) by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''1591,'' the second place that term appears.

(r) Section 2(1) of the PROTECT our Children Act of 2008 (42 U.S.C. 17601(1)) is amended by striking ''and chapter 117'' and inserting ''chapter 117, or chapter 124''.

Subtitle B—Interstate Swatting Hoax

SEC. 1721. FALSE COMMUNICATIONS TO CAUSE AN EMERGENCY RESPONSE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. False communications to cause an emergency response

''(a) DEFINITIONS.—In this section:

''(1) CRIMINAL ACTION.—The term 'criminal action' includes an investigation and prosecution that is pending, until final adjudication in the trial court.

''(2) EMERGENCY RESPONSE.—The term 'emergency response' means any deployment of personnel or equipment, order or advice to evacuate, or issuance of a warning to the public or a threatened person, organization, or establishment, by—

''(A) an agency of the United States, a State, or, or a local government, charged with public safety functions, including any agency charged with detecting, preventing, or investigating crimes or with fire or rescue functions; or

''(B) a private not-for-profit organization that provides fire or rescue service.

''(3) STATE.—The term 'State' means each of the several States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federally recognized Indian tribe.

''(b) CRIMINAL VIOLATION.—

''(1) OFFENSE.—It shall be unlawful, in the absence of circumstances reasonably requiring an emergency response, to use the mail or any facility or means of interstate or foreign commerce to knowingly transmit false or misleading information that would reasonably be expected to cause an emergency response.

''(2) PENALTY.—Any person who violates paragraph (1) shall—

''(A) if an emergency response results, be fined under this title, imprisoned for not more than 5 years, or both;

''(B) if serious bodily injury (as defined in section 1365) results, be fined under this title, imprisoned for not more than 20 years, or both;

''(C) if death results, be fined under this title, imprisoned for any term of years or for life, or both; and

''(D) in any other case, be fined under this title, imprisoned for not more than 1 year, or both.

''(c) CIVIL ACTION.—

''(1) IN GENERAL.—Any person aggrieved by a violation of subsection (b)(1) may—

''(A) bring a civil action against the person who committed the violation in an appropriate district court of the United States; and

''(B) recover damages and any other appropriate relief, including reasonable attorney's fees.

''(2) JOINT AND SEVERAL LIABILITY.—A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

''(3) STAY PENDING CRIMINAL ACTION.—Any civil action filed under this subsection shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The court, in imposing a sentence on a defendant convicted of an offense under subsection (b), shall order the defendant to reimburse any agency or organization described in subsection (a)(2) that incurs expenses incident to any emergency response necessitated by the offense.

''(2) LIABILITY.—A person ordered to make reimbursement under this subsection shall be jointly and severally liable for the expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses.

''(3) CIVIL JUDGMENT.—An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. False communications to cause an emergency response.''.

Subtitle C—Interstate Doxxing Prevention

SEC. 1731. DISCLOSURE OF PERSONAL INFORMATION WITH THE INTENT TO CAUSE HARM.

(a) IN GENERAL.—Chapter 41 of title 18, United State Code, is amended by adding at the end the following:

''§ 881. Publication of personally identifiable information with the intent to cause harm

''(a) DEFINITIONS.—In this section:

''(1) CRIME.—The term 'crime' means any Federal or State criminal offense.

''(2) CRIMINAL ACTION.—The term 'criminal action' includes an investigation and prosecution that is pending, until final adjudication in the trial court.

''(3) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' means—

''(A) any information that can be used to distinguish or trace the identity of an individual, such as name, prior legal name, alias, mother's maiden name, social security number, date or place of birth, address, phone number, or biometric data;

''(B) any information that is linked or linkable to an individual, such as medical, financial, education, consumer, or employment information, data, or records; or

''(C) any other sensitive private information that is linked or linkable to an individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction.

''(4) PUBLISH.—The term 'publish' means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person.

''(5) SEXUALLY INTIMATE VISUAL DEPICTION.—The term 'sexually intimate visual depiction' means any photograph, film, video, or other recording or live transmission of an individual, whether produced by electronic, mechanical, or other means (including depictions stored on undeveloped film and videotape, data stored on computer disk or by any electronic means that is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format), that depicts—

''(A) the naked exhibition of the anus, the post-pubescent female nipple, the genitals, or the pubic area of any individual;

''(B) any actual or simulated sexual contact or sexual act (as defined in section 2751);

''(C) bestiality; or

''(D) sadistic or masochistic conduct.

''(b) CRIMINAL VIOLATION.—

''(1) OFFENSE.—It shall be unlawful to use the mail or any facility or means of interstate or foreign commerce to knowingly publish the personally identifiable information of an individual—

''(A) with the intent to—

''(i) threaten, intimidate, or harass any individual;

''(ii) incite or facilitate the commission of a crime against any individual; or

''(iii) place any individual in reasonable fear of death or serious bodily injury; or

''(B) with the intent that the information will be used to—

''(i) threaten, intimidate, or harass any individual;

''(ii) incite or facilitate the commission of a crime against any individual; or

''(iii) place any individual in reasonable fear of death or serious bodily injury.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''(c) CIVIL ACTION.—

''(1) IN GENERAL.—An individual who is a victim of an offense under this section may—

''(A) bring a civil action against the person who commits the offense in an appropriate district court of the United States; and

''(B) recover damages and any other appropriate relief, including reasonable attorney's fees.

''(2) JOINT AND SEVERAL LIABILITY.—A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

''(3) STAY PENDING CRIMINAL ACTION.—Any civil action filed under this subsection shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(d) ATTEMPT.—An attempt to violate subsection (b)(1) shall be punishable in the same manner as a completed violation of that subsection.

''(e) ACTIVITIES OF LAW ENFORCEMENT.—This section shall not be construed to prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 title 18, United States Code, is amended by adding at the end the following:

''881. Publication of personally identifiable information with the intent to cause harm.''.

SA 703. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for

reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE THAT FEDERAL HEALTH PROGRAMS MUST PROTECT WOMEN'S ACCESS TO HEALTH CARE.

It is the sense of the Senate that Federal health care programs must protect women's access to quality, affordable health care at the provider of their choice and that Congress should not restrict or prohibit Federal funding to Planned Parenthood health centers or other high quality family planning providers. Further, it is the sense of the Senate that States should not take any action pursuant to any provision of this Act that would allow for discrimination against a provider based on the provision of constitutionally protected reproductive health care.

SA 704. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM LOSING THEIR HEALTH COVERAGE.

Nothing in this Act (or an amendment made by this Act) shall be implemented in any manner that could result in the loss of health care coverage for people with Diabetes.

SA 705. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM LOSING THEIR HEALTH COVERAGE.

Nothing in this Act (or an amendment made by this Act) shall be implemented in any manner that could result in the loss of health care coverage for pregnant women.

SA 706. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM HIGHER HEALTH INSURANCE PREMIUMS.

Nothing in this Act (or the amendments made by this Act) shall take effect if any part of the Act (or amendments) has the effect of increasing health insurance premiums for people with Diabetes.

SA 707. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM HIGHER HEALTH INSURANCE PREMIUMS.

Nothing in this Act (or the amendments made by this Act) shall take effect if any part of the Act (or amendments) has the effect of increasing health insurance premiums for pregnant women.

SA 708. Mr. COCHRAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. EXPANDING THE DUTIES OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.

Section 133a(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) providing the Secretary with recommendations relating to unfunded requirements on matters, activities, and programs described in paragraph (2), including military construction projects.''.

SA 709. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON FIRE PROTECTION IN DEPARTMENT OF DEFENSE FACILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) A 2009 Consumer Product Safety Commission study found a full 370,000 residential fires are suppressed by portable fire extinguishers annually.

(2) Throughout the United States, of the 48,460 fires in buildings equipped with sprinklers from 2007 to 2011, 40,440, or 83 percent, never grew large enough to activate sprinklers, indicating many fires are successfully suppressed by portable fire extinguishers.

(3) Section 9-17.1 of the Unified Facilities Criteria 3-600-01 changes the Department of Defense building code by stating, ''General purpose portable fire extinguishers are not required when the Facility is provided with complete automatic sprinkler protection and a fire alarm system in accordance with this UFC.''

(4) This new language is a departure from national model fire codes, and is also a significant change from the last Unified Criteria governing portable extinguishers.

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

(1) portable fire extinguishers are essential to the safety of members of the Armed Forces and their families;

(2) the current United Facilities Criteria provides members of the Armed Forces, their families, and other Department of Defense personnel with less fire protection than that of civilian counterparts by deviating from fire safety codes used across the country and not requiring portable extinguishers on military installations;

(3) United Facilities Criteria 3-600-01, Section 4-9, dated September 26, 2006, clearly keeps Department of Defense Facilities in line with the national and international standards for fire safety; and

(4) the Secretary of Defense should amend current United Facilities Criteria Section 9-17.1 to reflect the standards established by United Facilities Criteria 3-600-01, Section 4-9, dated September 26, 2006.

SA 710. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EVOLVED EXPENDABLE LAUNCH VEHICLE MODERNIZATION AND SUSTAINMENT OF ASSURED ACCESS TO SPACE.

(a) DEVELOPMENT.—

(1) EVOLVED EXPENDABLE LAUNCH VEHICLE.—Using funds described in paragraph (2), the Secretary of Defense may only obligate or expend funds to carry out the evolved expendable launch vehicle program to—

(A) develop a domestic rocket propulsion system to replace non-allied space launch engines;

(B) develop the necessary interfaces to, or integration of, such domestic rocket propulsion system with an existing or new launch vehicle;

(C) develop capabilities necessary to enable new or existing commercially available space launch vehicles or infrastructure to meet any requirements that are unique to national security space missions to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code, with respect to only—

(i) modifications to such vehicles required for national security space missions, including—

(I) certification and compliance of such vehicles for use in national security space missions;

(II) fairings necessary for the launch of national security space payloads to orbit; and

(III) other upgrades to meet performance, reliability, and orbital requirements that cannot otherwise be met through the use of new or existing commercially available launch vehicles; and

(ii) the development of infrastructure necessary for national security space missions, such as infrastructure for the use of heavy launch vehicles, including—

(I) facilities and equipment for the vertical integration of payloads;

(II) secure facilities for the processing of classified payloads; and

(III) other facilities and equipment, including ground systems and expanded capabilities, unique to national security space launches and the launch of national security payloads;

(D) conduct activities to modernize and improve existing certified launch vehicles, or existing launch vehicles previously contracted for use by the Air Force, including

restarting a dormant supply chain, and infrastructure to increase the cost effectiveness of the launch system;

(E) certify new, modified, or existing launch vehicle systems; or

(F) develop, design, and integrate parts for new launch vehicle systems necessary for national security use.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, Air Force, for the evolved expendable launch vehicle program.

(b) OTHER AUTHORITIES.—Nothing in this section shall affect or prohibit the Secretary from procuring launch services of evolved expendable launch vehicle launch systems, including with respect to any associated operation and maintenance of capabilities and infrastructure relating to such systems.

(c) NOTIFICATION.—Not later than 30 days before any date on which the Secretary publishes a draft or final request for proposals, or obligates funds, for the development under subsection (a)(1), the Secretary shall notify the congressional defense committees of such proposed draft or final request for proposals or proposed obligation, as the case may be. If such proposed draft or final request for proposals or proposed obligation relates to intelligence requirements, the Secretary shall also notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of Cost Assessment and Program Evaluation, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an assessment of the most cost-effective method to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code, with respect to each of the following periods:

(1) The five-year period beginning on the date of the report.

(2) The 10-year period beginning on the date of the report.

(3) The period consisting of the full lifecycle of the evolved expendable launch vehicle program.

(e) ROCKET PROPULSION SYSTEM DEFINED.—In this section, the term ''rocket propulsion system'' means, with respect to the development authorized by subsection (a)(1), a main booster, first-stage rocket engine (including such an engine using kerosene or methane-based or other propellant) or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

SA 711. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1243 through 1250 and insert the following:

SEC. 1243. EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) EXTENSION.—Subsection (h) of section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as amended by section 1237 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2494), is further amended by striking ''December 31, 2018'' and inserting ''December 31, 2020''.

(b) FUNDING FOR FISCAL YEAR 2018.—Subsection (f) of such section 1250, as added by subsection (a) of such section 1237, is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and by moving such subparagraphs, as so redesignated, two ems to the right;

(2) by striking ''From amounts'' and inserting the following:

''(1) IN GENERAL.—From amounts'';

(3) in paragraph (1), as redesignated by paragraph (2), by adding at the end the following new subparagraph:

''(C) For fiscal year 2018, $500,000,000.''; and

(4) by adding at the end the following:

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available pursuant to paragraph (1) for the purposes of subsection (a) shall remain available until expended.''.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section 1250, as amended by subsection (c) of such section 1237, is further amended—

(1) in paragraph (1), by inserting after ''pursuant to subsection (f)(2)'' the following: '', or more than $250,000,000 of the funds available for fiscal year 2018 pursuant to subsection (f)(3),'';

(2) in paragraph (2)—

(A) in the first sentence—

(i) by inserting ''with respect to the fiscal year concerned'' after ''is a certification''; and

(ii) by striking ''and improvement in transparency, accountability, and potential opportunities for privatization in the defense industrial sector'' and inserting ''sustainment, inventory management practices, progress in improving the security of proprietary or sensitive foreign defense technology''; and

(B) in the second sentence, by inserting after ''additional action is needed'' the following: ''and a description of the methodology used to evaluate whether Ukraine has made progress in defense institutional reforms relative to previously established goals and objectives''; and

(3) in paragraph (3)—

(A) by inserting ''or 2018'' after ''in fiscal year 2017''; and

(B) by striking ''in paragraph (2), such funds may be used in that fiscal year'' and inserting ''in paragraph (2) with respect to such fiscal year, such funds may be used in such fiscal year''.

SEC. 1244. EXTENSION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) EXTENSION.—Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2282 note) is amended—

(1) by striking ''September 30, 2018'' and inserting ''December 31, 2020''; and

(2) by striking ''fiscal years 2016 through 2018'' and inserting ''fiscal year 2016 through calendar year 2020''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking ''military'' each place it appears and inserting ''security'';

(2) in subsection (e), by striking ''that'' and inserting ''than''; and

(3) in subsection (f), by striking ''section 2282'' and inserting ''chapter 16''.

SEC. 1245. SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR RESILIENCY AND DETERRENCE AGAINST AGGRESSION.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct or support a joint program of the Baltic nations to improve their resilience against and build their capacity to deter aggression by the Russian Federation.

(b) JOINT PROGRAM.—For purposes of subsection (a), a joint program of the Baltic nations may be either of the following:

(1) A program jointly agreed by the Baltic nations that builds interoperability among those countries.

(2) An agreement for the joint procurement by the Baltic nations of defense articles or services using assistance provided pursuant to subsection (a).

(c) PARTICIPATION OF OTHER COUNTRIES.—Any country other than a Baltic nation may participate in the joint program described in subsection (a), but only using funds of such country.

(d) LIMITATION ON AMOUNT.—The total amount of assistance provided pursuant to subsection (a) in fiscal year 2018 may not exceed $100,000,000.

(e) FUNDING.—Amounts for assistance provided pursuant to subsection (a) shall be derived from amounts authorized to be appropriated by this Act and available for the European Deterrence Initiative (EDI).

(f) BALTIC NATIONS DEFINED.—In this section, the term ''Baltic nations'' means the following:

(1) Estonia.

(2) Latvia.

(3) Lithuania.

SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245(b) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as most recently amended by section 1235(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2490), is further amended—

(1) by redesignating paragraphs (14) through (20) as paragraphs (15) through (21), respectively; and

(2) by inserting after paragraph (13) the following new paragraph (14):

''(14) An assessment of Russia's hybrid warfare strategy and capabilities, including—

''(A) Russia's information warfare strategy and capabilities, including the use of misinformation, disinformation, and propaganda in social and traditional media;

''(B) Russia's financing of political parties, think tanks, media organizations, and academic institutions;

''(C) Russia's malicious cyber activities;

''(D) Russia's use of coercive economic tools, including sanctions, market access, and differential pricing, especially in energy exports; and

''(E) Russia's use of criminal networks and corruption to achieve political objectives.''.

SEC. 1247. ANNUAL REPORT ON ATTEMPTS OF THE RUSSIAN FEDERATION TO PROVIDE DISINFORMATION AND PROPAGANDA TO MEMBERS OF THE ARMED FORCES BY SOCIAL MEDIA.

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on attempts by the Russian Federation, or any foreign person acting as an agent of or on behalf of the Russian Federation, during the preceding year to knowingly disseminate Russian Federation-supported disinformation or propaganda, through social media applications or related Internet-based means, to members of

the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.

(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. SUPPORT OF EUROPEAN DETERRENCE INITIATIVE TO DETER RUSSIAN AGGRESSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Military exercises, such as Exercise Nifty Nugget and Exercise Reforger during the Cold War, have historically made important contributions to testing operational concepts, technologies, and leadership approaches; identifying limiting factors in the execution of operational plans and appropriate corrective action; and bolstering deterrence against adversaries by demonstrating United States military capabilities.

(2) Military exercises with North Atlantic Treaty Organization (NATO) allies enhance the interoperability and strategic credibility of the alliance.

(3) The increase in conventional, nuclear, and hybrid threats by the Russian Federation against the security interests of the United States and allies in Europe requires substantial and sustained investment to improve United States combat capability in Europe.

(4) The decline of a permanent United States military presence in Europe in recent years increases the likelihood the United States will rely on being able to flow forces from the continental United States to the European theater in the event of a major contingency.

(5) Senior military leaders, including the Commander of United States Transportation Command, have warned that a variety of increasingly advanced capabilities, especially the proliferation of anti-access, area denial (A2/AD) capabilities, have given adversaries of the United States the ability to challenge the freedom of movement of the United States military in all domains from force deployment to employment to disrupt, delay, or deny operations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to enhance the European Deterrence Initiative and bolster deterrence against Russian aggression, the United States, together with North Atlantic Treaty Organization allies and other European partners, should demonstrate its resolve and ability to meet its commitments under Article V of the North Atlantic Treaty through appropriate military exercises with an emphasis on participation of United States forces based in the continental United States and testing strategic and operational logistics and transportation capabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(A) An analysis of the challenges to the ability of the United States to flow significant forces from the continental United States to the European theater in the event of a major contingency.

(B) The plans of the Department of Defense, including the conduct of military exercises, to address such challenges.

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

SEC. 1249. SENSE OF CONGRESS ON THE EUROPEAN DETERRENCE INITIATIVE.

It is the sense of Congress that—

(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability, and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend sovereignty and territorial integrity, and preserve regional stability;

(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic; and

(D) mitigate potential gaps forming in the areas of information warfare, Anti-Access Area Denial, and force projection;

(2) investments that support the security and stability of Europe, and that assist European nations in further developing their security capabilities, are in the long-term vital national security interests of the United States; and

(3) funds for such efforts should be authorized and appropriated in the base budget of the Department of Defense in order to ensure continued and planned funding to address long-term stability in Europe, reassure the European allies and partners of the United States, and deter further Russian aggression.

SEC. 1250. ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250(b) of National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 126 Stat. 1068), as amended by section 1237(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2495), is further amended by adding at the end the following new paragraphs:

''(12) Treatment of wounded Ukraine soldiers in the United States in medical treatment facilities through the Secretarial Designee Program, and transportation, lodging, meals, and other appropriate non-medical support in connection with such treatment (including incidental expenses in connection with such support).

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

''(14) Naval mine and counter-mine capabilities.

''(15) Littoral-zone and coastal defense vessels.''.

SA 712. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PLAN TO MEET DEMAND FOR CYBERSPACE CAREER FIELDS IN THE RESERVE COMPONENTS 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 Congress a report setting forth a plan for meeting the increased demand for cyberspace career fields in the reserve components of the Armed Forces.

(b) ELEMENTS.—The plan shall take into account the following:

(1) The availability of qualified local workforces.

(2) Potential best practices of private sector companies involved in cyberspace and of educational institutions with established cyberspace-related academic programs.

(3) The potential for Total Force Integration throughout the defense cyber community.

(4) Recruitment strategies to attract individuals with critical cyber training and skills to join the reserve components.

(c) METRICS.—The plan shall include appropriate metrics for use in the evaluation of the implementation of the plan.

SA 713. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Section 1042 is amended to read as follows:

SEC. 1042. DEPARTMENT OF DEFENSE INTEGRATION OF INFORMATION OPERATIONS AND CYBER-ENABLED INFORMATION OPERATIONS.

(a) INTEGRATION OF DEPARTMENT OF DEFENSE INFORMATION OPERATIONS AND CYBER-ENABLED INFORMATION OPERATIONS.—

(1) ESTABLISHMENT OF CROSS-FUNCTIONAL TASK FORCE.—

(A) IN GENERAL.—The Secretary of Defense shall establish a cross-functional task force consistent with section 911(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) to integrate across the organizations of the Department of Defense responsible for information operations, military deception, public affairs, electronic warfare, and cyber operations to produce integrated strategy, planning, and budgeting to counter, deter, and conduct strategic information operations and cyber-enabled information operations.

(B) DUTIES.—The task force shall carry out the following:

(i) Development of a strategic framework for the conduct by the Department of Defense of information operations, including cyber-enabled information operations, coordinated across all relevant Department of Defense entities, including both near-term and long-term guidance for the conduct of such coordinated operations.

(ii) Development and dissemination of a common operating paradigm across the organizations specified in subparagraph (A) of the influence, deception, and propaganda activities of key malign actors, including in cyberspace.

(iii) Development of guidance for, and promotion of, the liaison capability of the Department to interact with the private sector, including social media, on matters related to the influence activities of malign actors.

(iv) Serve as the primary Department of Defense liaison with the Global Engagement Center and other relevant Federal entities in carrying out the purpose set forth in section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).

(2) HEAD OF CROSS-FUNCTIONAL TASK FORCE.—

(A) IN GENERAL.—The Secretary of Defense shall appoint as the head of the task force such individual as the Secretary considers appropriate from among individuals serving

in the Department as an Under Secretary of Defense or in such other position within the Department of lesser order of precedence.

(B) RESPONSIBILITIES.—The responsibilities of the head of the task force are as follows:

(i) Oversight of strategic policy and guidance.

(ii) Overall resource allocation for the integration of information operations and cyber operations of the Department.

(iii) Ensuring the task force faithfully pursues the purpose set forth in subparagraph (A) of paragraph (1) and carries out its duties as set forth in subparagraph (B) of such paragraph.

(iv) Carrying out such activities as are required of the head of the task force under subsections (b) and (c).

(v) Coordination with the head of the Global Engagement Center in support of the execution of the purpose set forth in section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).

(b) REQUIREMENTS AND PLANS FOR INFORMATION OPERATIONS.—

(1) COMBATANT COMMAND PLANNING AND REGIONAL STRATEGY.—(A) The Secretary shall require each commander of a combatant command to develop, in coordination with the relevant regional Assistant Secretary of State or Assistant Secretaries of State and with the assistance of the Coordinator of the Global Engagement Center and the head of the task force appointed under subsection (a)(2)(A), a regional information strategy and interagency coordination plan for carrying out the strategy, where applicable.

(B) The Secretary shall require each commander of a combatant command to develop such requirements and specific plans as may be necessary for the conduct of information operations in support of the strategy required in subparagraph (A), including plans for deterring information operations, particularly in the cyber domain, by malign actors against the United States, allies of the United States, and interests of the United States.

(2) IMPLEMENTATION PLAN FOR DEPARTMENT OF DEFENSE STRATEGY FOR OPERATIONS IN THE INFORMATION ENVIRONMENT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of the task force shall—

(i) review the Department of Defense Strategy for Operations in the Information Environment, dated June 2016; and

(ii) submit to the congressional defense committees a plan for implementation of such strategy.

(B) ELEMENTS.—The implementation plan shall include, at a minimum, the following:

(i) An accounting of the efforts undertaken in support of the strategy described in subparagraph (A)(i) since it was issued in June 2016.

(ii) A description of any updates or changes to such strategy that have been made since it was first issued, as well as any expected updates or changes in light of the establishment of the task force.

(iii) A description of the role of the Department as part of a broader whole-of-government strategy for strategic communications, including assumptions about the roles and contributions of other Government departments and agencies to such a strategy.

(iv) Defined actions, performance metrics, and projected timelines to achieve the following specified tasks:

(I) Train, educate, and prepare commanders and their staffs, and the Joint Force as a whole, to lead, manage, and conduct operations in the information environment.

(II) Train, educate, and prepare information operations professionals and practitioners to enable effective operations in the information environment.

(III) Manage information operations professionals, practitioners, and organizations to meet emerging operational needs.

(IV) Establish a baseline assessment of current ability of the Department to conduct operations in the information environment, including an identification of the types of units and organizations currently responsible for building and employing information-related capabilities and an assignment of appropriate roles and missions for each type of unit or organization.

(V) Develop the ability of the Department and operating forces to engage, assess, characterize, forecast, and visualize the information environment.

(VI) Develop and maintain the proper capabilities and capacity to operate effectively in the information environment in coordination with implementation of related cyber and other strategies.

(VII) Develop and maintain the capability to assess accurately the effect of operations in the information environment.

(VIII) Adopt, adapt, and develop new science and technology for the Department to operate effectively in the information environment.

(IX) Develop and adapt information environment-related concepts, policies, and guidance.

(X) Ensure doctrine relevant to operations in the information environment remains current and responsive based on lessons learned and best practices.

(XI) Develop, update, and de-conflict authorities and permissions, as appropriate, to enable effective operations in the information environment.

(XII) Establish and maintain partnerships among Department and interagency partners, including the Global Engagement Center, to enable more effective whole-of-government operations in the information environment.

(XIII) Establish and maintain appropriate interaction with entities that are not part of the Federal Government, including entities in industry, entities in academia, federally funded research and development centers, and other organizations, to enable operations in the information environment.

(XIV) Establish and maintain collaboration between and among the Department and international partners, including partner countries and nongovernmental organizations, to enable more effective operations in the information environment.

(XV) Foster, enhance, and leverage partnership capabilities and capacities.

(v) An analysis of any personnel, resourcing, capability, authority, or other gaps that will need to be addressed to ensure effective implementation of the strategy described in subparagraph (A)(i) across all relevant elements of the Department.

(vi) An investment framework and projected timeline for addressing any gaps identified under clause (v).

(vii) Such other matters as the Secretary of Defense considers relevant.

(C) PERIODIC STATUS REPORTS.—Not later than 90 days after the date on which the implementation plan is submitted under subparagraph (A)(ii) and not less frequently than once every 90 days thereafter until the date that is three years after the date of such submittal, the head of the task force shall submit to the congressional defense committees a report describing the status of the efforts of the Department to accomplish the tasks specified under clauses (iv) and (vi) of subparagraph (B).

(c) TRAINING AND EDUCATION.—Consistent with the elements of the implementation plan required under clauses (i) and (ii) of subsection (b)(2)(B)(4), the head of the task force shall establish programs to provide training and education to such members of the Armed Forces and civilian employees of the Department of Defense as the Secretary considers appropriate to ensure understanding of the role of information in warfare, the central goal of all military operations to affect the perceptions, views, and decisionmaking of adversaries, and the effective management and conduct of operations in the information environment.

(d) ESTABLISHMENT OF DEFENSE INTELLIGENCE OFFICER FOR INFORMATION OPERATIONS AND CYBER OPERATIONS.—The Secretary shall establish a position within the Department of Defense known as the ''Defense Intelligence Officer for Information Operations and Cyber Operations''.

(e) DEFINITIONS.—In this section:

(1) The term ''head of the task force'' means the head appointed under subsection (a)(2)(A).

(2) The term ''implementation plan'' means the plan required by subsection (b)(2)(A)(ii).

(3) The term ''task force'' means the cross-functional task force established under subsection (a)(1)(A).

SA 714. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

SA 715. Mr. MORAN (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and

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

At the appropriate place, add the following:

SEC. ___. MODERNIZATION OF GOVERNMENT INFORMATION TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Technology Modernization Board established under subsection (c)(3)(A).

(2) CLOUD COMPUTING.—The term ''cloud computing'' has the meaning given the term by the National Institute of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document thereto.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Technology Transformation Service of the General Services Administration.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) FUND.—The term ''Fund'' means the Technology Modernization Fund established under subsection (c)(2)(A).

(6) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given the term in section 3502 of title 44, United States Code.

(7) IT WORKING CAPITAL FUND.—The term ''IT working capital fund'' means an information technology system modernization and working capital fund established under subsection (b)(2)(A).

(8) LEGACY INFORMATION TECHNOLOGY SYSTEM.—The term ''legacy information technology system'' means an outdated or obsolete system of information technology.

(b) ESTABLISHMENT OF AGENCY INFORMATION TECHNOLOGY SYSTEMS MODERNIZATION AND WORKING CAPITAL FUNDS.—

(1) DEFINITION.—In this subsection, the term ''covered agency'' means each agency listed in section 901(b) of title 31, United States Code.

(2) INFORMATION TECHNOLOGY SYSTEM MODERNIZATION AND WORKING CAPITAL FUNDS.—

(A) ESTABLISHMENT.—The head of a covered agency may establish within the covered agency an information technology system modernization and working capital fund for necessary expenses described in subparagraph (C).

(B) SOURCE OF FUNDS.—The following amounts may be deposited into an IT working capital fund:

(i) Reprogramming and transfer of funds made available in appropriations Acts enacted after the date of enactment of this Act, including the transfer of any funds for the operation and maintenance of legacy information technology systems, in compliance with any applicable statutory transfer authority or reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives as in effect on the day before the date of enactment of this Act.

(ii) Amounts made available to the IT working capital fund through discretionary appropriations made available after the date of enactment of this Act.

(C) USE OF FUNDS.—An IT working capital fund may only be used, subject to the availability of appropriations—

(i) to improve, retire, or replace existing information technology systems in the covered agency to enhance cybersecurity and to improve efficiency and effectiveness;

(ii) to transition legacy information technology systems at the covered agency to cloud computing and other innovative platforms and technologies, including those serving more than 1 covered agency with common requirements;

(iii) to assist and support covered agency efforts to provide adequate, risk-based, and cost-effective information technology capabilities that address evolving threats to information security; and

(iv) to reimburse funds transferred to the covered agency from the Fund with the approval of the Chief Information Officer, in consultation with the Chief Financial Officer, of the covered agency.

(D) EXISTING FUNDS.—An IT working capital fund may not be used to supplant funds provided for the operation and maintenance of any system within an appropriation for the covered agency at the time of establishment of the IT working capital fund.

(E) PRIORITIZATION OF FUNDS.—

(i) IN GENERAL.—The head of each covered agency—

(I) shall prioritize funds within the IT working capital fund of the covered agency to be used initially for cost savings activities approved by the Chief Information Officer of the covered agency, in consultation with the Administrator of the Office of Electronic Government; and

(II) may reprogram and transfer any amounts saved as a direct result of the cost savings activities approved under subclause (I) for deposit into the IT working capital fund of the covered agency, consistent with subparagraph (B)(i).

(ii) REPORT.—The Chief Information Officer of each covered agency shall document and submit to the Administrator of the Office of Electronic Government a report on any cost savings activities approved under clause (i)(I).

(F) AVAILABILITY OF FUNDS.—

(i) IN GENERAL.—Any funds deposited into an IT working capital fund shall be available for obligation for the 3-year period beginning on the last day of the fiscal year in which the funds were deposited.

(ii) TRANSFER OF UNOBLIGATED AMOUNTS.—Any amounts in an IT working capital fund that are unobligated at the end of the 3-year period described in clause (i) shall be transferred to the general fund of the Treasury.

(G) AGENCY CIO RESPONSIBILITIES.—In evaluating projects to be funded by the IT working capital fund of a covered agency, the Chief Information Officer of the covered agency shall consider, to the extent applicable, guidance issued under subsection (c)(2)(A) to evaluate applications for funding from the Fund that include factors including a strong business case, technical design, consideration of commercial off-the-shelf products and services, procurement strategy (including adequate use of rapid, iterative software development practices), and program management.

(H) REPORTING REQUIREMENT.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 6 months thereafter, the head of each covered agency shall submit to the Director, with respect to the IT working capital fund of the covered agency—

(I) a list of each information technology investment funded, including the estimated cost and completion date for each investment; and

(II) a summary by fiscal year of obligations, expenditures, and unused balances.

(ii) PUBLIC AVAILABILITY.—The Director shall make the information submitted under clause (i) publicly available on a website.

(c) ESTABLISHMENT OF TECHNOLOGY MODERNIZATION FUND AND BOARD.—

(1) DEFINITION.—In this subsection, the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) TECHNOLOGY MODERNIZATION FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury a Technology Modernization Fund for technology-related activities, to improve information technology, to enhance cybersecurity across the Federal Government, and to be administered in accordance with guidance issued by the Director.

(B) ADMINISTRATION OF FUND.—The Commissioner, in consultation with the Chief Information Officers Council and with the approval of the Director, shall administer the Fund in accordance with this paragraph.

(C) USE OF FUNDS.—The Commissioner shall, in accordance with recommendations from the Board, use amounts in the Fund—

(i) to transfer such amounts, to remain available until expended, to the head of an agency to improve, retire, or replace existing Federal information technology systems to enhance cybersecurity and privacy and improve efficiency and effectiveness;

(ii) for the development, operation, and procurement of information technology products, services, and acquisition vehicles for use by agencies to improve Government-wide efficiency and cybersecurity in accordance with the requirements of the agencies; and

(iii) to provide services or work performed in support of—

(I) the activities described in clause (i) or (ii); and

(II) the Board and the Director in carrying out the responsibilities described in paragraph (3)(B).

(D) AUTHORIZATION OF APPROPRIATIONS; CREDITS; AVAILABILITY OF FUNDS.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $250,000,000 for each of fiscal years 2018 and 2019.

(ii) CREDITS.—In addition to any funds otherwise appropriated, the Fund shall be credited with all reimbursements, advances, or refunds or recoveries relating to information technology or services provided through the Fund.

(iii) AVAILABILITY OF FUNDS.—Amounts deposited, credited, or otherwise made available to the Fund shall be available, as provided in appropriations Acts, until expended for the purposes described in subparagraph (C).

(E) REIMBURSEMENT.—

(i) PAYMENT BY AGENCY.—For a product or service developed under subparagraph (C)(ii), including any services or work performed in support of that development under subparagraph (C)(iii), the head of an agency that uses the product or service shall pay an amount fixed by the Commissioner in accordance with this subparagraph.

(ii) REIMBURSEMENT BY AGENCY.—

(I) IN GENERAL.—The head of an agency shall reimburse the Fund for any transfer made under subparagraph (C)(i), including any services or work performed in support of the transfer under subparagraph (C)(iii), in accordance with the terms established in a written agreement described in subparagraph (F).

(II) REIMBURSEMENT FROM SUBSEQUENT APPROPRIATIONS.—Notwithstanding any other provision of law, an agency may make a reimbursement required under subclause (I) from any appropriation made available after the date of enactment of this Act for information technology activities, consistent with any applicable reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives as in effect on the day before the date of enactment of this Act.

(III) RECORDING OF OBLIGATION.—Notwithstanding section 1501 of title 31, United States Code, an obligation to make a payment under a written agreement described in subparagraph (E) in a fiscal year after the

date of enactment of this Act shall be recorded in the fiscal year in which the payment is due.

(iii) PRICES FIXED BY COMMISSIONER.—

(I) IN GENERAL.—The Commissioner, in consultation with the Director, shall establish amounts to be paid by an agency under this paragraph and the terms of repayment for a product or service developed under subparagraph (C)(ii), including any services or work performed in support of that development under subparagraph (C)(iii), at levels sufficient to ensure the solvency of the Fund, including operating expenses.

(II) REVIEW AND APPROVAL.—Before making any changes to the established amounts and terms of repayment, the Commissioner shall conduct a review and obtain approval from the Director.

(iv) FAILURE TO MAKE TIMELY REIMBURSEMENT.—The Commissioner may obtain reimbursement from an agency under this subparagraph by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized bills, if payment is not made by the agency—

(I) during the 90-day period beginning after the expiration of a repayment period described in a written agreement described in subparagraph (F); or

(II) during the 45-day period beginning after the expiration of the time period to make a payment under a payment schedule for a product or service developed under subparagraph (C)(ii).

(F) WRITTEN AGREEMENT.—

(i) IN GENERAL.—Before the transfer of funds to an agency under subparagraph (C)(i), the Commissioner, in consultation with the Director, and the head of the agency shall enter into a written agreement—

(I) documenting the purpose for which the funds will be used and the terms of repayment, which may not exceed 5 years unless approved by the Director; and

(II) which shall be recorded as an obligation as provided in subparagraph (E)(ii).

(ii) REQUIREMENT FOR USE OF COMMERCIAL PRODUCTS AND SERVICES AND RAPID, ITERATIVE DEVELOPMENT PRACTICES.—

(I) IN GENERAL.—For any funds transferred to an agency under subparagraph (C)(i), in the absence of compelling circumstances of the need to develop a custom information technology solution that are documented by the Commissioner in a written agreement under this subparagraph, the funds shall be used for commercial products and services.

(II) TIMELINE.—If the Commissioner documents in a written agreement under this subparagraph that there are compelling circumstances of the need to develop a custom information technology solution, the Commissioner shall include in the written agreement a timeline for a rapid, iterative development process.

(G) REPORTING REQUIREMENTS.—

(i) LIST OF PROJECTS.—

(I) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall maintain a list of each project funded by the Fund, to be updated not less than quarterly, that includes a description of the project, project status (including any schedule delay and cost overruns), and financial expenditure data related to the project.

(II) PUBLIC AVAILABILITY.—The list required under subclause (I) shall be published on a public website in a manner that is, to the greatest extent possible, consistent with applicable law on the protection of classified information, sources, and methods.

(ii) COMPTROLLER GENERAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Comptroller General of the United States shall submit to Congress and make publically available a report assessing—

(I) the costs associated with establishing the Fund and maintaining the oversight structure associated with the Fund compared with the cost savings associated with the projects funded by the Fund; and

(II) the reliability of the cost savings estimated by agencies associated with projects funded by the Fund.

(3) TECHNOLOGY MODERNIZATION BOARD.—

(A) ESTABLISHMENT.—There is established a Technology Modernization Board to evaluate proposals submitted by agencies for funding authorized under the Fund.

(B) RESPONSIBILITIES.—The responsibilities of the Board are—

(i) to provide input to the Director for the development of processes for agencies to submit modernization proposals to the Board and to establish the criteria by which those proposals are evaluated, which shall include—

(I) addressing the greatest security, privacy, and operational risks;

(II) having the greatest Governmentwide impact; and

(III) having a high probability of success based on factors including the use of commercial solutions when possible, a strong business case, technical design, procurement strategy (including adequate use of rapid, iterative software development practices), and program management;

(ii) to make recommendations to the Commissioner to assist agencies in the further development and refinement of select submitted modernization proposals, based on an initial evaluation performed with the assistance of the Commissioner;

(iii) to review and prioritize, with the assistance of the Commissioner and the Director, modernization proposals based on criteria established pursuant to clause (i);

(iv) to identify, with the assistance of the Commissioner, opportunities to improve or replace multiple information technology systems with a smaller number of information technology service common to multiple agencies;

(v) to recommend the funding of modernization projects, in accordance with the uses described in paragraph (2)(C), to the Commissioner;

(vi) to monitor, in consultation with the Commissioner, progress and performance in executing approved projects and, if necessary, recommend the suspension or termination of funding for projects based on factors including the failure to meet the terms of a written agreement described in paragraph (2)(F); and

(vii) to monitor the operating costs of the Fund.

(C) MEMBERSHIP.—The Board shall consist of 7 voting members.

(D) CHAIR.—The Chair of the Board shall be the Administrator of the Office of Electronic Government.

(E) PERMANENT MEMBERS.—The permanent members of the Board shall be—

(i) the Administrator of the Office of Electronic Government; and

(ii) a senior official from the General Services Administration having technical expertise in information technology development, appointed by the Administrator of General Services, with the approval of the Director.

(F) ADDITIONAL MEMBERS OF THE BOARD.—

(i) APPOINTMENT.—The other members of the Board shall be—

(I) 1 employee of the National Protection and Programs Directorate of the Department of Homeland Security, appointed by the Secretary of Homeland Security; and

(II) 4 employees of the Federal Government primarily having technical expertise in information technology development, financial management, cybersecurity and privacy, and acquisition, appointed by the Director.

(ii) TERM.—Each member of the Board described in clause (i) shall serve a term of 1 year, which shall be renewable not more than 3 times at the discretion of the Secretary of Homeland Security or the Director, as applicable.

(G) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(H) STAFF.—Upon request of the Chair of the Board, the Director and the Administrator of General Services may detail, on a reimbursable or nonreimbursable basis, any employee of the Federal Government to the Board to assist the Board in carrying out the functions of the Board.

(4) RESPONSIBILITIES OF COMMISSIONER.—

(A) IN GENERAL.—In addition to the responsibilities described in paragraph (2), the Commissioner shall support the activities of the Board and provide technical support to, and, with the concurrence of the Director, oversight of, agencies that receive transfers from the Fund.

(B) RESPONSIBILITIES.—The responsibilities of the Commissioner are—

(i) to provide direct technical support in the form of personnel services or otherwise to agencies transferred amounts under paragraph (2)(C)(i) and for products, services, and acquisition vehicles funded under paragraph (2)(C)(ii);

(ii) to assist the Board with the evaluation, prioritization, and development of agency modernization proposals.

(iii) to perform regular project oversight and monitoring of approved agency modernization projects, in consultation with the Board and the Director, to increase the likelihood of successful implementation and reduce waste; and

(iv) to provide the Director with information necessary to meet the requirements of paragraph (2)(G).

(5) SUNSET.—This subsection shall cease to have force or effect on the date that is 2 years after the date on which the Comptroller General of the United States issues the third report required under paragraph (2)(G)(ii).

SA 716. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTING ACCESS TO PREVENTIVE SERVICES.

Any provision of this bill that would eliminate or reduce access to affordable preventive services that are currently offered without copayment or cost-sharing under the Patient Protection and Affordable Care Act, including blood pressure screening, colorectal screening, breast cancer screening, cervical cancer screening and domestic and interpersonal violence screening and counseling, shall be null and void and of no effect.

SA 717. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SECURITY FOR MILITARY INSTALLATIONS IN EUROPE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States military installations in Europe are potentially vulnerable to supply disruptions from foreign governments, especially the Government of the Russian Federation, which could use control of energy supplies in a hostile or weaponized manner.

(2) The Government of the Russian Federation has previously shown its willingness to aggressively use energy supplies as a weapon to pressure foreign nations, including Ukraine.

(b) AUTHORITY.—The Secretary of Defense shall take appropriate measures, to the extent practicable, to—

(1) reduce the dependency of all United States military installations in Europe on energy sourced inside Russia; and

(2) ensure that all United States military installations in Europe are able to sustain operations in the event of a supply disruption

(c) CERTIFICATION REQUIREMENT.—Not later than December 31, 2021, the Secretary of Defense shall certify to the congressional defense committees whether or not every United States military installation in Europe—

(1) is dependent to the minimum extent practicable on energy sourced inside the Russian Federation; and

(2) has the ability to sustain operations during an energy supply disruption.

(d) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall brief the congressional defense committees on progress in achieving the goals described in subsection (b), including—

(1) an assessment of the operational risks of energy supply disruptions;

(2) a description of mitigation measures identified to address such operational risks;

(3) an assessment of the feasibility, estimated costs, and schedule of diversified energy solutions; and

(4) an assessment of the minimum practicable usage of energy sourced inside Russia on United States military installations in Europe.

(e) INTERIM REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make publicly available an interim report on progress in achieving the goals described in subsection (b), including the assessments described in paragraphs (1) through (4) of subsection (d).

(f) DEFINITION OF ENERGY SOURCED INSIDE RUSSIA.—In this section, the term ''energy sourced inside Russia'' means energy that is produced, owned, or facilitated by companies that are located in the Russian Federation or owned or controlled by the Government of the Russian Federation.

SA 718. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON MANAGEMENT OF MILITARY COMMISSARIES AND EXCHANGES.

(a) REPORT REQUIRED.—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 regarding management practices of military commissaries and exchanges.

(b) ELEMENTS.—The report required under this section shall include a cost-benefit analysis with the goals of—

(1) reducing the costs of operating military commissaries and exchanges by $2,000,000,000 during fiscal years 2018 through 2022; and

(2) not raising costs for patrons of military commissaries and exchanges.

SA 719. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ELIGIBILITY OF VETERANS OF OPERATION END SWEEP FOR VIETNAM SERVICE MEDAL.

The Secretary of the military department concerned shall, upon the application of an individual who is a veteran who participated in Operation End Sweep, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal.

SA 720. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end title XII, add the following:

Subtitle H—Iraq and Syria Genocide Relief and Accountability

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017''.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) On March 17, 2016, Secretary of State John Kerry stated, ''in my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims . . . the United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable''.

(2) Secretary of State Kerry stated in the ''Atrocities Prevention Report'', transmitted to Congress on March 17, 2016, ''The Department of State has a longstanding commitment to providing support for the urgent humanitarian needs of conflict-affected populations in Iraq, Syria, and across the world, including but not limited to members of ethnic and religious minorities.''.

(3) The Independent International Commission of Inquiry on the Syrian Arab Republic stated in its February 3, 2016, report, ''The Government has committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts. Based on the same conduct, war crimes have also been committed. Both Jabhat Al-Nusra and some anti-Government armed groups have committed the war crimes of murder, cruel treatment, and torture.''.

(4) The International Criminal Investigative Training Assistance Program and the Office of Overseas Prosecutorial Development Assistance and Training of the Department of Justice have provided technical assistance to governmental judicial and law enforcement entities in Iraq, including with funding support from the Department of State.

(5) There were an estimated 800,000 to 1,400,000 Christians in Iraq in 2002, 500,000 in 2013, and less than 250,000 in 2015, according to the annual International Religious Freedom Reports of the Department of State.

(6) Although Christians were an estimated 8 to 10 percent of the 21,000,000 person population of Syria in 2010, ''media and other reports of Christians fleeing the country as a result of the civil war suggest the Christian population is now considerably lower'' as of 2015, according to the annual International Religious Freedom Reports of the Department of State.

(7) The Chaldean Catholic Archdiocese of Erbil (Iraq) is an example of an entity that has not received funding from any government and has been providing assistance to internally displaced families of Yezidis, Muslims, and Christians, including food, resettlement from tents to permanent housing, and rent for Yezidis, medical care and education for Yezidis and Muslims through clinics, schools, and a university that are open to all, and some form of these types of assistance to all of the estimated 10,500 internally displaced Christian families, more than 70,000 people, in the greater Erbil region.

(8) In fiscal year 2015, the United States Government admitted to the United States through the United States Refugee Admissions Program persons from Priority 2 groups of special humanitarian concern, as designated by Congress, including—

(A) Jews, Evangelical Christians, Ukrainian Catholics, and Ukrainian Orthodox, from the former Soviet Union;

(B) Iraqis at risk because they were, or are, employed in Iraq by the United States Government, a media or nongovernmental organization headquartered in the United States, or an organization or entity that received funding from the United States Government, or are related to someone who is, or was, so employed;

(C) religious minorities in Iran; and

(D) members of other groups designated by the United States Government, including—

(i) former political prisoners, active members of persecuted religious minorities, human rights activists, and forced labor conscripts in Cuba;

(ii) minors in Honduras, El Salvador, and Guatemala;

(iii) ethnic minorities from Burma in Malaysia;

(iv) Bhutanese in Nepal; and

(v) Congolese in Rwanda.

(9) Through the United States Refugee Admissions Program, the United States Government—

(A) admitted 12,676 Iraqi refugees in fiscal year 2015, including at least 2,113 Christians and 213 Yezidis;

(B) admitted 9,880 Iraqi refugees in fiscal year 2016, including at least 1,524 Christians and 393 Yezidis;

(C) admitted 1,682 Syrian refugees in fiscal year 2015, including at least 30 Christians; and

(D) admitted 12,587 Syrian refugees in fiscal year 2016, including at least 64 Christians and 24 Yezidis.

SEC. 1293. DEFINITIONS.

In this subtitle:

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

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

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

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

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Homeland Security of the House of Representatives.

(2) CAPACITY-BUILDING.—The term ''capacity-building'', with respect to cases of genocide, crimes against humanity, war crimes, and terrorism in Iraq or Syria, means developing domestic skills to efficiently adjudicate such cases, consistent with due process and respect for the rule of law, through the use of experts in international criminal investigations and experts in international criminal law to partner with, mentor, provide technical advice for, formally train, and provide equipment and infrastructure where necessary and appropriate to, investigators and judicial personnel in Iraq, including the Kurdistan region of Iraq, and domestic investigators and lawyers in Syria.

(3) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' mean an organization designated by the Secretary of State as a foreign terrorist organization pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(4) HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS.—The term ''humanitarian, stabilization, and recovery needs'', with respect to an individual, includes water, sanitation, hygiene, food security, nutrition, shelter, housing, medical, education, and psychosocial needs.

(5) HYBRID COURT.—The term ''hybrid court'' means a court with a combination of domestic and international lawyers, judges, and personnel.

(6) INTERNATIONALIZED DOMESTIC COURT.—The term ''internationalized domestic court'' means a domestic court with the support of international advisers.

SEC. 1294. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ AND SYRIA.

(a) ASSISTANCE TO SUPPORT CERTAIN ENTITIES.—

(1) IN GENERAL.—The Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights, and Labor, the Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Administrator of the United States Agency for International Development, shall provide assistance, including financial assistance, to support entities that are taking the actions described in paragraph (2) with respect to individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014 or in Syria since March 2011.

(2) ACTIONS DESCRIBED.—The actions described in this paragraph are—

(A) conducting criminal investigations;

(B) developing investigative and judicial capacities;

(C) collecting evidence;

(D) preserving the chain of evidence for prosecution in domestic courts, hybrid courts, and internationalized domestic courts; and

(E) capacity building.

(3) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated or otherwise made available for programs, projects, and activities carried out by the Assistant Secretary for Democracy, Human Rights, and Labor and the Assistant Secretary for International Narcotics and Law Enforcement Affairs are authorized to be made available to carry out this subsection.

(b) ACTIONS BY FOREIGN GOVERNMENTS.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries—

(1) to include information in appropriate security databases and security screening procedures of such countries to identify individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014 or in Syria since March 2011, including individuals who are suspected to be members of foreign terrorist organizations operating within Iraq or Syria; and

(2) to prosecute individuals described in paragraph (1) for genocide, crimes against humanity, or war crimes, as appropriate.

(c) REVIEW OF CERTAIN CRIMINAL STATUTES.—The Attorney General, in consultation with the Secretary of State, shall conduct a review of existing criminal statutes concerning genocide, crimes against humanity, and war crimes to determine—

(1) the extent to which United States courts are currently authorized by statute to exercise jurisdiction over such crimes where the direct perpetrators, accomplices, or victims are United States nationals, United States residents, or persons physically present in the territory of the United States either during the commission of the crime or subsequent to the commission of the crime;

(2) the statutes currently in effect that would apply to conduct constituting war crimes or crimes against humanity, including—

(A) whether such statutes provide for extraterritorial jurisdiction;

(B) the statute of limitations for offenses under such statutes;

(C) the applicable penalties under such statutes; and

(D) whether offenders would be subject to extradition or mutual legal assistance treaties;

(3) the extent to which the absence of criminal statutes defining the crimes, or granting jurisdiction, would impede the prosecution of genocide, crimes against humanity, and war crimes in United States courts, including when United States military forces capture persons outside the United States who are known to have committed such crimes in a third country that is either unable or unwilling to prosecute the crimes; and

(4) whether additional statutory authorities are necessary to prosecute a United States person or a foreign person within the territory of the United States for genocide, crimes against humanity, or war crimes.

(d) CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, entities described in subsection (a)(1).

(e) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate amount of the additional amount made available under the heading ''Economic Support Fund'' in title II of division B of the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254) should be made available to carry out subsection (a).

SEC. 1295. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.

(a) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary of Defense, the Ambassador at Large for International Religious Freedom, the Special Advisor for Religious Minorities in the Near East and South/Central Asia, the Assistant Secretary for Population, Refugees, and Migration, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall identify—

(1) the threats of persecution and other warning signs of genocide, crimes against humanity, and war crimes against individuals—

(A) who—

(i) are or were nationals and residents of Iraq or of Syria; and

(ii) are members of a religious or ethnic group that is a minority religious or ethnic group in Iraq or in Syria against which the Secretary of State has determined the Islamic State of Iraq and Syria (ISIS) has committed genocide, crimes against humanity, or war crimes in Iraq or in Syria since January 2014; or

(B) who are members of another religious or ethnic group that is a minority religious or ethnic group in Iraq or in Syria that has been identified by the Secretary of State (or the Secretary's designee) as a persecuted group;

(2) the humanitarian, stabilization, and recovery needs of individuals described in paragraph (1);

(3) the minority religious and ethnic groups in Iraq and in Syria—

(A) against which the Secretary of State has determined ISIS has committed genocide, crimes against humanity, or war crimes in Iraq or in Syria since January 2014; or

(B) that the Secretary of State (or the Secretary's designee) has identified as a persecuted group at risk of forced migration, within or across the borders of Iraq, Syria, or a country of first asylum, and the primary reasons for such risk;

(4) the assistance provided by the United States to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (3), including assistance to mitigate the risks of forced migration of such persons and groups from Iraq or from Syria;

(5) the mechanisms used by the United States Government to identify, assess, and respond to humanitarian, stabilization, and recovery needs, and risks of forced migration, of individuals described in paragraph (1) and groups described in paragraph (3);

(6) the assistance provided by or through the United Nations, including the Funding Facility for Immediate Stabilization and the Funding Facility for Expanded Stabilization, to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (3), including assistance to mitigate the risks of forced migration of such individuals and groups within or across the borders of Iraq, Syria, or a country of first asylum from Iraq or from Syria;

(7) the entities, including faith-based entities, that are providing assistance to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (3); and

(8) if the United States Government is funding entities described in paragraph (7) for purposes of providing assistance described in such paragraph, the sources of such funding; and

(9) if the United States Government is not funding entities described in paragraph (7) for purposes of providing assistance described in such paragraph, a justification for not funding such entities, including whether funding such entities is prohibited under United States law.

(b) ADDITIONAL CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, individuals described in subsection (a)(1) and entities described in subsection (a)(7).

(c) ASSISTANCE.—The Secretary of State and Administrator of the United States Agency for International Development shall provide assistance, including cash assistance, to support entities described in subsection (a)(7) that the Secretary and the Administrator determine are effectively providing assistance described in subsection (a)(7), including entities that received funding from the United States Government for such purposes before the date of the enactment of this Act.

(d) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate amount of the additional amount made available under the heading ''Economic Support Fund'' in title II of division B of the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254) should be made available to carry out subsection (c).

SEC. 1296. REFUGEE ADMISSIONS OF NATIONALS AND RESIDENTS OF IRAQ OR OF SYRIA.

(a) IN GENERAL.—Aliens who are, or were, a national and a resident of Iraq or of Syria, and who share common characteristics that identify them as targets of persecution on account of membership in a religious or ethnic minority in that country, particularly survivors of genocide, crimes against humanity, or war crimes, or the surviving spouse or child of an individual who was killed by a perpetrator of such a crime—

(1) are deemed to be of special humanitarian concern to the United States; and

(2) shall be eligible for Priority 2 processing under the refugee resettlement priority system.

(b) IN-COUNTRY AND OUT-OF-COUNTRY PROCESSING.—Aliens described in subsection (a) shall be allowed to apply, and interview, for admission to the United States through refugee processing mechanisms in countries where aliens may apply, and interview, for admission to the United States as refugees.

(c) APPLICABILITY OF OTHER REQUIREMENTS.—Aliens who qualify under this section for Priority 2 processing under the refugee resettlement priority system may only be admitted to the United States after—

(1) satisfying the requirements under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(2) clearing a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(d) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may waive, in such Secretary's sole and unreviewable discretion, the application of paragraph (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) with respect to activities undertaken by an alien described in subsection (a) in the course of avoiding or evading persecution by a terrorist organization (as defined in section 212(a)(3)(B)(vi) of such Act (8 U.S.C. 1182(a)(3)(B)(vi))).

(e) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''for each of fiscal years 1990'' and all that follows through ''2017'' and inserting ''each of the fiscal years 1990 through 2018''; and

(B) in subsection (e), by striking ''2017.'' each place it appears and inserting ''2018.''; and

(2) in section 599E(b)(2) (8 U.S.C. 1255 note), by striking ''2017,'' and inserting ''2018,''.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to lessen the protections under United States law for bona fide refugees who are not described in this section.

SEC. 1297. REPORTS.

(a) SUPPORT FOR THE INVESTIGATION AND PROSECUTION OF WAR CRIMES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken, and efforts proposed to be taken, by the Secretary of State to implement subsections (a) and (b) of section 1294; and

(2) an assessment of—

(A) the feasibility and advisability of prosecuting individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014, or in Syria since March 2011, in domestic courts in Iraq, hybrid courts, and internationalized domestic courts; and

(B) the capacity building, and other measures, needed to ensure effective criminal investigations of such individuals.

(b) CRIMINAL STATUTE REVIEW.—Not later than 120 days after the date of the enactment of this Act, the Attorney General shall submit a report to the appropriate congressional committees that includes—

(1) the results of the review conducted under section 1294(c); and

(2) such recommendations for legislative and administrative actions to implement the results of such review as the Attorney General determines appropriate.

(c) ASSISTANCE FOR PERSECUTED MINORITIES IN IRAQ OR IN SYRIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes a detailed description of—

(1) the efforts taken, and proposed to be taken, by the Secretary of State to implement section 1295;

(2) the matters identified under section 1295(a); and

(3) the efforts taken, and proposed to be taken, by the Secretary of State and the Secretary of Homeland Security to implement section 1296.

(d) FORM.—Each report required under this section shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SA 721. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 667 proposed by Mr. MCCONNELL to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BASIC HEALTH PROGRAMS.

Section 1331(e)(1)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18051(e)(1)(B)) is amended by striking ''200'' and inserting ''250''.

SA 722. Mr. UDALL (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. SUPPORT FOR STATE AND INDIAN HEALTH PROGRAM RESPONSE TO SUBSTANCE USE DISORDER PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $1,000,000,000 for each of fiscal years 2018 and 2019, to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') to award grants to States and Indian health programs to address the substance use disorder public health crisis or to respond to urgent mental health needs within the State or community served by the Indian health program. In awarding grants under this section, the Secretary may give preference to States, and Indian health programs that serve Indian tribes, with a substantial incidence or prevalence of substance use disorders. Funds appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State or Indian health program under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance use disorder.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance use disorder, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State or Indian health program determines appropriate, related to addressing the substance use disorder public health crisis or responding to urgent mental health needs within the State or community served by the Indian health program.

(c) INDIAN HEALTH PROGRAMS.—Not less than 10 percent of the amounts appropriated under subsection (a) shall be awarded to Indian health programs.

(d) DEFINITIONS.—In this section, the terms ''Indian health program'' and ''Indian tribe'' have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SA 723. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 190 between lines 22 and 23, insert the following:

(6) A mechanism (to be know as ''Clean Energy-Ready Vets'') to provide workforce training, in coordination the Secretary of Energy, junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))) in the vicinity of such location, private industry, and nonprofit organizations, for members of the Armed Forces participating in the pilot program to transition to jobs in the clean energy industry, including in the cyber and grid security, natural gas, solar, wind, geothermal fields. In carrying out the mechanism, the Secretary of Defense shall—

(A) coordinate with the Secretary of Veterans Affairs to consider opportunities to—

(i) streamline the approval of appropriate workforce training programs for which members participating in the pilot program and following their transition to civilian life may use veterans educational assistance; and

(ii) enhance distance learning in connection with such workforce training using such assistance;

(B) enhance the process, in coordination with power companies, by which members of the Armed Forces participating in the pilot program who serve or have served in system administrator positions, information technology positions, and other relevant cybersecurity duties and positions in the Armed Forces may transition to civilian careers in electric grid security;

(C) consider opportunities for the use of veterans educational assistance for on-the-job working training activities under the pilot program that are conducted outside the military installation concerned; and

(D) ensure that members of the Armed Forces are provided information at appropriate times and locations regarding eligibility to participate in similar energy and grid security workforce training programs, including through the Transition Assistance Program (TAP) of the Department of Defense.

SA 724. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY-READY VETS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program, to be known as the ''Clean Energy-Ready Vets Program'', to support and enhance training opportunities for members of the Armed Forces who are transitioning out of service in the Armed Forces for jobs in the energy industry, including jobs relating to—

(1) electric grid security;

(2) energy transmission and distribution infrastructure; and

(3) solar, wind, geothermal, and natural gas energy.

(b) USE OF SKILLBRIDGE PROGRAM.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in partnership with the Secretary of Defense, shall carry out the Clean Energy-Ready Vets Program through the SkillBridge program of the Department of Defense at not fewer than 20 facilities of the Department of Defense, under which the Secretary shall—

(A) in partnership with junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))), nonprofit organizations, and the clean energy industry, train members of the Armed Forces who are transitioning out of service in the Armed Forces for jobs described in subsection (a); and

(B) facilitate partnerships between junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))) and potential employers to place members of the Armed Forces described in subparagraph (A) in jobs in the energy industry.

(2) MODIFICATION.—Notwithstanding any other provision of law, the Secretary of Defense shall modify the SkillBridge program to provide that 20 percent of the amount of Federal training assistance available under the SkillBridge program for the Clean Energy-Ready Vets Program at each facility of the Department of Defense may be used for on-the-job training activities conducted outside of a facility of the Department of Defense pursuant to the Clean Energy-Ready Vets Program.

(c) ADMINISTRATION.—

(1) SECRETARY.—In carrying out the Clean Energy-Ready Vets Program, the Secretary shall collaborate with the Secretary of Defense, the Secretary of Labor, and the Secretary of Veterans Affairs to increase opportunities for spouses of veterans to secure jobs in the energy industry.

(2) SECRETARY OF DEFENSE.—The Secretary of Defense shall collaborate with electric utilities to enhance the process by which members of the Armed Forces in system administrator positions, information technology positions, and other relevant cybersecurity duties and positions in the Armed Forces may transition to careers in electric grid security.

(3) SECRETARY OF LABOR.—To ensure that unemployed veterans and members of the Armed Forces who are transitioning out of service in the Armed Forces are provided information at appropriate times and locations regarding eligibility to participate in the Clean Energy-Ready Vets Program and other similar energy and grid security workforce training programs, the Secretary of Labor shall collaborate with—

(A) the Secretary of Defense;

(B) State workforce agencies; and

(C) American Job Centers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Clean Energy-Ready Vets Program [$_____] for [each of/the period of] fiscal years [2018 through _____].

(e) EXCEPTION FOR INDEPENDENT STUDY PROGRAMS RELATING TO ENERGY AND GRID SECURITY FROM CERTAIN LIMITATIONS ON USE OF EDUCATIONAL ASSISTANCE FROM DEPARTMENT OF VETERANS AFFAIRS.—Section 3680A(a)(4) of title 38, United States Code, is amended by striking ''except'' and all that follows through the period and inserting the following: ''except—

''(A) an accredited independent study program (including open circuit television) leading to—

''(i) a standard college degree; or

''(ii) a certificate that reflects education attainment offered by an institution of higher learning; or

''(B) an independent study program in the field of energy or grid security.''.

(f) APPROVAL FOR PURPOSES OF VETERANS EDUCATIONAL ASSISTANCE OF PROGRAMS OF EDUCATION RELATING TO ELECTRIC GRID SECURITY, ENERGY TRANSMISSION, AND RENEWABLE ENERGY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs—

(A) shall approve or disapprove under chapter 36 of title 38, United States Code, each program of education described in paragraph (2) of an educational institution that seeks approval of such program of education under such chapter; and

(B) shall not require such educational institution to seek approval of such program of education from a State approving agency under such chapter in order for it to be approved under such chapter.

(2) PROGRAMS OF EDUCATION DESCRIBED.—A program of education described in this paragraph is a program of education relating to the following:

(A) Electric grid security.

(B) Energy transmission and distribution infrastructure.

(C) Solar, wind, geothermal, and natural gas energy.

SA 725. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON CYBER CAPABILITY AND READINESS SHORTFALLS OF ARMY COMBAT TRAINING CENTERS .

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Army Combat Training Centers and the current resident cyber capabilities and training at such centers to examine potential training readiness shortfalls and ensure that pre-rotational cyber training needs are met.

(b) CONSIDERATION OF NEARBY ASSETS.—In preparing the report under subsection (a), the Secretary shall take into account nearby Army Combat Training Center cyber assets that could contribute to addressing potential cyber capability and readiness shortfalls.

SA 726. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON MILITARY TEST AND TRAINING EVENTS CONDUCTED IN THE AREA EAST OF THE MILITARY MISSION LINE IN THE GULF OF MEXICO.

(a) IN GENERAL.—Not later than March 1, 2018, the Secretary of Defense, after consultation with the Secretary of Interior, shall submit to the congressional defense committees and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on military test and training events conducted in

the area east of the Military Mission Line in the Gulf of Mexico.

(b) ELEMENTS.—The report required under subsection (a) shall address the following matters:

(1) The frequency and impact of test events, exercises, and military operations conducted annually in the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico from 2006 to the time of the report.

(2) The frequency and impact of test events, exercises, and military operations conducted annually from 2006 to the time of the report in the ranges and operating in planning areas where active Outer Continental oil and gas leases currently exist.

(3) Comparable testing and training areas within the United States and its territories that can replicate the capabilities of the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico.

(4) Comparable testing and training areas outside the United States which are available for United States military testing and training activities that can replicate the capabilities of the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico.

(5) The extent to which the services will be able to meet training and test requirements necessary to be prepared to support Operational Plans should the moratorium on oil and gas leasing, pre-leasing, or any related activity east of the Military Mission Line in the Gulf of Mexico not be extended.

(6) The extent to which the services will be able to meet their training and test requirements, with specific stipulations similar to those in the Gulf of Mexico Central Planning Area, while incorporating potential Department of the Interior priorities east of the Military Mission Line in the Gulf of Mexico.

(c) MEASUREMENT OF FREQUENCY AND IMPACT.—For purposes of paragraphs (1) and (2) of subsection (b)—

(1) frequency shall be measured in duration as calendar days when test events, exercises, and military operations occur; and

(2) impact shall be measured in areas (as defined by longitude and latitude in degrees, minutes, and seconds) where restrictions or stipulations are imposed for test events, exercises, and military operations.

SA 727. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SUBSTANCE USE DISORDERS.

It is the Sense of the Senate that:

(1) The Committees of jurisdiction of the Senate should review issues related to substance use disorders, particularly related to opioids, including Federal efforts to prevent the development of, improve access to treatment, and promote recovery for people with opioid and other substance use disorders.

(2) Obamacare should be repealed because it increases health care costs, limits patient choice of health plans and doctors, forces Americans to buy insurance that they do not want, cannot afford, or may not be able to access, increases taxes on middle class families and fails to focus the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on individuals most in need, such as the elderly and the disabled, as evidenced by the following:

(A) Premiums for plans offered on the Federal Exchange have doubled on average over the last 4 years, and these increases are projected to continue.

(B) 70 percent of counties have only a few options for Obamacare insurance in 2017, and at least 40 counties are expected to have zero insurers planning on their Exchange in 2018.

(C) 2,300,000 Americans purchasing plans on the Exchanges are projected to have only one insurer to choose from in 2018.

(D) The Joint Committee on Taxation has identified significant and widespread tax increases on individuals earning less than$200,000.

(E) Medicaid costs have continued to spiral year after year leading to a detrimental impact on State budgets, which constrains State choices with respect to health care.

(3) Obamacare should be replaced with patient-centered legislation that—

(A) provides access to quality, affordable private health care coverage for Americans and their families by increasing competition, State flexibility, and individual choice; and

(B) strengthens the Medicaid program by focusing on the most needy individuals and empowering States through increased flexibility to best meet the needs of their population.

SA 728. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. LIMITATION ON MODIFICATION OF STATUS OF TRANSGENDER MEMBERS OF THE ARMED FORCES.

(a) LIMITATION.—No action described in subsection (b) may be taken with respect to transgender members of the Armed Forces until 60 days after the date of the submittal to Congress of a report on the six-month review being conducted by the Secretary of Defense in order to evaluate the impact of accessions of transgender individuals into the Armed Forces on readiness and lethality that will include all relevant considerations.

(b) ACTIONS.—An action described in this subsection with respect to transgender members of the Armed Forces is any of the following in connection with the nature of such members as transgender individuals:

(1) A modification of service status in the Armed Forces (other than through the normal expiration of service commitment or pursuant to a sentence of court-martial or administrative board action).

(2) A modification of current entitlement or eligibility for health care benefits as a member of the Armed Forces, or of the scope or nature of benefits to which entitled or eligible.

(3) Any change of responsibility or position (other than through promotion or routine reassignment or deployment).

SA 729. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCEPTION FOR CERTAIN SMALL GROUP HEALTH PLANS.

(a) INTERNAL REVENUE CODE.—Section 9831(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

''A governmental plan shall be deemed to satisfy paragraph (2) if such plan has 2 or more participants who are current employees, and (A) such current employees retired from an employer and were subsequently hired by a different employer, and (B) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act.''.

(b) ERISA.—Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by adding at the end the following: ''A governmental plan shall be deemed to satisfy this subsection if such plan has 2 or more participants who are current employees and (1) such current employees retired from an employer and were subsequently hired by a different employer, and (2) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act.''.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2722 of the Public Health Service Act (42 U.S.C. 300gg-21) is amended by adding at the end the following:

''(e) EXCEPTION FOR CERTAIN SMALL GROUP HEALTH PLANS.—The requirements of subparts 1 and 2 shall not apply with respect to a group health plan for any plan year if, on the first day of such plan year, such plan has less than 2 participants who are current employees. A non-Federal governmental plan shall be deemed to satisfy this subsection if such plan has 2 or more participants who are current employees and—

''(1) such current employees retired from an employer and were subsequently hired by a different employer; and

''(2) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act.''.

SA 730. Mr. NELSON (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR CORPS SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this Act or otherwise available for fiscal year 2018 for the Department of Defense may be used to establish a military department or corps separate from or subordinate to the current military departments, including a Space Corps in the Department of the Air Force, or a similar such corps in any other military department.

SA 731. Mr. NELSON (for himself, Mr. CORNYN, Mr. WARNER, Mr. TILLIS, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and

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

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

SEC. ___. APOLLO I LAUNCH TEST ACCIDENT MEMORIAL AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) FINDINGS.—Congress finds the following:

(1) On January 27, 1967, National Aeronautics and Space Administration (NASA) Astronauts Command Pilot Virgil I. ''Gus'' Grissom, Senior Pilot Edward H. White II, and Pilot Roger B. Chaffee were killed in an electrical fire that broke out inside the Apollo I Command Module on Launch Pad 34 at the Kennedy Space Center in Cape Canaveral, Florida.

(2) Command Pilot Virgil I. ''Gus'' Grissom was selected by NASA in 1959 as one of the original seven Mercury astronauts. He piloted the Liberty Bell 7 spacecraft on July 21, 1963, on the second and final Mercury suborbital test flight, served as command pilot on the first manned Gemini flight on March 23, 1965, and was named as Command Pilot of the first Apollo flight. He began his career in the United States Army Air Corps and was a Lieutenant Colonel in the United States Air Force at the time of the accident, and he is buried at Arlington National Cemetery.

(3) Senior Pilot Edward H. White II was selected by NASA as a member of the second astronaut team in 1962. He piloted the Gemini-4 mission, a 4-day mission that took place in June 1965, during which he conducted the first extravehicular activity in the United States human spaceflight program. He was named as Command Module Pilot for the first Apollo flight. He began his career as a cadet at the United States Military Academy and was a Lieutenant Colonel in the United States Air Force at the time of the accident, and he is buried at West Point Cemetery.

(4) Pilot Roger B. Chaffee was selected by NASA as part of the third group of astronauts in 1963. He was named as the Lunar Module Pilot for the first Apollo flight. He began his career as a Naval Reserve Officer Training Corps midshipman at Illinois Institute of Technology and Purdue University before commissioning as an ensign in the United States Navy, he was a Lieutenant Commander in the United States Navy at the time of the accident, and he is buried at Arlington National Cemetery.

(5) All 3 astronauts were posthumously awarded the Congressional Space Medal of Honor.

(6) As Arlington National Cemetery is where the United States recognize heroes who have passed in the service of our Nation, it is fitting on the 50th anniversary of the Apollo I launch test accident that the United States acknowledge those astronauts by building a memorial in their honor.

(b) CONSTRUCTION OF MEMORIAL TO THE CREW OF THE APOLLO I LAUNCH TEST ACCIDENT AT ARLINGTON NATIONAL CEMETERY.—Subject to applicable requirements of section 2409(b)(2)(E) of title 38, United States Code, the Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, the Commission of Fine Arts, and the Advisory Committee on Arlington National Cemetery, authorize the construction at an appropriate place in Arlington National Cemetery, Virginia, of a memorial marker honoring the three members of the crew of the Apollo I crew who died during a launch rehearsal test on January 27, 1967, in Cape Canaveral, Florida.

SA 732. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 338. PREVENTING ENCROACHMENT BY ACTIVITIES NOT COMPATIBLE WITH MILITARY OPERATIONS ON DEPARTMENT OF DEFENSE TEST AND TRAINING RANGES.

Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 43 U.S.C. 1331 note) is amended by striking ''June 30, 2022'' and inserting ''June 30, 2027''.

SA 733. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Littoral Combat Ship, increase the amount in the Senate Authorized column by $1,200,000,000.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MORAN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, July 27, 2017, at 9:30 a.m., in 328A Russell Senate Office Building, in order to conduct a hearing entitled ''To consider the following nominations: Rostin Behnam, Brian D. Quintenz, and Dawn DeBerry Stump, to be Commissioners at the CFTC.''

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, July 27, 2017 at 9:45 a.m. to conduct an executive session to vote on nominations.

COMMITTEE ON FOREIGN RELATION

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, July 27, 2017 at 10 a.m., to hold a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on July 27, 2017, at 9 a.m., in room SH–216 of the Hart Senate Office Building, to continue a hearing entitled ''Oversight of the Foreign Agents Registration Act and Attempts to Influence U.S. Elections: Lessons Learned from Current and Prior Administrations.''

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, July 27, 2017 from 10 a.m. in room SH–219 of the Senate Hart Office Building to hold a Closed Member Markup.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Joshua Friedlein, be granted privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that Dave Zwirblis, Shane Stoughton, and Neal McMillan, congressional fellows in my office, be granted floor privileges for the remainder of the 115th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 31, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m., Monday, July 31; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Newsom nomination; finally, that notwithstanding the provisions of rule XXII, the cloture vote on the Newsom nomination occur at 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 31, 2017, AT 4 P.M.

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:56 a.m., adjourned until Monday, July 31, 2017, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate: